



ENVIRONMENTAL SERVICES
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PROJECT 624-98-01

FAX TRANSMITTAL FORM

TO: Joe Kahn
FDED

FAX NO. _____
FROM: Steve Cullen
DATE: 6/28/99 SENT BY: SC

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ENVIRONMENTAL ELEMENTS CORPORATION

ACS-98-12-16428-R2110E-FA

SECTION 4

4. OPERATING CONDITIONS AND GUARANTEES

A. OPERATING CONDITIONS - KILN/MILL PRECIPITATOR

Process - Type	Preheater Cement Kiln with Roller Mill Circuit	
Mode of Operation	<u>Direct</u>	<u>Compound</u>
Gas Volume ACFM	200,000	194,000
Gas Temperature °F	356/300	220/205
Inlet Particulate Loading gr/ACF	18	25
Dew Point°F	138	115
Collection Efficiency (percent removal)	99.96	99.97
Outlet Particulate Residual gr/ACF	0.007	0.007
Precipitator Gas Velocity (f.p.s.)	2.9	2.8
Time of Treatment (Sec.)	14.9	15.3
SCA (Ft ² collecting surface per 1,000 ACFM)	371.5	382.9
Aspect Ratio	1.0	1.0
Pressure Loss (in. H ₂ O)	1.0	1.0

B. PERFORMANCE GUARANTEE

1. Direct Operation

With all electrical fields energized under normal conditions of operation with kiln only, as stipulated under "Operating Conditions", when passing 200,000 ACFM of gas through the precipitator, with an inlet loading of 18 gr/ACF or more, the efficiency is guaranteed to 99.96% removal.

Under identical conditions of operation, with an inlet particulate loading of 18 gr/ACF or less, the outlet particulate residual is guaranteed not to exceed 0.007 gr/ACF.

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2. Compound Operation

With all electrical fields energized under normal conditions of operation with kiln only, as stipulated under "Operating Conditions", when passing 194,000 ACFM of gas through the precipitator, with an inlet loading of 25 gr/ACF or more, the efficiency is guaranteed to 99.97% removal.

Under identical conditions of operation, with an inlet particulate loading of 25 gr/ACF or less, the outlet particulate residual is guaranteed not to exceed 0.007 gr/ACF.

C. OPERATING CONDITIONS - Clinker Cooler

Process - Type	Clinker Cooler Exhaust
Gas Volume ACFM	160,000
Gas Temperature °F	480
Inlet Particulate Loading gr/ACF	13
Moisture Content (% by volume)*	2 to 3
Collection Efficiency (percent removal)	99.92
Outlet Particulate Residual gr/ACF	0.01
Precipitator Gas Velocity (f.p.s.)	2.3
Time of Treatment (Sec.)	18.5
SCA (Ft ² collecting surface per 1,000 ACFM)	464.3
Aspect Ratio	1.0
Pressure Loss (in. H ₂ O)	1.0

*Note: Additional moisture may be required.

D. PERFORMANCE GUARANTEED

With all electrical fields energized under normal conditions of operation with kiln only, as stipulated under "Operating Conditions", when passing 160,000 ACFM of gas through the precipitator, with an inlet loading of 13 gr/ACF or more, the efficiency is guaranteed to 99.92% removal.

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Under identical conditions of operation, with an inlet particulate loading of 13 gr/ACF or less, the outlet particulate residual is guaranteed not to exceed 0.01 gr/ACF.

Attention is drawn to the fact that the material, workmanship and performance guarantee clauses are contingent upon the Buyer's assuring that the equipment is erected according to plans and specifications.

E. PERFORMANCE TEST

All particulate emission tests will be conducted in accordance with the methods set down by the Environmental Protection Agency in 40 CFR Part 60, Appendix A (Reference Methods), and any subsequent revision to these methods in effect on the date of this proposal. The EPA Method 17 will be used for inlet sampling and the dry, front half of the EPA Method 5 will be used for outlet sampling. Test ports with suitable access are to be furnished with inlet duct and outlet duct or stack to meet EPA and OSHA standards.

Performance tests will be conducted within ninety (90) days after the equipment is first commercially operated, but no later than (Later). Performance testing will be done by an independent testing company mutually acceptable to both Buyer and Seller. The cost of testing will be borne by Buyer. If, through no fault of Seller, performance test cannot be run within the time periods given above, the equipment will be treated as though the performance tests were run and the performance guarantees met.

The performance test shall be deemed "passed" when the Buyer and Seller have analyzed the test results and determined that equipment guarantee has been met. The test results will be available to the Buyer and Seller for said analysis within three (3) weeks after completion of testing. Whatever security Buyer has retained to secure compliance with the performance guarantee shall be due and payable to Seller immediately upon the determination that the performance test has been "passed".

Seller shall have the right to witness testing and to have access to all information acquired by said third party which is relevant to determining whether the equipment has passed the performance test. Seller does not assume the risk that the performance test will be improperly performed, or that tests results will be improperly computed. If, as a result of the fault of either Buyer and/or the third party responsible for conducting the performance test, the determination that the equipment has passed the performance test is delayed, the amount outstanding on the contract price, if any, shall be subject to a per diem interest charge at the maximum rate allowed by law, chargeable from the time the equipment would have passed the performance test but for said fault.

Compliance with the performance criteria on a majority of the tests performed shall constitute fulfillment of the performance guarantee. Seller shall have the right to make, at its own expense, any adjustments, changes, or additions to the equipment in an endeavor to obtain performance in accordance with the guarantee. If Seller in good faith determines that compliance with the performance guarantee is unobtainable, Seller shall forfeit its right to the funds or security retained by Buyer to secure equipment compliance with the guarantee, unless Buyer has not suffered actual damages which are recoverable hereunder.

Chassahowitzka NWA -- Regional Haze Analysis

The maximum 24-hour average SO₄ concentration was calculated to be 0.0015 µg/m³ November 4, 1986. Maximum hourly RH = 97%, f(RH) = 14.5

The PM10 concentration at the same location and date was calculated to be 0.0061 µg/m³ and the NO₃ concentration was calculated to be 0.0 µg/m³.

Multiply the mass concentration of SO₄ by 1.375 to obtain (NH₄)₂SO₄

$$0.0015 \mu\text{g}/\text{m}^3 \times 1.375 = 0.0021 \mu\text{g}/\text{m}^3$$

Multiply the mass concentration of NO₃ by 1.29 to obtain NH₄NO₃
 $0.0 \mu\text{g}/\text{m}^3 \times 1.29 = 0.0000 \mu\text{g}/\text{m}^3$

Calculate the extinction by the following equation:

$$b_{ext} = 0.003 \times \text{concentration} \times f(RH)$$

$$\begin{aligned} & \text{(NH}_4\text{)}_2\text{SO}_4 \qquad \text{NH}_4\text{NO}_3 \qquad \text{PM10} \\ & = [0.003 \times 0.0021 \times 14.5] + [0.003 \times 0 \times 14.5] + [0.003 \times 0.0061 \times 1.0] \\ & = 0.00009 + 0.00 + 0.00002 = 0.00011 \end{aligned}$$

Calculate change in deciviews (dv) by the following equation:

$$\Delta dv = \ln (1 + b_{ext}/ b_{bgd}) \times 10 = \ln (1 + 0.00011/0.0602) \times 10 = \underline{0.02 \text{ dv Change}}$$

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MAY 27 1999

BUREAU OF
AIR REGULATION

From STEVE CULLEN

Okfenokee NWA -- Regional Haze Analysis

The maximum 24-hour average SO₄ concentration was calculated to be 0.0036 μg/m³ January 23, 1986. Maximum hourly RH = 90%, f(RH) = 6

The PM10 concentration at the same location and date was calculated to be 0.023 μg/m³ and the NO₃ concentration was calculated to be 0.0 μg/m³.

Multiply the mass concentration of SO₄ by 1.375 to obtain (NH₄)₂SO₄

$$0.0036 \mu\text{g}/\text{m}^3 \times 1.375 = 0.0050 \mu\text{g}/\text{m}^3$$

Multiply the mass concentration of NO₃ by 1.29 to obtain NH₄NO₃

$$0.0 \mu\text{g}/\text{m}^3 \times 1.29 = 0.0000 \mu\text{g}/\text{m}^3$$

Calculate the extinction by the following equation:

$$b_{ext} = 0.003 \times \text{concentration} \times f(RH)$$

$$\begin{aligned} & \text{(NH}_4\text{)}_2\text{SO}_4 \qquad \qquad \text{NH}_4\text{NO}_3 \qquad \qquad \text{PM10} \\ & = [0.003 \times 0.0050 \times 6] + [0.003 \times 0 \times 6] + [0.003 \times 0.023 \times 1.0] \\ & = 0.00009 + 0.00 + 0.00007 = 0.00016 \end{aligned}$$

Calculate change in deciviews (dv) by the following equation:

$$\Delta dv = \ln (1 + b_{ext}/b_{bgd}) \times 10 = \ln (1 + 0.00016/0.0602) \times 10 = \underline{0.03 \text{ dv Change}}$$

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MAY 27 1999

BUREAU OF
AIR REGULATION

From STEVE COLLEN

St. Marks NWA -- Regional Haze Analysis

The maximum 24-hour average SO₄ concentration was calculated to be 0.0040 µg/m³ December 2, 1986. Maximum hourly RH = 100%, f(RH) = 19.2

The PM10 concentration at the same location and date was calculated to be 0.011 µg/m³ and the NO₃ concentration was calculated to be 0.0 µg/m³.

Multiply the mass concentration of SO₄ by 1.375 to obtain (NH₄)₂SO₄

$$0.0040 \text{ } \mu\text{g}/\text{m}^3 \times 1.375 = 0.0055 \text{ } \mu\text{g}/\text{m}^3$$

Multiply the mass concentration of NO₃ by 1.29 to obtain NH₄NO₃

$$0.0 \text{ } \mu\text{g}/\text{m}^3 \times 1.29 = 0.0000 \text{ } \mu\text{g}/\text{m}^3$$

Calculate the extinction by the following equation:

$$b_{ext} = 0.003 \times \text{concentration} \times f(RH)$$

$$= \left[\begin{matrix} \text{(NH}_4\text{)}_2\text{SO}_4 \\ 0.003 \times 0.0055 \times 19.2 \end{matrix} \right] + \left[\begin{matrix} \text{NH}_4\text{NO}_3 \\ 0.003 \times 0 \times 19.2 \end{matrix} \right] + \left[\begin{matrix} \text{PM10} \\ 0.003 \times 0.011 \times 1.0 \end{matrix} \right]$$

$$= 0.00032 + 0.00 + 0.00003 = 0.00035$$

Calculate change in deciviews (dv) by the following equation:

$$\Delta dv = \ln (1 + b_{ext}/ b_{bgd}) \times 10 = \ln (1 + 0.00035/0.0602) \times 10 = \underline{0.06 \text{ dv Change}}$$

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MAY 27 1999

BUREAU OF
AIR REGULATION

From STEVE CULLEN



IN REPLY REFER TO

United States Department of the Interior

FISH AND WILDLIFE SERVICE

1875 Century Boulevard
Atlanta, Georgia 30345

May 25, 1999

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MAY 28 1999

BUREAU OF
AIR REGULATION

PSD-FL-259

Mr. C. H. Fancy
Chief, Bureau of Air Regulation
Florida Department of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road, MS 48
Tallahassee, Florida 32399-2400

Dear Mr. Fancy:

Our Air Quality Branch (AQB) has reviewed additional information from Suwannee Cement Company (Suwannee) regarding their proposed new cement plant in Branford, Florida. Suwannee supplied this additional information in response to our December 1998 comments on Suwannee's Prevention of Significant Deterioration Permit Application. The AQB's technical review of the additional information is attached. In summary, we recommend that your department require Suwannee to reevaluate its proposed control technology for sulfur dioxide emissions and consider a lower emission limit for nitrogen oxides. Also, we ask that Suwannee be required to reevaluate potential impacts from the new emissions to regional haze at St. Marks, Chassahowitzka, and Okefenokee Wilderness Areas, as their previous analysis was done incorrectly.

We appreciate your cooperation in notifying us of proposed projects with the potential to impact the air quality and related resources of our Class I air quality areas. If you have any questions, please contact Ms. Ellen Porter of our Air Quality Branch in Denver at (303) 969-2617.

Sincerely yours,

for Sam D. Hamilton
Regional Director

Enclosure

cc: J. Kahn, BAR
C. Holladay, BAR

**Technical Review of Additional Information
For a New Cement Plant
Suwannee American Cement Company
Branford, Florida
PSD-FL-259**

by

Air Quality Branch, Fish and Wildlife Service – Denver
May 19, 1999

In December 1998 we provided technical comments to the Florida Department of Environmental Protection (FDEP) on the Prevention of Significant Deterioration Permit Application for Suwannee American Cement Company's (Suwannee) proposed new cement plant in Branford, Suwannee County, Florida. We provided additional comments, via fax, in February 1999. The cement plant will be a dry process preheater/precalciner kiln, producing 2,300 tons per day of clinker, and up to 1,191,360 tons per year of various types and grades of Portland cement. The primary fuels will be coal and petroleum coke. Natural gas will be used as a startup fuel and supplemental fuel. Whole tires and/or tire-derived fuel will be used as a supplemental fuel. The facility is located 83 km southwest of Okefenokee Wilderness and 88 km north of Chassahowitzka Wilderness, and 102 km east of St. Marks Wilderness, all Class I air quality areas administered by the U.S. Fish and Wildlife Service (FWS). This project will result in PSD-significant increases in emissions of nitrogen oxides (NO_x), sulfur dioxide (SO₂), volatile organic compounds (VOC), particulate matter (PM), fine particulate matter less than 10 microns in diameter (PM-10), and carbon monoxide (CO). Emissions (in tons per year – TPY) are summarized below.

POLLUTANT	EMISSIONS INCREASE (TPY)
NO _x	1175
SO ₂	118
VOC	50
PM	267
PM-10	228
CO	1511

We recommended in our December 1998 comments that Suwannee re-evaluate its proposed control technology for NO_x emissions. We also asked that Suwannee be required to evaluate potential impacts to visibility at the Class I areas, using the guidance of the Interagency Workgroup on Air Quality Modeling (IWAQM) at: <http://www.epa.gov/scram001/>; "Model Support"; "6th Modeling Conference"; "IWAQM".

In our February fax, we suggested that Suwannee evaluate installation of a wet scrubber for SO₂ control. This recommendation was based on recent information from a proposed new portland cement plant in Colorado (Holman).

Best Available Control Technology (BACT) Analysis

Suwannee provided additional information in February 1999 that supported its best available control technology (BACT) analysis for NO_x emissions. We agreed with their conclusions, based on this additional information. However, we believe that Suwannee could meet a lower emission limit than that proposed (3.0-3.1 lb/ton clinker). A similar facility, LoneStar Cement (CA) has proposed a limit of 2.5 lb/ton clinker. We understand that LoneStar is using dry limestone, in contrast to the wet limestone that Suwannee proposes to use. Therefore, Suwannee maintains that more heat input will be needed to dry the limestone, resulting in a higher NO_x emission rate. However, Suwannee's limestone could be air-dried, allowing them to meet an emission rate in the range 2.5-2.8 lb/ton clinker.

Suwannee provided additional information regarding its BACT analysis for SO₂ emissions in May 1999. We do not agree with Suwannee's conclusion that, because their SO₂ emissions are already relatively low, they should not have to consider adding scrubbers for further reductions. A BACT analysis should not discount a potential control technology on the basis that emissions are already low. Suwannee should thoroughly evaluate the use of scrubbers at their proposed facility.

Regional Haze Analysis

Suwannee submitted a regional haze analysis in March 1999 that evaluated potential impacts from the project to visibility at St. Marks, Chassahowitzka, and Okefenokee. Suwannee performed the analysis incorrectly, applying a relative humidity value of 80% instead of the 95% recommended in the IWAQM guidance, referred to in our December 1999 comments. (Note that the use of a lower relative humidity value will result in smaller changes in light extinction, i.e., smaller impacts to visibility.) Suwannee stated that, in using the 80% relative humidity value, they were following advice supplied by our office in 1995 and they had used this value in several past analyses without objection by FDEP. They therefore felt justified in using this approach.

However, a more recent examination of meteorological data indicates that relative humidities generally exceed 80% in Florida. Therefore, when we supplied our December 1998 comments, we advised Suwannee to perform the analysis following the IWAQM guidelines, which prescribe a relative humidity value of 95% if actual relative humidity values are not available. Suwannee is not justified in disregarding our recent comments in order to use outdated advice to their advantage. We recommend that Suwannee perform the analysis again, either using a relative humidity value of 95% or actual relative humidity values.

If the analysis predicts that emissions from the project would result in a greater than 5% change in light extinction at a Class I area, Suwannee should reduce emission rates or reduce production. In addition, Suwannee has the option to perform a refined modeling analysis with CALPUFF. In any case, Suwannee must demonstrate that they will not cause a greater than 5% change in light extinction at St. Marks, Chassahowitzka, or Okefenokee wildernesses.

Contact: Ellen Porter, Air Quality Branch (303) 969-2617.

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 26-May-1999 12:44pm
From: Cindy Phillips TAL
PHILLIPS_C
Dept: Air Resources Management
Tel No: 850/921-9534

To: Joseph Kahn TAL (KAHN_J)

Subject: Re: Portland Cement NESHAP

**I got the edited general conditions. Thanks for your help with this. Do you
**know when DEP will be adopting Subpart LLL into 62-204?

If it actually comes out in the federal register by the end of June, Mike Hewett said that it would probably be adopted into 62-204 by the end of August with the other federal regulations that are promulgated during 2nd quarter 1999. I asked him if he could fasttrack Subpart LLL if it did not make it into the federal register by the end of June, rather than wait until the end of the 3rd quarter, and he said he could if it was necessary. It will take at least 60 days from the time it appears in the federal register for it to get adopted by reference into our regs.

INTEROFFICE MEMORANDUM

Date: 26-May-1999 10:42am
From: Joseph Kahn TAL
KAHN_J
Dept: Air Resources Management
Tel No: 850/921-9519

To: Cindy Phillips TAL (PHILLIPS_C)

Subject: Portland Cement NESHAP

I got the edited general conditions. Thanks for your help with this. Do you know when DEP will be adopting Subpart LLL into 62-204?

40 CFR 63 Subpart A - General Provisions

Edited for use with Subpart LLL – Portland Cement Manufacturing Industry Sources.

{Last Updated ^{5/25/99} ~~9/24/98~~}

[SOURCE: 40 CFR 63 (7-1-96 Edition) and Federal Register revisions dated 12-17-96, 5-4-98, 9-21-98, and 2-12-99.]

§ 63.1 Applicability.

(a) *General.*

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

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

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

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

(5) [Reserved]

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

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

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

(9) [Reserved]

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

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

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

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

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

(b) Initial applicability determination for this part.

(1) **[Not applicable. § 63.1340 of 40 CFR 63 Subpart LLL specifies applicability.]**

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

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

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

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

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

- (i) **[Not applicable];**
- (ii) **[Not applicable];** or

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

(3) [Reserved]

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

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

(d) [Reserved]

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

§ 63.2 Definitions. [Additional definitions in § 63.1341 of 40 CFR 63 Subpart LLL.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) A description as follows:

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

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

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

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

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

Compliance schedule means:

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

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

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

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

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

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

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

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

Effective date means:

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

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

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

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

EPA means the United States Environmental Protection Agency.

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

Excess emissions and continuous monitoring system performance report is a report that must be submitted periodically by an affected source in order to provide data on its compliance

with relevant emission limits, operating parameters, and the performance of its continuous parameter monitoring systems.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Permitting authority means:

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

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

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

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

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

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

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

Relevant standard means:

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

Responsible official means one of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 63.3 Units and abbreviations.

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

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

A = ampere

g = gram

Hz = hertz

J = joule

°K = degree Kelvin

kg = kilogram

l = liter

m = meter

m³ = cubic meter

mg = milligram = 10⁻³ gram

ml = milliliter = 10⁻³ liter

mm = millimeter = 10⁻³ meter

Mg = megagram = 10⁶ gram = metric ton

MJ = megajoule

mol = mole

N = newton

ng = nanogram = 10⁻⁹ gram

nm = nanometer = 10⁻⁹ meter

Pa = pascal

s = second

V = volt

W = watt

Ω = ohm

μg = microgram = 10⁻⁶ gram

μl = microliter = 10⁻⁶ liter

(b) Other units of measure:

Btu = British thermal unit
°C = degree Celsius (centigrade)
cal = calorie
cfm = cubic feet per minute
cc = cubic centimeter
cu ft = cubic feet
d = day
dcf = dry cubic feet
dcm = dry cubic meter
dscf = dry cubic feet at standard conditions
dscm = dry cubic meter at standard conditions
eq = equivalent
°F = degree Fahrenheit
ft = feet
ft² = square feet
ft³ = cubic feet
gal = gallon
gr = grain
g-eq = gram equivalent
g-mole = gram mole
hr = hour
in. = inch
in. H₂O = inches of water
K = 1,000
kcal = kilocalorie
lb = pound
lpm = liter per minute
meq = milliequivalent
min = minute
MW = molecular weight
oz = ounces
ppb = parts per billion
ppbw = parts per billion by weight
ppbv = parts per billion by volume
ppm = parts per million
ppmw = parts per million by weight
ppmv = parts per million by volume
psia = pounds per square inch absolute
psig = pounds per square inch gage
°R = degree Rankine
scf = cubic feet at standard conditions
scfh = cubic feet at standard conditions per hour
scm = cubic meter at standard conditions
sec = second
sq ft = square feet
std = at standard conditions
v/v = volume per volume
yd² = square yards

yr = year

(c) Miscellaneous:

act = actual

avg = average

I.D. = inside diameter

M = molar

N = normal

O.D. = outside diameter

% = percent

§ 63.4 Prohibited activities and circumvention.

(a) *Prohibited activities.*

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

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

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

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

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

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

(4) [Reserved]

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

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

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

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

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

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

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

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

§ 63.5 Construction and reconstruction.

(a) Applicability.

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

(2) After the effective date of a relevant standard promulgated under this part, the requirements in this section apply to owners or operators who construct a new source or reconstruct a source after the proposal date of that standard. New or reconstructed sources that start up before the standard's effective date are not subject to the preconstruction review requirements specified in paragraphs (b)(3), (d), and (e) of this section.

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

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

(2) [Reserved]

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

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

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

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

affected source shall be subject to all the provisions of the relevant standard that are established for new sources including compliance dates.

(c) [Reserved]

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

(1) *General application requirements.*

(i) An owner or operator who is subject to the requirements of paragraph (b)(3) of this section shall submit to the Administrator an application for approval of the construction of a new major affected source, the reconstruction of a major affected source, or the reconstruction of a major source such that the source becomes a major affected source subject to the standard. The application shall be submitted as soon as practicable before the construction or reconstruction is planned to commence (but no sooner than the effective date of the relevant standard) if the construction or reconstruction commences after the effective date of a relevant standard promulgated in this part. The application shall be submitted as soon as practicable before startup but no later than 60 days after the effective date of a relevant standard promulgated in this part if the construction or reconstruction had commenced and initial startup had not occurred before the standard's effective date. The application for approval of construction or reconstruction may be used to fulfill the initial notification requirements of § 63.9(b)(5) of this subpart. The owner or operator may submit the application for approval well in advance of the date construction or reconstruction is planned to commence in order to ensure a timely review by the Administrator and that the planned commencement date will not be delayed.

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

- (A) The applicant's name and address;
- (B) A notification of intention to construct a new major affected source or make any physical or operational change to a major affected source that may meet or has been determined to meet the criteria for a reconstruction, as defined in § 63.2;
- (C) The address (i.e., physical location) or proposed address of the source;
- (D) An identification of the relevant standard that is the basis of the application;
- (E) The expected commencement date of the construction or reconstruction;
- (F) The expected completion date of the construction or reconstruction;
- (G) The anticipated date of (initial) startup of the source;
- (H) The type and quantity of hazardous air pollutants emitted by the source, reported in units and averaging times and in accordance with the test methods specified in the relevant standard, or if actual emissions data are not yet available, an estimate of the type and quantity of hazardous air pollutants expected to be emitted by the source reported in units and averaging times specified in the relevant standard. The owner or operator may submit percent reduction information if a relevant standard is established in terms of percent reduction. However, operating parameters, such as flow rate, shall be included in the submission to the extent that they demonstrate performance and compliance; and
- (I) [Reserved]

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

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

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

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

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

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

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

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

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

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

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

(e) *Approval of construction or reconstruction.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) In making its finding, the State has considered factors substantially equivalent to those specified in paragraph (e)(1) of this section; and either

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

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

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

§ 63.6 Compliance with standards and maintenance requirements.

(a) *Applicability.*

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

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

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

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

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

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

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

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

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

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

(4) The owner or operator of an affected source for which construction or reconstruction is commenced after the proposal date of a relevant standard established pursuant to section 112(d) of the Act but before the proposal date of a relevant standard established pursuant to section 112(f)

shall comply with the emission standard under section 112(f) not later than the date 10 years after

the date construction or reconstruction is commenced, except that, if the section 112(f) standard is promulgated more than 10 years after construction or reconstruction is commenced, the owner or

operator shall comply with the standard as provided in paragraphs (b)(1) and (b)(2) of this section.

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

(6) [Reserved]

(7) After the effective date of an emission standard promulgated under this part, the owner or operator of an unaffected new area source (i.e., an area source for which construction or reconstruction was commenced after the proposal date of the standard) that increases its emissions of (or its potential to emit) hazardous air pollutants such that the source becomes a major source that is subject to the emission standard, shall comply with the relevant emission standard immediately upon becoming a major source. This compliance date shall apply to new area sources that become affected major sources regardless of whether the new area source previously was affected by that standard. The new affected major source shall comply with all requirements of that standard that affect new sources.

(c) Compliance dates for existing sources.

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

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

(3)-(4) [Reserved]

(5) After the effective date of an emission standard promulgated under this part, the owner or operator of an unaffected existing area source that increases its emissions of (or its potential to emit) hazardous air pollutants such that the source becomes a major source that is subject to the emission standard shall comply by the date specified in the standard for existing area sources that become major sources. If no such compliance date is specified in the standard, the source shall have a period of time to comply with the relevant emission standard that is equivalent to the compliance period specified in that standard for other existing sources. This compliance period shall apply to existing area sources that become affected major sources regardless of whether the existing area source previously was affected by that standard. Notwithstanding the previous two sentences, however, if the existing area source becomes a major source by the addition of a new affected source or by reconstructing, the portion of the existing facility that is a new affected source or a reconstructed source shall comply with all requirements of that standard that affect new sources, including the compliance date for new sources.

(d) [Reserved]

(e) *Operation and maintenance requirements.*

(1) (i) At all times, including periods of startup, shutdown, and malfunction, owners or operators shall operate and maintain any affected source, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions at least to the levels required by all relevant standards.

(ii) Malfunctions shall be corrected as soon as practicable after their occurrence in accordance with the startup, shutdown, and malfunction plan required in paragraph (e)(3) of this section.

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

(2) Determination of whether acceptable operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures (including the startup, shutdown, and malfunction plan required in paragraph (e)(3) of this section), review of operation and maintenance records, and inspection of the source.

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

(i) The owner or operator of an affected source shall develop and implement a written startup, shutdown, and malfunction plan that describes, in detail, procedures for operating and maintaining the source during periods of startup, shutdown, and malfunction and a program of corrective action for malfunctioning process and air pollution control equipment used to comply with the relevant standard. As required under § 63.8(c)(1)(i), the plan shall identify all routine or otherwise predictable CMS malfunctions. This plan shall be developed by the owner or operator by the source's compliance date for that relevant standard. The plan shall be incorporated by reference into the source's title V permit. The purpose of the startup, shutdown, and malfunction plan is to -

(A) Ensure that, at all times, owners or operators operate and maintain affected sources, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions at least to the levels required by all relevant standards;

(B) Ensure that owners or operators are prepared to correct malfunctions as soon as practicable after their occurrence in order to minimize excess emissions of hazardous air pollutants; and

(C) Reduce the reporting burden associated with periods of startup, shutdown, and malfunction (including corrective action taken to restore malfunctioning process and air pollution control equipment to its normal or usual manner of operation).

(ii) During periods of startup, shutdown, and malfunction, the owner or operator of an affected source shall operate and maintain such source (including associated air pollution control equipment) in accordance with the procedures specified in the startup, shutdown, and malfunction plan developed under paragraph (e)(3)(i) of this section.

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

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

(v) The owner or operator shall keep the written startup, shutdown, and malfunction plan on record after it is developed to be made available for inspection, upon request, by the Administrator for the life of the affected source or until the affected source is no longer subject to the provisions of this part. In addition, if the startup, shutdown, and malfunction plan is revised, the owner or operator shall keep previous (i.e., superseded) versions of the startup, shutdown, and malfunction plan on record, to be made available for inspection, upon request, by the Administrator, for a period of 5 years after each revision to the plan.

(vi) To satisfy the requirements of this section to develop a startup, shutdown, and malfunction plan, the owner or operator may use the affected source's standard operating procedures (SOP) manual, or an Occupational Safety and Health Administration (OSHA) or other plan, provided the alternative plans meet all the requirements of this section and are made available for inspection when requested by the Administrator.

(vii) Based on the results of a determination made under paragraph (e)(2) of this section, the Administrator may require that an owner or operator of an affected source make changes to the startup, shutdown, and malfunction plan for that source. The Administrator may require reasonable revisions to a startup, shutdown, and malfunction plan, if the Administrator finds that the plan:

(A) Does not address a startup, shutdown, or malfunction event that has occurred;

(B) Fails to provide for the operation of the source (including associated air pollution control equipment) during a startup, shutdown, or malfunction event in a manner consistent with good air pollution control practices for minimizing emissions at least to the levels required by all relevant standards; or

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

(viii) If the startup, shutdown, and malfunction plan fails to address or inadequately addresses an event that meets the characteristics of a malfunction but was not included in the startup, shutdown, and malfunction plan at the time the owner or operator developed the plan, the owner or operator shall revise the startup, shutdown, and malfunction plan within 45 days after the event to include detailed procedures for operating and maintaining the source during similar malfunction events and a program of corrective action for similar malfunctions of process or air pollution control equipment.

(f) *Compliance with nonopacity emission standards -*

(1) *Applicability.* The nonopacity emission standards set forth in this part shall apply at all times except during periods of startup, shutdown, and malfunction, and as otherwise specified in an applicable subpart.

(2) *Methods for determining compliance.*

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

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

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

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

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

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

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

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

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

(3) *Finding of compliance.* The Administrator will make a finding concerning an affected source's compliance with a nonopacity emission standard, as specified in paragraphs

(f)(1) and (f)(2) of this section, upon obtaining all the compliance information required by the relevant standard (including the written reports of performance test results, monitoring results, and other information, if applicable) and any information available to the Administrator needed to determine whether proper operation and maintenance practices are being used.

(g) Use of an alternative nonopacity emission standard.

(1) If, in the Administrator's judgment, an owner or operator of an affected source has established that an alternative means of emission limitation will achieve a reduction in emissions of a hazardous air pollutant from an affected source at least equivalent to the reduction in emissions of that pollutant from that source achieved under any design, equipment, work practice, or operational emission standard, or combination thereof, established under this part pursuant to section 112(h) of the Act, the Administrator will publish in the FEDERAL REGISTER a notice permitting the use of the alternative emission standard for purposes of compliance with the promulgated standard. Any FEDERAL REGISTER notice under this paragraph shall be published only after the public is notified and given the opportunity to comment. Such notice will restrict the permission to the stationary source(s) or category(ies) of sources from which the alternative emission standard will achieve equivalent emission reductions. The Administrator will condition permission in such notice on requirements to assure the proper operation and maintenance of equipment and practices required for compliance with the alternative emission standard and other requirements, including appropriate quality assurance and quality control requirements, that are deemed necessary.

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

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

(h) Compliance with opacity and visible emission standards -

(1) *Applicability.* The opacity and visible emission standards set forth in this part shall apply at all times except during periods of startup, shutdown, and malfunction, and as otherwise specified in an applicable subpart.

(2) *Methods for determining compliance.*

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

(ii) [Reserved]

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

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

(B) The opacity or visible emission test was conducted under representative operating conditions for the source;

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

(D) The opacity or visible emission test was appropriately quality-assured, as specified in § 63.7(c) of this section.

(3) [Reserved]

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

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

(i) For the purpose of demonstrating initial compliance, opacity or visible emission observations shall be conducted concurrently with the initial performance test required in § 63.7 unless one of the following conditions applies:

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

(B) If visibility or other conditions prevent the opacity or visible emission observations from being conducted concurrently with the initial performance test required under § 63.7, or within the time period specified in paragraph (h)(5)(i)(A) of this section, the source's owner or operator shall reschedule the opacity or visible emission observations as soon after the initial performance test, or time period, as possible, but not later than 30 days thereafter, and shall advise the Administrator of the rescheduled date. The rescheduled opacity or visible emission observations shall be conducted (to the extent possible) under the same operating conditions that existed during the initial performance test conducted under § 63.7. The visible emissions observer shall determine whether visibility or other conditions prevent the opacity or visible emission observations from being made concurrently with the initial performance test in accordance with procedures contained in Test Method 9 or Test Method 22 in appendix A of part 60 of this chapter.

(ii) [Test duration specified in 40 CFR 63 Subpart LLL].

(iii) [Test duration specified in 40 CFR 63 Subpart LLL].

(iv) [Reserved]

(v) Opacity readings of portions of plumes that contain condensed, uncombined water vapor shall not be used for purposes of determining compliance with opacity emission standards.

(6) *Availability of records.* The owner or operator of an affected source shall make available, upon request by the Administrator, such records that the Administrator deems necessary to determine the conditions under which the visual observations were made and shall provide evidence indicating proof of current visible observer emission certification.

(7) *Use of a continuous opacity monitoring system.*

(i) The owner or operator of an affected source required to use a continuous opacity monitoring system (COMS) shall record the monitoring data produced during a performance test required under § 63.7 and shall furnish the Administrator a written report of the monitoring results in accordance with the provisions of § 63.10(e)(4).

(ii) Whenever an opacity emission test method has not been specified in an applicable subpart, or an owner or operator of an affected source is required to conduct Test Method 9 observations (see appendix A of part 60 of this chapter), the owner or operator may submit, for compliance purposes, COMS data results produced during any performance test required under § 63.7 in lieu of Method 9 data. If the owner or operator elects to submit COMS data for compliance with the opacity emission standard, he or she shall notify the Administrator of that decision, in writing, simultaneously with the notification under § 63.7(b) of the date the performance test is scheduled to begin. Once the owner or operator of an affected source has notified the Administrator to that effect, the COMS data results will be used to determine opacity compliance during subsequent performance tests required under § 63.7, unless the owner or operator notifies the Administrator in writing to the contrary not later than with the notification under § 63.7(b) of the date the subsequent performance test is scheduled to begin.

(iii) For the purposes of determining compliance with the opacity emission standard during a performance test required under § 63.7 using COMS data, the COMS data shall be reduced to 6-minute averages over the duration of the mass emission performance test.

(iv) The owner or operator of an affected source using a COMS for compliance purposes is responsible for demonstrating that he/she has complied with the performance evaluation requirements of § 63.8(e), that the COMS has been properly maintained, operated, and data quality-assured, as specified in § 63.8(c) and § 63.8(d), and that the resulting data have not been altered in any way.

(v) Except as provided in paragraph (h)(7)(ii) of this section, the results of continuous monitoring by a COMS that indicate that the opacity at the time visual observations were made was not in excess of the emission standard are probative but not conclusive evidence of the actual opacity of an emission, provided that the affected source proves that, at the time of the alleged violation, the instrument used was properly maintained, as specified in § 63.8(c), and met Performance Specification 1 in appendix B of part 60 of this chapter, and that the resulting data have not been altered in any way.

(8) *Finding of compliance.* The Administrator will make a finding concerning an affected source's compliance with an opacity or visible emission standard upon obtaining all the compliance information required by the relevant standard (including the written reports of the results of the performance tests required by § 63.7, the results of Test Method 9 or another required opacity or visible emission test method, the observer certification required by paragraph (h)(6) of this section, and the continuous opacity monitoring system results, whichever is/are applicable) and any information available to the Administrator needed to determine whether proper operation and maintenance practices are being used.

(9) *Adjustment to an opacity emission standard.*

(i) If the Administrator finds under paragraph (h)(8) of this section that an affected source is in compliance with all relevant standards for which initial performance tests were conducted under § 63.7, but during the time such performance tests were conducted fails to meet any relevant opacity emission standard, the owner or operator of such source may petition

the Administrator to make appropriate adjustment to the opacity emission standard for the affected source. Until the Administrator notifies the owner or operator of the appropriate adjustment, the relevant opacity emission standard remains applicable.

(ii) The Administrator may grant such a petition upon a demonstration by the owner or operator that -

(A) The affected source and its associated air pollution control equipment were operated and maintained in a manner to minimize the opacity of emissions during the performance tests;

(B) The performance tests were performed under the conditions established by the Administrator; and

(C) The affected source and its associated air pollution control equipment were incapable of being adjusted or operated to meet the relevant opacity emission standard.

(iii) The Administrator will establish an adjusted opacity emission standard for the affected source meeting the above requirements at a level at which the source will be able, as indicated by the performance and opacity tests, to meet the opacity emission standard at all times during which the source is meeting the mass or concentration emission standard. The Administrator will promulgate the new opacity emission standard in the FEDERAL REGISTER.

(iv) After the Administrator promulgates an adjusted opacity emission standard for an affected source, the owner or operator of such source shall be subject to the new opacity emission standard, and the new opacity emission standard shall apply to such source during any subsequent performance tests.

(i) *Extension of compliance with emission standards.*

(1) Until an extension of compliance has been granted by the Administrator (or a State with an approved permit program) under this paragraph, the owner or operator of an affected source subject to the requirements of this section shall comply with all applicable requirements of this part.

(2) *Extension of compliance for early reductions and other reductions*

(i) *Early reductions.* Pursuant to section 112(i)(5) of the Act, if the owner or operator of an existing source demonstrates that the source has achieved a reduction in emissions of hazardous air pollutants in accordance with the provisions of subpart D of this part, the Administrator (or the State with an approved permit program) will grant the owner or operator an extension of compliance with specific requirements of this part, as specified in subpart D.

(ii) *Other reductions.* Pursuant to section 112(i)(6) of the Act, if the owner or operator of an existing source has installed best available control technology (BACT) (as defined in section 169(3) of the Act) or technology required to meet a lowest achievable emission rate (LAER) (as defined in section 171 of the Act) prior to the promulgation of an emission standard in this part applicable to such source and the same pollutant (or stream of pollutants) controlled pursuant to the BACT or LAER installation, the Administrator will grant the owner or operator an extension of compliance with such emission standard that will apply until the date 5 years after the date on which such installation was achieved, as determined by the Administrator.

(3) *Request for extension of compliance.* Paragraphs (i)(4) through (i)(7) of this section concern requests for an extension of compliance with a relevant standard under this part (except requests for an extension of compliance under paragraph (i)(2)(i) of this section will be handled through procedures specified in subpart D of this part).

(4) (i) (A) The owner or operator of an existing source who is unable to comply with a relevant standard established under this part pursuant to section 112(d) of the Act may request that the Administrator (or a State, when the State has an approved part 70 permit

program and the source is required to obtain a part 70 permit under that program, or a State, when the State has been delegated the authority to implement and enforce the emission standard for that source) grant an extension allowing the source up to 1 additional year to comply with the standard, if such additional period is necessary for the installation of controls. An additional extension of up to 3 years may be added for mining waste operations, if the 1-year extension of compliance is insufficient to dry and cover mining waste in order to reduce emissions of any hazardous air pollutant. The owner or operator of an affected source who has requested an extension of compliance under this paragraph and who is otherwise required to obtain a title V permit shall apply for such permit or apply to have the source's title V permit revised to incorporate the conditions of the extension of compliance. The conditions of an extension of compliance granted under this paragraph will be incorporated into the affected source's title V permit according to the provisions of part 70 or Federal title V regulations in this chapter (42 U.S.C. 7661), whichever are applicable.

(B) Any request under this paragraph for an extension of compliance with a relevant standard shall be submitted in writing to the appropriate authority not later than 12 months before the affected source's compliance date (as specified in paragraphs (b) and (c) of this section) for sources that are not including emission points in an emissions average, or not later than 18 months before the affected source's compliance date (as specified in paragraphs (b) and (c) of this section) for sources that are including emission points in an emissions average. Emission standards established under this part may specify alternative dates for the submittal of requests for an extension of compliance if alternatives are appropriate for the source categories affected by those standards, e.g., a compliance date specified by the standard is less than 12 (or 18) months after the standard's effective date.

(ii) The owner or operator of an existing source unable to comply with a relevant standard established under this part pursuant to section 112(f) of the Act may request that the Administrator grant an extension allowing the source up to 2 years after the standard's effective date to comply with the standard. The Administrator may grant such an extension if he/she finds that such additional period is necessary for the installation of controls and that steps will be taken during the period of the extension to assure that the health of persons will be protected from imminent endangerment. Any request for an extension of compliance with a relevant standard under this paragraph shall be submitted in writing to the Administrator not later than 15 calendar days after the effective date of the relevant standard.

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

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

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

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

(1) The date by which contracts for emission control systems or process changes for emission control will be awarded, or the date by which orders will be issued for the purchase of component parts to accomplish emission control or process changes;

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

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

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

(C) A description of interim emission control steps that will be taken during the extension period, including milestones to assure proper operation and maintenance of emission control and process equipment; and

(D) Whether the owner or operator is also requesting an extension of other applicable requirements (e.g., performance testing requirements).

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

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

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

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

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

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

(ii) Specify the termination date of the extension;

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

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

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

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

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

(12) (i) The Administrator (or the State with an approved permit program) will notify the owner or operator in writing of approval or intention to deny approval of a request for an extension of compliance within 30 calendar days after receipt of sufficient information to evaluate a request submitted under paragraph (i)(4)(i) or (i)(5) of this section. The 30-day

approval or denial period will begin after the owner or operator has been notified in writing that his/her application is complete. The Administrator (or the State) will notify the owner or operator in writing of the status of his/her application, that is, whether the application contains sufficient information to make a determination, within 30 calendar days after receipt of the original application and within 30 calendar days after receipt of any supplementary information that is submitted.

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

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

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

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

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

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

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

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

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

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

(iv) A final determination to deny any request for an extension will be in writing and will set forth the specific grounds on which the denial is based. The final determination will

be made within 30 calendar days after presentation of additional information or argument (if the application is complete), or within 30 calendar days after the final date specified for the presentation if no presentation is made.

(14) The Administrator (or the State with an approved permit program) may terminate an extension of compliance at an earlier date than specified if any specification under paragraphs (i)(10)(iii) or (i)(10)(iv) of this section is not met.

(15) [Reserved]

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

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

§ 63.7 Performance testing requirements.

(a) *Applicability and performance test dates.*

(1) Unless otherwise specified, this section applies to the owner or operator of an affected source required to do performance testing, or another form of compliance demonstration, under a relevant standard. **[§ 63.1349 of 40 CFR 63 Subpart LLL has specific requirements.]**

(2) If required to do performance testing by a relevant standard, and unless a waiver of performance testing is obtained under this section or the conditions of paragraph (c)(3)(ii)(B) of this section apply, the owner or operator of the affected source shall perform such tests as follows -

(i) Within 180 days after the effective date of a relevant standard for a new source that has an initial startup date before the effective date; or

(ii) Within 180 days after initial startup for a new source that has an initial startup date after the effective date of a relevant standard; or

(iii) Within 180 days after the compliance date specified in an applicable subpart of this part for an existing source subject to an emission standard established pursuant to section 112(d) of the Act, or within 180 days after startup of an existing source if the source begins operation after the effective date of the relevant emission standard; or

(iv) Within 180 days after the compliance date for an existing source subject to an emission standard established pursuant to section 112(f) of the Act; or

(v) Within 180 days after the termination date of the source's extension of compliance for an existing source that obtains an extension of compliance under § 63.6(i); or

(vi) Within 180 days after the compliance date for a new source, subject to an emission standard established pursuant to section 112(f) of the Act, for which construction or reconstruction is commenced after the proposal date of a relevant standard established pursuant to section 112(d) of the Act but before the proposal date of the relevant standard established pursuant to section 112(f) [see § 63.6(b)(4)]; or

(vii) [Reserved]; or (viii) [Reserved]; or

(ix) When an emission standard promulgated under this part is more stringent than the standard proposed (see § 63.6(b)(3)), the owner or operator of a new or reconstructed source subject to that standard for which construction or reconstruction is commenced between the proposal and promulgation dates of the standard shall comply with performance testing

requirements within 180 days after the standard's effective date, or within 180 days after startup of the source, whichever is later. If the promulgated standard is more stringent than the proposed standard, the owner or operator may choose to demonstrate compliance with either the proposed or the promulgated standard. If the owner or operator chooses to comply with the proposed standard initially, the owner or operator shall conduct a second performance test within 3 years and 180 days after the effective date of the standard, or after startup of the source, whichever is later, to demonstrate compliance with the promulgated standard.

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

(b) Notification of performance test.

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

(2) In the event the owner or operator is unable to conduct the performance test on the date specified in the notification requirement specified in paragraph (b)(1) of this section, due to unforeseeable circumstances beyond his or her control, the owner or operator shall notify the Administrator within 5 days prior to the scheduled performance test date and specify the date when the performance test is rescheduled. This notification of delay in conducting the performance test shall not relieve the owner or operator of legal responsibility for compliance with any other applicable provisions of this part or with any other applicable Federal, State, or local requirement, nor will it prevent the Administrator from implementing or enforcing this part or taking any other action under the Act.

(c) Quality assurance program.

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

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

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

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

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

intention to conduct a performance test required under paragraph (b) of this section, or on a mutually agreed upon date.

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

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

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

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

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

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

(A) If the owner or operator intends to demonstrate compliance using the test method(s) specified in the relevant standard, the owner or operator shall conduct the performance test within the time specified in this section using the specified method(s);

(B) If the owner or operator intends to demonstrate compliance by using an alternative to any test method specified in the relevant standard, the owner or operator shall refrain from conducting the performance test until the Administrator approves the use of the alternative method when the Administrator approves the site-specific test plan (if review of the site-specific test plan is requested) or until after the alternative method is approved (see paragraph (f) of this section). If the Administrator does not approve the site-specific test plan (if review is requested) or the use of the alternative method within 30 days before the test is scheduled to begin, the performance test dates specified in paragraph (a) of this section may be extended such that the owner or operator shall conduct the performance test within 60 calendar days after the Administrator approves the site-specific test plan or after use of the alternative method is approved. Notwithstanding the requirements in the preceding two sentences, the owner or operator

may proceed to conduct the performance test as required in this section (without the Administrator's prior approval of the site-specific test plan) if he/she subsequently chooses to use the specified testing and monitoring methods instead of an alternative.

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

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

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

(4) (i) *Performance test method audit program.* The owner or operator shall analyze performance audit (PA) samples during each performance test. The owner or operator shall request performance audit materials 45 days prior to the test date. Cylinder audit gases may be obtained by contacting the Cylinder Audit Coordinator, Quality Assurance Division (MD-77B),

Atmospheric Research and Exposure Assessment Laboratory (AREAL), U.S. EPA, Research Triangle Park, North Carolina 27711. All other audit materials may be obtained by contacting the Source Test Audit Coordinator, Quality Assurance Division (MD-77B), AREAL, U.S. EPA, Research Triangle Park, North Carolina 27711.

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

(iii) If the Administrator fails to provide required PA materials to an owner or operator of an affected source in time to analyze the PA samples during a performance test, the requirement to conduct a PA under this paragraph shall be waived for such source for that performance test. Waiver under this paragraph of the requirement to conduct a PA for a particular performance test does not constitute a waiver of the requirement to conduct a PA for future required performance tests.

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

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

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

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

(2) Safe sampling platform(s);

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

(4) Utilities for sampling and testing equipment; and

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

(e) *Conduct of performance tests.*

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

§ 63.6(e). Upon request, the owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of performance tests.

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

(i) Specifies or approves, in specific cases, the use of a test method with minor changes in methodology; or

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

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

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

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

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

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

(iii) Extreme meteorological conditions occur; or

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

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

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

(1) *General.* Until permission to use an alternative test method has been granted by the Administrator under this paragraph, the owner or operator of an affected source remains subject to the requirements of this section and the relevant standard.

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

(i) Notifies the Administrator of his or her intention to use an alternative test method not later than with the submittal of the site-specific test plan (if requested by the Administrator) or at least 60 days before the performance test is scheduled to begin if a site-specific test plan is not submitted;

(ii) Uses Method 301 in appendix A of this part to validate the alternative test method; and

(iii) Submits the results of the Method 301 validation process along with the notification of intention and the justification for not using the specified test method. The owner or operator may submit the information required in this paragraph well in advance of the deadline specified in paragraph (f)(2)(i) of this section to ensure a timely review by the Administrator in order to meet the performance test date specified in this section or the relevant standard.

(3) The Administrator will determine whether the owner or operator's validation of the proposed alternative test method is adequate when the Administrator approves or disapproves the site-specific test plan required under paragraph (c) of this section. If the Administrator finds reasonable grounds to dispute the results obtained by the Method 301 validation process, the Administrator may require the use of a test method specified in a relevant standard.

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

(5) If the owner or operator uses an alternative test method for an affected source during a required performance test, the owner or operator of such source shall continue to use the

alternative test method for subsequent performance tests at that affected source until he or she receives approval from the Administrator to use another test method as allowed under § 63.7(f).

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

(g) Data analysis, recordkeeping, and reporting.

(1) Unless otherwise specified in a relevant standard or test method, or as otherwise approved by the Administrator in writing, results of a performance test shall include the analysis of samples, determination of emissions, and raw data. A performance test is "completed" when field sample collection is terminated. The owner or operator of an affected source shall report the results of the performance test to the Administrator before the close of business on the 60th day following the completion of the performance test, unless specified otherwise in a relevant standard or as approved otherwise in writing by the Administrator (see § 63.9(i)). The results of the performance test shall be submitted as part of the notification of compliance status required under § 63.9(h). Before a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall send the results of the performance test to the Administrator. After a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall send the results of the performance test to the appropriate permitting authority.

(2) [Reserved]

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

(h) Waiver of performance tests.

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

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

(3) Request to waive a performance test.

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

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

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

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

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

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

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

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

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

§ 63.8 Monitoring requirements.

(a) *Applicability.*

(1) (i) Unless otherwise specified in a relevant standard, this section applies to the owner or operator of an affected source required to do monitoring under that standard.

(ii) Relevant standards established under this part will specify monitoring systems, methods, or procedures, monitoring frequency, and other pertinent requirements for source(s) regulated by those standards. This section specifies general monitoring requirements such as those governing the conduct of monitoring and requests to use alternative monitoring methods. In addition, this section specifies detailed requirements that apply to affected sources required to use continuous monitoring systems (CMS) under a relevant standard.

(2) **[Not applicable. § 63.1350 of 40 CFR 63 Subpart LLL includes CEM requirements.]**

(3) **[Reserved]**

(4) **[Flares not applicable.]**

(b) *Conduct of monitoring.*

(1) Monitoring shall be conducted as set forth in this section and the relevant standard(s) unless the Administrator -

(i) Specifies or approves the use of minor changes in methodology for the specified monitoring requirements and procedures; or

(ii) Approves the use of alternatives to any monitoring requirements or procedures.

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

(2) (i) When the effluents from a single affected source, or from two or more affected sources, are combined before being released to the atmosphere, the owner or operator shall install an applicable CMS on each effluent.

(ii) If the relevant standard is a mass emission standard and the effluent from one affected source is released to the atmosphere through more than one point, the owner or operator

shall install an applicable CMS at each emission point unless the installation of fewer systems is

(A) Approved by the Administrator; or

(B) Provided for in a relevant standard (e.g., instead of requiring that a CMS be installed at each emission point before the effluents from those points are channeled to a common control device, the standard specifies that only one CMS is required to be installed at the vent of the control device).

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

(c) Operation and maintenance of continuous monitoring systems.

[Performance specification supersedes requirements for THC CEM. Temperature and activated carbon injection monitoring data requirements given in 40 CFR 63 Subpart LLL.]

(1) The owner or operator of an affected source shall maintain and operate each CMS as specified in this section, or in a relevant standard, and in a manner consistent with good air pollution control practices.

(i) The owner or operator of an affected source shall ensure the immediate repair or replacement of CMS parts to correct "routine" or otherwise predictable CMS malfunctions as defined in the source's startup, shutdown, and malfunction plan required by § 63.6(e)(3). The owner or operator shall keep the necessary parts for routine repairs of the affected equipment readily available. If the plan is followed and the CMS repaired immediately, this action shall be reported in the semiannual startup, shutdown, and malfunction report required under § 63.10(d)(5)(i).

(ii) For those malfunctions or other events that affect the CMS and are not addressed by the startup, shutdown, and malfunction plan, the owner or operator shall report actions that are not consistent with the startup, shutdown, and malfunction plan within 24 hours after commencing actions inconsistent with the plan. The owner or operator shall send a followup report within 2 weeks after commencing actions inconsistent with the plan that either certifies that corrections have been made or includes a corrective action plan and schedule. The owner or operator shall provide proof that repair parts have been ordered or any other records that would indicate that the delay in making repairs is beyond his or her control.

(iii) The Administrator's determination of whether acceptable operation and maintenance procedures are being used will be based on information that may include, but is not limited to, review of operation and maintenance procedures, operation and maintenance records, manufacturing recommendations and specifications, and inspection of the CMS. Operation and maintenance procedures written by the CMS manufacturer and other guidance also can be used to maintain and operate each CMS.

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

(3) All CMS shall be installed, operational, and the data verified as specified in the relevant standard either prior to or in conjunction with conducting performance tests under § 63.7. Verification of operational status shall, at a minimum, include completion of the

manufacturer's written specifications or recommendations for installation, operation, and calibration of the system.

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

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

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

(5) Unless otherwise approved by the Administrator, minimum procedures for COMS shall include a method for producing a simulated zero opacity condition and an upscale (high-level) opacity condition using a certified neutral density filter or other related technique to produce a known obscuration of the light beam. Such procedures shall provide a system check of all the analyzer's internal optical surfaces and all electronic circuitry, including the lamp and photodetector assembly normally used in the measurement of opacity.

(6) The owner or operator of a CMS installed in accordance with the provisions of this part and the applicable CMS performance specification(s) shall check the zero (low-level) and high-level calibration drifts at least once daily in accordance with the written procedure specified in the performance evaluation plan developed under paragraphs (e)(3)(i) and (e)(3)(ii) of this section. The zero (low-level) and high-level calibration drifts shall be adjusted, at a minimum, whenever the 24-hour zero (low-level) drift exceeds two times the limits of the applicable performance specification(s) specified in the relevant standard. The system must allow the amount of excess zero (low-level) and high-level drift measured at the 24-hour interval checks to be recorded and quantified, whenever specified. For COMS, all optical and instrumental surfaces exposed to the effluent gases shall be cleaned prior to performing the zero (low-level) and high-level drift adjustments; the optical surfaces and instrumental surfaces shall be cleaned when the cumulative automatic zero compensation, if applicable, exceeds 4 percent opacity.

(7) (i) A CMS is out of control if -

(A) The zero (low-level), mid-level (if applicable), or high-level calibration drift (CD) exceeds two times the applicable CD specification in the applicable performance specification or in the relevant standard; or

(B) The CMS fails a performance test audit (e.g., cylinder gas audit), relative accuracy audit, relative accuracy test audit, or linearity test audit; or

(C) The COMS CD exceeds two times the limit in the applicable performance specification in the relevant standard.

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

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

(d) *Quality control program.*

(1) The results of the quality control program required in this paragraph will be considered by the Administrator when he/she determines the validity of monitoring data.

(2) The owner or operator of an affected source that is required to use a CMS and is subject to the monitoring requirements of this section and a relevant standard shall develop and implement a CMS quality control program. As part of the quality control program, the owner or operator shall develop and submit to the Administrator for approval upon request a site-specific performance evaluation test plan for the CMS performance evaluation required in paragraph (e)(3)(i) of this section, according to the procedures specified in paragraph (e). In addition, each quality control program shall include, at a minimum, a written protocol that describes procedures for each of the following operations:

- (i) Initial and any subsequent calibration of the CMS;
- (ii) Determination and adjustment of the calibration drift of the CMS;
- (iii) Preventive maintenance of the CMS, including spare parts inventory;
- (iv) Data recording, calculations, and reporting;
- (v) Accuracy audit procedures, including sampling and analysis methods; and
- (vi) Program of corrective action for a malfunctioning CMS.

(3) The owner or operator shall keep these written procedures on record for the life of the affected source or until the affected source is no longer subject to the provisions of this part, to be made available for inspection, upon request, by the Administrator. If the performance evaluation plan is revised, the owner or operator shall keep previous (i.e., superseded) versions of the performance evaluation plan on record to be made available for inspection, upon request, by the Administrator, for a period of 5 years after each revision to the plan. Where relevant, e.g., program of corrective action for a malfunctioning CMS, these written procedures may be incorporated as part of the affected source's startup, shutdown, and malfunction plan to avoid duplication of planning and recordkeeping efforts.

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

[Performance specification supersedes requirements for THC CEM.]

(1) *General.* When required by a relevant standard, and at any other time the Administrator may require under section 114 of the Act, the owner or operator of an affected source being monitored shall conduct a performance evaluation of the CMS. Such performance evaluation shall be conducted according to the applicable specifications and procedures described in this section or in the relevant standard.

(2) *Notification of performance evaluation.* The owner or operator shall notify the Administrator in writing of the date of the performance evaluation simultaneously with the notification of the performance test date required under § 63.7(b) or at least 60 days prior to the date the performance evaluation is scheduled to begin if no performance test is required.

(3) (i) *Submission of site-specific performance evaluation test plan.* Before conducting a required CMS performance evaluation, the owner or operator of an affected source shall develop and submit a site-specific performance evaluation test plan to the Administrator for approval upon request. The performance evaluation test plan shall include the evaluation program objectives, an evaluation program summary, the performance evaluation schedule, data

quality objectives, and both an internal and external QA program. Data quality objectives are the pre-evaluation expectations of precision, accuracy, and completeness of data.

(ii) The internal QA program shall include, at a minimum, the activities planned by routine operators and analysts to provide an assessment of CMS performance. The external QA program shall include, at a minimum, systems audits that include the opportunity for on-site evaluation by the Administrator of instrument calibration, data validation, sample logging, and documentation of quality control data and field maintenance activities.

(iii) The owner or operator of an affected source shall submit the site-specific performance evaluation test plan to the Administrator (if requested) at least 60 days before the performance test or performance evaluation is scheduled to begin, or on a mutually agreed upon date, and review and approval of the performance evaluation test plan by the Administrator will occur with the review and approval of the site-specific test plan (if review of the site-specific test plan is requested).

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

(v) In the event that the Administrator fails to approve or disapprove the site-specific performance evaluation test plan within the time period specified in § 63.7(c)(3), the following conditions shall apply:

(A) If the owner or operator intends to demonstrate compliance using the monitoring method(s) specified in the relevant standard, the owner or operator shall conduct the performance evaluation within the time specified in this subpart using the specified method(s);

(B) If the owner or operator intends to demonstrate compliance by using an alternative to a monitoring method specified in the relevant standard, the owner or operator shall refrain from conducting the performance evaluation until the Administrator approves the use of the alternative method. If the Administrator does not approve the use of the alternative method within 30 days before the performance evaluation is scheduled to begin, the performance evaluation deadlines specified in paragraph (e)(4) of this section may be extended such that the owner or operator shall conduct the performance evaluation within 60 calendar days after the Administrator approves the use of the alternative method. Notwithstanding the requirements in the preceding two sentences, the owner or operator may proceed to conduct the performance evaluation as required in this section (without the Administrator's prior approval of the site-specific performance evaluation test plan) if he/she subsequently chooses to use the specified monitoring method(s) instead of an alternative.

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

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

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

(4) *Conduct of performance evaluation and performance evaluation dates.* The owner or operator of an affected source shall conduct a performance evaluation of a required CMS during any performance test required under § 63.7 in accordance with the applicable performance specification as specified in the relevant standard. Notwithstanding the requirement in the previous sentence, if the owner or operator of an affected source elects to submit COMS data for compliance with a relevant opacity emission standard as provided under § 63.6(h)(7), he/she shall conduct a performance evaluation of the COMS as specified in the relevant standard, before

the performance test required under § 63.7 is conducted in time to submit the results of the performance evaluation as specified in paragraph (e)(5)(ii) of this section. If a performance test is not required, or the requirement for a performance test has been waived under § 63.7(h), the owner or operator of an affected source shall conduct the performance evaluation not later than 180 days after the appropriate compliance date for the affected source, as specified in § 63.7(a), or as otherwise specified in the relevant standard.

(5) *Reporting performance evaluation results.*

(i) The owner or operator shall furnish the Administrator a copy of a written report of the results of the performance evaluation simultaneously with the results of the performance test required under § 63.7 or within 60 days of completion of the performance evaluation if no test is required, unless otherwise specified in a relevant standard. The Administrator may request that the owner or operator submit the raw data from a performance evaluation in the report of the performance evaluation results.

(ii) The owner or operator of an affected source using a COMS to determine opacity compliance during any performance test required under § 63.7 and described in § 63.6(d)(6) shall furnish the Administrator two or, upon request, three copies of a written report of the results of the COMS performance evaluation under this paragraph. The copies shall be provided at least 15 calendar days before the performance test required under § 63.7 is conducted.

(f) *Use of an alternative monitoring method –*

{Additional requirements in § 63.1350(l) of 40 CFR 63 Subpart LLL.}

(1) *General.* Until permission to use an alternative monitoring method has been granted by the Administrator under this paragraph, the owner or operator of an affected source remains subject to the requirements of this section and the relevant standard.

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

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

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

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

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

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

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

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

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

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

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

(4) (i) Request to use alternative monitoring method. An owner or operator who wishes to use an alternative monitoring method shall submit an application to the Administrator as described in paragraph (f)(4)(ii) of this section, below. The application may be submitted at any time provided that the monitoring method is not used to demonstrate compliance with a relevant standard or other requirement. If the alternative monitoring method is to be used to demonstrate compliance with a relevant standard, the application shall be submitted not later than with the site-specific test plan required in § 63.7(c) (if requested) or with the site-specific performance evaluation plan (if requested) or at least 60 days before the performance evaluation is scheduled to begin.

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

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

(5) Approval of request to use alternative monitoring method.

(i) The Administrator will notify the owner or operator of approval or intention to deny approval of the request to use an alternative monitoring method within 30 calendar days after receipt of the original request and within 30 calendar days after receipt of any supplementary information that is submitted. Before disapproving any request to use an alternative monitoring method, the Administrator will notify the applicant of the Administrator's intention to disapprove the request together with -

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

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

(ii) The Administrator may establish general procedures and criteria in a relevant standard to accomplish the requirements of paragraph (f)(5)(i) of this section.

(iii) If the Administrator approves the use of an alternative monitoring method for an affected source under paragraph (f)(5)(i) of this section, the owner or operator of such source shall continue to use the alternative monitoring method until he or she receives approval from the Administrator to use another monitoring method as allowed by § 63.8(f).

(6) Alternative to the relative accuracy test. An alternative to the relative accuracy test for CEMS specified in a relevant standard may be requested as follows:

(i) *Criteria for approval of alternative procedures.* An alternative to the test method for determining relative accuracy is available for affected sources with emission rates demonstrated to be less than 50 percent of the relevant standard. The owner or operator of an affected source may petition the Administrator under paragraph (f)(6)(ii) of this section to substitute the relative accuracy test in section 7 of Performance Specification 2 with the procedures in section 10 if the results of a performance test conducted according to the requirements in § 63.7, or other tests performed following the criteria in § 63.7, demonstrate that the emission rate of the pollutant of interest in the units of the relevant standard is less than 50 percent of the relevant standard. For affected sources subject to emission limitations expressed as control efficiency levels, the owner or operator may petition the Administrator to substitute the relative accuracy test with the procedures in section 10 of Performance Specification 2 if the control device exhaust emission rate is less than 50 percent of the level needed to meet the control efficiency requirement. The alternative procedures do not apply if the CEMS is used continuously to determine compliance with the relevant standard.

(ii) *Petition to use alternative to relative accuracy test.* The petition to use an alternative to the relative accuracy test shall include a detailed description of the procedures to be applied, the location and the procedure for conducting the alternative, the concentration or response levels of the alternative relative accuracy materials, and the other equipment checks included in the alternative procedure(s). The Administrator will review the petition for completeness and applicability. The Administrator's determination to approve an alternative will depend on the intended use of the CEMS data and may require specifications more stringent than in Performance Specification 2.

(iii) *Rescission of approval to use alternative to relative accuracy test.* The Administrator will review the permission to use an alternative to the CEMS relative accuracy test and may rescind such permission if the CEMS data from a successful completion of the alternative relative accuracy procedure indicate that the affected source's emissions are approaching the level of the relevant standard. The criterion for reviewing the permission is that the collection of CEMS data shows that emissions have exceeded 70 percent of the relevant standard for any averaging period, as specified in the relevant standard. For affected sources subject to emission limitations expressed as control efficiency levels, the criterion for reviewing the permission is that the collection of CEMS data shows that exhaust emissions have exceeded 70 percent of the level needed to meet the control efficiency requirement for any averaging period, as specified in the relevant standard. The owner or operator of the affected source shall maintain records and determine the level of emissions relative to the criterion for permission to use an alternative for relative accuracy testing. If this criterion is exceeded, the owner or operator shall notify the Administrator within 10 days of such occurrence and include a description of the nature and cause of the increased emissions. The Administrator will review the notification and may rescind permission to use an alternative and require the owner or operator to conduct a relative accuracy test of the CEMS as specified in section 7 of Performance Specification 2.

(g) *Reduction of monitoring data.*

(1) The owner or operator of each CMS shall reduce the monitoring data as specified in this paragraph. In addition, each relevant standard may contain additional requirements for reducing monitoring data. When additional requirements are specified in a relevant standard, the standard will identify any unnecessary or duplicated requirements in this paragraph that the owner or operator need not comply with.

(2) The owner or operator of each COMS shall reduce all data to 6-minute averages calculated from 36 or more data points equally spaced over each 6-minute period. Data from CEMS for measurement other than opacity, unless otherwise specified in the relevant standard,

shall be reduced to 1-hour averages computed from four or more data points equally spaced over each 1-hour period, except during periods when calibration, quality assurance, or maintenance activities pursuant to provisions of this part are being performed. During these periods, a valid hourly average shall consist of at least two data points with each representing a 15-minute period. Alternatively, an arithmetic or integrated 1-hour average of CEMS data may be used. Time periods for averaging are defined in § 63.2.

(3) The data may be recorded in reduced or nonreduced form (e.g., ppm pollutant and percent O₂ or ng/J of pollutant).

(4) All emission data shall be converted into units of the relevant standard for reporting purposes using the conversion procedures specified in that standard. After conversion into units of the relevant standard, the data may be rounded to the same number of significant digits as used in that standard to specify the emission limit (e.g., rounded to the nearest 1 percent opacity).

(5) Monitoring data recorded during periods of unavoidable CMS breakdowns, out-of-control periods, repairs, maintenance periods, calibration checks, and zero (low-level) and high-level adjustments shall not be included in any data average computed under this part. For owners or operators complying with the requirements of Sec. 63.10(b)(2)(vii)(A) or (B), data averages must include any data recorded during periods of monitor breakdown or malfunction.

§ 63.9 Notification requirements.

(a) Applicability and general information.

(1) The requirements in this section apply to owners and operators of affected sources that are subject to the provisions of this part, unless specified otherwise in a relevant standard.

(2) For affected sources that have been granted an extension of compliance under subpart D of this part, the requirements of this section do not apply to those sources while they are operating under such compliance extensions.

(3) If any State requires a notice that contains all the information required in a notification listed in this section, the owner or operator may send the Administrator a copy of the notice sent to the State to satisfy the requirements of this section for that notification.

(4) (i) Before a State has been delegated the authority to implement and enforce notification requirements established under this part, the owner or operator of an affected source in such State subject to such requirements shall submit notifications to the appropriate Regional Office of the EPA (to the attention of the Director of the Division indicated in the list of the EPA Regional Offices in § 63.13).

(ii) After a State has been delegated the authority to implement and enforce notification requirements established under this part, the owner or operator of an affected source in such State subject to such requirements shall submit notifications to the delegated State authority (which may be the same as the permitting authority). In addition, if the delegated (permitting) authority is the State, the owner or operator shall send a copy of each notification submitted to the State to the appropriate Regional Office of the EPA, as specified in paragraph (a)(4)(i) of this section. The Regional Office may waive this requirement for any notifications at its discretion.

(b) Initial notifications.

(1) (i) The requirements of this paragraph apply to the owner or operator of an affected source when such source becomes subject to a relevant standard.

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

the source is a major source that is subject to the emission standard or other requirement, such source shall be subject to the notification requirements of this section.

(iii) Affected sources that are required under this paragraph to submit an initial notification may use the application for approval of construction or reconstruction under § 63.5(d) of this subpart, if relevant, to fulfill the initial notification requirements of this paragraph.

(2) The owner or operator of an affected source that has an initial startup before the effective date of a relevant standard under this part shall notify the Administrator in writing that the source is subject to the relevant standard. The notification, which shall be submitted not later than 120 calendar days after the effective date of the relevant standard (or within 120 calendar days after the source becomes subject to the relevant standard), shall provide the following information:

- (i) The name and address of the owner or operator;
- (ii) The address (i.e., physical location) of the affected source;
- (iii) An identification of the relevant standard, or other requirement, that is the basis of the notification and the source's compliance date;
- (iv) A brief description of the nature, size, design, and method of operation of the source, including its operating design capacity and an identification of each point of emission for each hazardous air pollutant, or if a definitive identification is not yet possible, a preliminary identification of each point of emission for each hazardous air pollutant; and
- (v) A statement of whether the affected source is a major source or an area source.

(3) The owner or operator of a new or reconstructed affected source, or a source that has been reconstructed such that it is an affected source, that has an initial startup after the effective date of a relevant standard under this part and for which an application for approval of construction or reconstruction is not required under § 63.5(d), shall notify the Administrator in writing that the source is subject to the relevant standard no later than 120 days after initial startup. The notification shall provide all the information required in paragraphs (b)(2)(i) through (b)(2)(v) of this section, delivered or postmarked with the notification required in paragraph (b)(5).

(4) The owner or operator of a new or reconstructed major affected source that has an initial startup after the effective date of a relevant standard under this part and for which an application for approval of construction or reconstruction is required under § 63.5(d) shall provide the following information in writing to the Administrator:

- (i) A notification of intention to construct a new major affected source, reconstruct a major affected source, or reconstruct a major source such that the source becomes a major affected source with the application for approval of construction or reconstruction as specified in § 63.5(d)(1)(i);
- (ii) A notification of the date when construction or reconstruction was commenced, submitted simultaneously with the application for approval of construction or reconstruction, if construction or reconstruction was commenced before the effective date of the relevant standard;
- (iii) A notification of the date when construction or reconstruction was commenced, delivered or postmarked not later than 30 days after such date, if construction or reconstruction was commenced after the effective date of the relevant standard;
- (iv) [Reserved]; and
- (v) A notification of the actual date of startup of the source, delivered or postmarked within 15 calendar days after that date.

(5) After the effective date of any relevant standard established by the Administrator under this part, whether or not an approved permit program is effective in the State in which an affected source is (or would be) located, an owner or operator who intends to construct a new affected source or reconstruct an affected source subject to such standard, or reconstruct a source such that it becomes an affected source subject to such standard, shall notify the Administrator, in writing, of the intended construction or reconstruction. The notification shall be submitted as soon as practicable before the construction or reconstruction is planned to commence (but no sooner than the effective date of the relevant standard) if the construction or reconstruction commences after the effective date of a relevant standard promulgated in this part. The notification shall be submitted as soon as practicable before startup but no later than 60 days after the effective date of a relevant standard promulgated in this part if the construction or reconstruction had commenced and initial startup had not occurred before the standard's effective date. The notification shall include all the information required for an application for approval of construction or reconstruction as specified in § 63.5(d). For major sources, the application for approval of construction or reconstruction may be used to fulfill the requirements of this paragraph.

(c) *Request for extension of compliance.* If the owner or operator of an affected source cannot comply with a relevant standard by the applicable compliance date for that source, or if the owner or operator has installed BACT or technology to meet LAER consistent with § 63.6(i)(5) of this subpart, he/she may submit to the Administrator (or the State with an approved permit program) a request for an extension of compliance as specified in § 63.6(i)(4) through § 63.6(i)(6).

(d) *Notification that source is subject to special compliance requirements.* An owner or operator of a new source that is subject to special compliance requirements as specified in § 63.6(b)(3) and § 63.6(b)(4) shall notify the Administrator of his/her compliance obligations not later than the notification dates established in paragraph (b) of this section for new sources that are not subject to the special provisions.

(e) *Notification of performance test.* The owner or operator of an affected source shall notify the Administrator in writing of his or her intention to conduct a performance test at least 60 calendar days before the performance test is scheduled to begin to allow the Administrator to review and approve the site-specific test plan required under § 63.7(c), if requested by the Administrator, and to have an observer present during the test.

(f) *Notification of opacity and visible emission observations.* The owner or operator of an affected source shall notify the Administrator in writing of the anticipated date for conducting the opacity or visible emission observations specified in § 63.6(h)(5), if such observations are required for the source by a relevant standard. The notification shall be submitted with the notification of the performance test date, as specified in paragraph (e) of this section, or if no performance test is required or visibility or other conditions prevent the opacity or visible emission observations from being conducted concurrently with the initial performance test required under § 63.7, the owner or operator shall deliver or postmark the notification not less than 30 days before the opacity or visible emission observations are scheduled to take place. [Notification not required for VE/opacity test under § 63.1350(e) and (j) of 40 CFR 63 Subpart LLL.]

(g) *Additional notification requirements for sources with continuous monitoring systems.* The

owner or operator of an affected source required to use a CMS by a relevant standard shall furnish the Administrator written notification as follows:

(1) A notification of the date the CMS performance evaluation under § 63.8(e) is scheduled to begin, submitted simultaneously with the notification of the performance test date required under § 63.7(b). If no performance test is required, or if the requirement to conduct a performance test has been waived for an affected source under § 63.7(h), the owner or operator shall notify the Administrator in writing of the date of the performance evaluation at least 60 calendar days before the evaluation is scheduled to begin;

(2) A notification that COMS data results will be used to determine compliance with the applicable opacity emission standard during a performance test required by § 63.7 in lieu of Method 9 or other opacity emissions test method data, as allowed by § 63.6(h)(7)(ii), if compliance with an opacity emission standard is required for the source by a relevant standard. The notification shall be submitted at least 60 calendar days before the performance test is scheduled to begin; and

(3) A notification that the criterion necessary to continue use of an alternative to relative accuracy testing, as provided by § 63.8(f)(6), has been exceeded. The notification shall be delivered or postmarked not later than 10 days after the occurrence of such exceedance, and it shall include a description of the nature and cause of the increased emissions.

(h) Notification of compliance status.

(1) The requirements of paragraphs (h)(2) through (h)(4) of this section apply when an affected source becomes subject to a relevant standard.

(2) (i) Before a title V permit has been issued to the owner or operator of an affected source, and each time a notification of compliance status is required under this part, the owner or operator of such source shall submit to the Administrator a notification of compliance status, signed by the responsible official who shall certify its accuracy, attesting to whether the source has complied with the relevant standard. The notification shall list -

(A) The methods that were used to determine compliance;

(B) The results of any performance tests, opacity or visible emission observations, continuous monitoring system (CMS) performance evaluations, and/or other monitoring procedures or methods that were conducted;

(C) The methods that will be used for determining continuing compliance, including a description of monitoring and reporting requirements and test methods;

(D) The type and quantity of hazardous air pollutants emitted by the source (or surrogate pollutants if specified in the relevant standard), reported in units and averaging times and in accordance with the test methods specified in the relevant standard;

(E) An analysis demonstrating whether the affected source is a major source or an area source (using the emissions data generated for this notification);

(F) A description of the air pollution control equipment (or method) for each emission point, including each control device (or method) for each hazardous air pollutant and the control efficiency (percent) for each control device (or method); and

(G) A statement by the owner or operator of the affected existing, new, or reconstructed source as to whether the source has complied with the relevant standard or other requirements.

(ii) The notification shall be sent before the close of business on the 60th day following the completion of the relevant compliance demonstration activity specified in the relevant standard (unless a different reporting period is specified in a relevant standard, in which case the letter shall be sent before the close of business on the day the report of the relevant testing or monitoring results is required to be delivered or postmarked). For example, the

notification shall be sent before close of business on the 60th (or other required) day following completion of the initial performance test and again before the close of business on the 60th (or other required) day following the completion of any subsequent required performance test. If no performance test is required but opacity or visible emission observations are required to demonstrate compliance with an opacity or visible emission standard under this part, the notification of compliance status shall be sent before close of business on the 30th day following the completion of opacity or visible emission observations.

(3) After a title V permit has been issued to the owner or operator of an affected source, the owner or operator of such source shall comply with all requirements for compliance status reports contained in the source's title V permit, including reports required under this part. After a title V permit has been issued to the owner or operator of an affected source, and each time a notification of compliance status is required under this part, the owner or operator of such source shall submit the notification of compliance status to the appropriate permitting authority following completion of the relevant compliance demonstration activity specified in the relevant standard.

(4) [Reserved]

(5) If an owner or operator of an affected source submits estimates or preliminary information in the application for approval of construction or reconstruction required in § 63.5(d) in place of the actual emissions data or control efficiencies required in paragraphs (d)(1)(ii)(H) and (d)(2) of § 63.5, the owner or operator shall submit the actual emissions data and other correct information as soon as available but no later than with the initial notification of compliance status required in this section.

(6) Advice on a notification of compliance status may be obtained from the Administrator.

(i) Adjustment to time periods or postmark deadlines for submittal and review of required communications.

(1) (i) Until an adjustment of a time period or postmark deadline has been approved by the Administrator under paragraphs (i)(2) and (i)(3) of this section, the owner or operator of an affected source remains strictly subject to the requirements of this part.

(ii) An owner or operator shall request the adjustment provided for in paragraphs (i)(2) and (i)(3) of this section each time he or she wishes to change an applicable time period or postmark deadline specified in this part.

(2) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. An owner or operator who wishes to request a change in a time period or postmark deadline for a particular requirement shall request the adjustment in writing as soon as practicable before the subject activity is required to take place. The owner or operator shall include in the request whatever information he or she considers useful to convince the Administrator that an adjustment is warranted.

(3) If, in the Administrator's judgment, an owner or operator's request for an adjustment to a particular time period or postmark deadline is warranted, the Administrator will approve the adjustment. The Administrator will notify the owner or operator in writing of approval or disapproval of the request for an adjustment within 15 calendar days of receiving sufficient information to evaluate the request.

(4) If the Administrator is unable to meet a specified deadline, he or she will notify the owner or operator of any significant delay and inform the owner or operator of the amended schedule.

(j) *Change in information already provided.* Any change in the information already provided under this section shall be provided to the Administrator in writing within 15 calendar days after the change.

§ 63.10 Recordkeeping and reporting requirements.

(a) Applicability and general information.

(1) The requirements of this section apply to owners or operators of affected sources who are subject to the provisions of this part, unless specified otherwise in a relevant standard.

(2) For affected sources that have been granted an extension of compliance under subpart D of this part, the requirements of this section do not apply to those sources while they are operating under such compliance extensions.

(3) If any State requires a report that contains all the information required in a report listed in this section, an owner or operator may send the Administrator a copy of the report sent to the State to satisfy the requirements of this section for that report.

(4) (i) Before a State has been delegated the authority to implement and enforce recordkeeping and reporting requirements established under this part, the owner or operator of an affected source in such State subject to such requirements shall submit reports to the appropriate Regional Office of the EPA (to the attention of the Director of the Division indicated in the list of the EPA Regional Offices in § 63.13).

(ii) After a State has been delegated the authority to implement and enforce recordkeeping and reporting requirements established under this part, the owner or operator of an affected source in such State subject to such requirements shall submit reports to the delegated State authority (which may be the same as the permitting authority). In addition, if the delegated (permitting) authority is the State, the owner or operator shall send a copy of each report submitted to the State to the appropriate Regional Office of the EPA, as specified in paragraph (a)(4)(i) of this section. The Regional Office may waive this requirement for any reports at its discretion.

(5) If an owner or operator of an affected source in a State with delegated authority is required to submit periodic reports under this part to the State, and if the State has an established timeline for the submission of periodic reports that is consistent with the reporting frequency(ies) specified for such source under this part, the owner or operator may change the dates by which periodic reports under this part shall be submitted (without changing the frequency of reporting) to be consistent with the State's schedule by mutual agreement between the owner or operator and the State. For each relevant standard established pursuant to section 112 of the Act, the allowance in the previous sentence applies in each State beginning 1 year after the affected source's compliance date for that standard. Procedures governing the implementation of this provision are specified in § 63.9(i).

(6) If an owner or operator supervises one or more stationary sources affected by more than one standard established pursuant to section 112 of the Act, he/she may arrange by mutual agreement between the owner or operator and the Administrator (or the State permitting authority) a common schedule on which periodic reports required for each source shall be submitted throughout the year. The allowance in the previous sentence applies in each State beginning 1 year after the latest compliance date for any relevant standard established pursuant to section 112 of the Act for any such affected source(s). Procedures governing the implementation of this provision are specified in § 63.9(i).

(7) If an owner or operator supervises one or more stationary sources affected by standards established pursuant to section 112 of the Act (as amended November 15, 1990) and standards set under part 60, part 61, or both such parts of this chapter, he/she may arrange by mutual agreement between the owner or operator and the Administrator (or the State permitting authority) a common schedule on which periodic reports required by each relevant (i.e., applicable) standard shall be submitted throughout the year. The allowance in the previous sentence applies in each State beginning 1 year after the stationary source is required to be in compliance with the relevant section 112 standard, or 1 year after the stationary source is required to be in compliance with the applicable part 60 or part 61 standard, whichever is latest. Procedures governing the implementation of this provision are specified in § 63.9(i).

(b) *General recordkeeping requirements.*

(1) The owner or operator of an affected source subject to the provisions of this part shall maintain files of all information (including all reports and notifications) required by this part recorded in a form suitable and readily available for expeditious inspection and review. The files shall be retained for at least 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent 2 years of data shall be retained on site. The remaining 3 years of data may be retained off site. Such files may be maintained on microfilm, on a computer, on computer floppy disks, on magnetic tape disks, or on microfiche.

(2) The owner or operator of an affected source subject to the provisions of this part shall maintain relevant records for such source of -

(i) The occurrence and duration of each startup, shutdown, or malfunction of operation (i.e., process equipment);

(ii) The occurrence and duration of each malfunction of the air pollution control equipment;

(iii) All maintenance performed on the air pollution control equipment;

(iv) Actions taken during periods of startup, shutdown, and malfunction (including corrective actions to restore malfunctioning process and air pollution control equipment to its normal or usual manner of operation) when such actions are different from the procedures specified in the affected source's startup, shutdown, and malfunction plan (see § 63.6(e)(3));

(v) All information necessary to demonstrate conformance with the affected source's startup, shutdown, and malfunction plan (see § 63.6(e)(3)) when all actions taken during periods of startup, shutdown, and malfunction (including corrective actions to restore malfunctioning process and air pollution control equipment to its normal or usual manner of operation) are consistent with the procedures specified in such plan. (The information needed to demonstrate conformance with the startup, shutdown, and malfunction plan may be recorded using a "checklist," or some other effective form of recordkeeping, in order to minimize the recordkeeping burden for conforming events);

(vi) Each period during which a CMS is malfunctioning or inoperative (including out-of-control periods);

(vii) All required measurements needed to demonstrate compliance with a relevant standard (including, but not limited to, 15-minute averages of CMS data, raw performance testing measurements, and raw performance evaluation measurements, that support data that the source is required to re-port);

(A) This paragraph applies to owners or operators required to install a continuous emissions monitoring system (CEMS) where the CEMS installed is automated, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction.

An automated CEMS records and reduces the measured data to the form of the pollutant emission standard through the use of a computerized data acquisition system. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (b)(2)(vii) of this section, the owner or operator shall retain the most recent consecutive three averaging periods of subhourly measurements and a file that contains a hard copy of the data acquisition system algorithm used to reduce the measured data into the reportable form of the standard.

(B) This paragraph applies to owners or operators required to install a CEMS where the measured data is manually reduced to obtain the reportable form of the standard, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (b)(2)(vii) of this sections, the owner or operator shall retain all subhourly measurements for the most recent reporting period. The subhourly measurements shall be retained for 120 days from the date of the most recent summary or excess emission report submitted to the Administrator.

(C) The Administrator or delegated authority, upon notification to the source, may require the owner or operator to maintain all measurements as required by paragraph (b)(2)(vii), if the administrator or the delegated authority determines these records are required to more accurately assess the compliance status of the affected source.

(viii) All results of performance tests, CMS performance evaluations, and opacity and visible emission observations;

(ix) All measurements as may be necessary to determine the conditions of performance tests and performance evaluations;

(x) All CMS calibration checks;

(xi) All adjustments and maintenance performed on CMS;

(xii) Any information demonstrating whether a source is meeting the requirements for a waiver of recordkeeping or reporting requirements under this part, if the source has been granted a waiver under paragraph (f) of this section;

(xiii) All emission levels relative to the criterion for obtaining permission to use an alternative to the relative accuracy test, if the source has been granted such permission under § 63.8(f)(6); and

(xiv) All documentation supporting initial notifications and notifications of compliance status under § 63.9.

(3) Recordkeeping requirement for applicability determinations. If an owner or operator determines that his or her stationary source that emits (or has the potential to emit, without considering controls) one or more hazardous air pollutants is not subject to a relevant standard or other requirement established under this part, the owner or operator shall keep a record of the applicability determination on site at the source for a period of 5 years after the determination, or until the source changes its operations to become an affected source, whichever comes first. The record of the applicability determination shall include an analysis (or other information) that demonstrates why the owner or operator believes the source is unaffected (e.g., because the source is an area source). The analysis (or other information) shall be sufficiently detailed to allow the Administrator to make a finding about the source's applicability status with regard to the relevant standard or other requirement. If relevant, the analysis shall be performed in accordance with requirements established in subparts of this part for this purpose for particular categories of stationary sources. If relevant, the analysis should be performed in accordance with EPA guidance materials published to assist sources in making applicability determinations under section 112, if any.

(c) *Additional recordkeeping requirements for sources with continuous monitoring systems.* [PS-8A supersedes requirements for THC CEM] In addition to complying with the requirements specified in paragraphs (b)(1) and (b)(2) of this section, the owner or operator of an affected source required to install a CMS by a relevant standard shall maintain records for such source of

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

(d) *General reporting requirements.*

(1) Notwithstanding the requirements in this paragraph or paragraph (e) of this section, the owner or operator of an affected source subject to reporting requirements under this part shall submit reports to the Administrator in accordance with the reporting requirements in the relevant standard(s).

(2) *Reporting results of performance tests.* Before a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall report the results of any performance test under § 63.7 to the Administrator. After a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall report the results of a required performance test to the appropriate permitting authority. The owner or operator of an affected source shall report the results of the performance test to the Administrator (or the State with an approved permit program) before the close of business on the 60th day following the completion of the performance test, unless specified otherwise in a relevant standard or as

approved otherwise in writing by the Administrator. The results of the performance test shall be submitted as part of the notification of compliance status required under § 63.9(h).

(3) *Reporting results of opacity or visible emission observations.* The owner or operator of an affected source required to conduct opacity or visible emission observations by a relevant standard shall report the opacity or visible emission results (produced using Test Method 9 or Test Method 22, or an alternative to these test methods) along with the results of the performance test required under § 63.7. If no performance test is required, or if visibility or other conditions prevent the opacity or visible emission observations from being conducted concurrently with the performance test required under § 63.7, the owner or operator shall report the opacity or visible emission results before the close of business on the 30th day following the completion of the opacity or visible emission observations.

(4) *Progress reports.* The owner or operator of an affected source who is required to submit progress reports as a condition of receiving an extension of compliance under § 63.6(i) shall submit such reports to the Administrator (or the State with an approved permit program) by the dates specified in the written extension of compliance.

(5) (i) *Periodic startup, shutdown, and malfunction reports.* If actions taken by an owner or operator during a startup, shutdown, or malfunction of an affected source (including actions taken to correct a malfunction) are consistent with the procedures specified in the source's startup, shutdown, and malfunction plan [see § 63.6(e)(3)], the owner or operator shall state such information in a startup, shutdown, and malfunction report. Reports shall only be required if a startup, shutdown, or malfunction occurred during the reporting period. The startup, shutdown, and malfunction report shall consist of a letter, containing the name, title, and signature of the owner or operator or other responsible official who is certifying its accuracy, that shall be submitted to the Administrator semi-annually (or on a more frequent basis if specified

otherwise in a relevant standard or as established otherwise by the permitting authority in the source's title V permit). The startup, shutdown, and malfunction report shall be delivered or postmarked by the 30th day following the end of each calendar half (or other calendar reporting period, as appropriate). If the owner or operator is required to submit excess emissions and continuous monitoring system performance (or other periodic) reports under this part, the startup, shutdown, and malfunction reports required under this paragraph may be submitted simultaneously with the excess emissions and continuous monitoring system performance (or other) reports. If startup, shutdown, and malfunction reports are submitted with excess emissions and continuous monitoring system performance (or other periodic) reports, and the owner or operator receives approval to reduce the frequency of reporting for the latter under paragraph (e) of this section, the frequency of reporting for the startup, shutdown, and malfunction reports also may be reduced if the Administrator does not object to the intended change. The procedures to implement the allowance in the preceding sentence shall be the same as the procedures specified in paragraph (e)(3) of this section.

(ii) *Immediate startup, shutdown, and malfunction reports.* Notwithstanding the allowance to reduce the frequency of reporting for periodic startup, shutdown, and malfunction reports under paragraph (d)(5)(i) of this section, any time an action taken by an owner or operator during a startup, shutdown, or malfunction (including actions taken to correct a malfunction) is not consistent with the procedures specified in the affected source's startup, shutdown, and malfunction plan, the owner or operator shall report the actions taken for that event within 2 working days after commencing actions inconsistent with the plan followed by a letter within 7 working days after the end of the event. The immediate report required under this paragraph shall consist of a telephone call (or facsimile (FAX) transmission) to the Administrator within 2 working days after commencing actions inconsistent with the plan, and it

shall be followed by a letter, delivered or postmarked within 7 working days after the end of the event, that contains the name, title, and signature of the owner or operator or other responsible official who is certifying its accuracy, explaining the circumstances of the event, the reasons for not following the startup, shutdown, and malfunction plan, and whether any excess emissions and/or parameter monitoring exceedances are believed to have occurred. Notwithstanding the requirements of the previous sentence, after the effective date of an approved permit program in the State in which an affected source is located, the owner or operator may make alternative reporting arrangements, in advance, with the permitting authority in that State. Procedures governing the arrangement of alternative reporting requirements under this paragraph are specified in § 63.9(i).

(e) *Additional reporting requirements for sources with continuous monitoring systems -*

(1) *General.* When more than one CEMS is used to measure the emissions from one affected source (e.g., multiple breechings, multiple outlets), the owner or operator shall report the results as required for each CEMS.

(2) Reporting results of continuous monitoring system performance evaluations.

(i) The owner or operator of an affected source required to install a CMS by a relevant standard shall furnish the Administrator a copy of a written report of the results of the CMS performance evaluation, as required under § 63.8(e), simultaneously with the results of the performance test required under § 63.7, unless otherwise specified in the relevant standard.

(ii) The owner or operator of an affected source using a COMS to determine opacity compliance during any performance test required under § 63.7 and described in § 63.6(d)(6) shall furnish the Administrator two or, upon request, three copies of a written report of the results of the COMS performance evaluation conducted under § 63.8(e). The copies shall be furnished at least 15 calendar days before the performance test required under § 63.7 is conducted.

(3) *Excess emissions and continuous monitoring system performance report and summary report. [Exceedances are defined in 40 CFR 63 Subpart LLL.]*

(i) Excess emissions and parameter monitoring exceedances are defined in relevant standards. The owner or operator of an affected source required to install a CMS by a relevant standard shall submit an excess emissions and continuous monitoring system performance report and/or a summary report to the Administrator semiannually, except when -

(A) More frequent reporting is specifically required by a relevant standard;

(B) The Administrator determines on a case-by-case basis that more frequent reporting is necessary to accurately assess the compliance status of the source; or

(C) [Reserved].

(ii) Request to reduce frequency of excess emissions and continuous monitoring system performance reports. Notwithstanding the frequency of reporting requirements specified in paragraph (e)(3)(i) of this section, an owner or operator who is required by a relevant standard to submit excess emissions and continuous monitoring system performance (and summary) reports on a quarterly (or more frequent) basis may reduce the frequency of reporting for that standard to semiannual if the following conditions are met:

(A) For 1 full year (e.g., 4 quarterly or 12 monthly reporting periods) the affected source's excess emissions and continuous monitoring system performance reports continually demonstrate that the source is in compliance with the relevant standard;

(B) The owner or operator continues to comply with all recordkeeping and monitoring requirements specified in this subpart and the relevant standard; and

(C) The Administrator does not object to a reduced frequency of reporting for the affected source, as provided in paragraph (e)(3)(iii) of this section.

(iii) The frequency of reporting of excess emissions and continuous monitoring system performance (and summary) reports required to comply with a relevant standard may be reduced only after the owner or operator notifies the Administrator in writing of his or her intention to make such a change and the Administrator does not object to the intended change. In deciding whether to approve a reduced frequency of reporting, the Administrator may review information concerning the source's entire previous performance history during the 5-year recordkeeping period prior to the intended change, including performance test results, monitoring data, and evaluations of an owner or operator's conformance with operation and maintenance requirements. Such information may be used by the Administrator to make a judgment about the source's potential for noncompliance in the future. If the Administrator disapproves the owner or operator's request to reduce the frequency of reporting, the Administrator will notify the owner or operator in writing within 45 days after receiving notice of the owner or operator's intention. The notification from the Administrator to the owner or operator will specify the grounds on which the disapproval is based. In the absence of a notice of disapproval within 45 days, approval is automatically granted.

(iv) As soon as CMS data indicate that the source is not in compliance with any emission limitation or operating parameter specified in the relevant standard, the frequency of reporting shall revert to the frequency specified in the relevant standard, and the owner or operator shall submit an excess emissions and continuous monitoring system performance (and summary) report for the noncomplying emission points at the next appropriate reporting period following the noncomplying event. After demonstrating ongoing compliance with the relevant standard for another full year, the owner or operator may again request approval from the Administrator to reduce the frequency of reporting for that standard, as provided for in paragraphs (e)(3)(ii) and (e)(3)(iii) of this section.

(v) *Content and submittal dates for excess emissions and monitoring system performance reports.* All excess emissions and monitoring system performance reports and all summary reports, if required, shall be delivered or postmarked by the 30th day following the end of each calendar half or quarter, as appropriate. Written reports of excess emissions or exceedances of process or control system parameters shall include all the information required in paragraphs (c)(5) through (c)(13) of this section, in § 63.8(c)(7) and § 63.8(c)(8), and in the relevant standard, and they shall contain the name, title, and signature of the responsible official who is certifying the accuracy of the report. When no excess emissions or exceedances of a parameter have occurred, or a CMS has not been inoperative, out of control, repaired, or adjusted, such information shall be stated in the report.

(vi) *Summary report.* As required under paragraphs (e)(3)(vii) and (e)(3)(viii) of this section, one summary report shall be submitted for the hazardous air pollutants monitored at each affected source (unless the relevant standard specifies that more than one summary report is required, e.g., one summary report for each hazardous air pollutant monitored). The summary report shall be entitled "Summary Report - Gaseous and Opacity Excess Emission and Continuous Monitoring System Performance" and shall contain the following information:

- (A) The company name and address of the affected source;
- (B) An identification of each hazardous air pollutant monitored at the affected source;
- (C) The beginning and ending dates of the reporting period;
- (D) A brief description of the process units;

(E) The emission and operating parameter limitations specified in the relevant standard(s);

(F) The monitoring equipment manufacturer(s) and model number(s);

(G) The date of the latest CMS certification or audit;

(H) The total operating time of the affected source during the reporting period;

(I) An emission data summary (or similar summary if the owner or operator monitors control system parameters), including the total duration of excess emissions during the reporting period (recorded in minutes for opacity and hours for gases), the total duration of excess emissions expressed as a percent of the total source operating time during that reporting period, and a breakdown of the total duration of excess emissions during the reporting period into those that are due to startup/shutdown, control equipment problems, process problems, other known causes, and other unknown causes;

(J) A CMS performance summary (or similar summary if the owner or operator monitors control system parameters), including the total CMS downtime during the reporting period (recorded in minutes for opacity and hours for gases), the total duration of CMS downtime expressed as a percent of the total source operating time during that reporting period, and a breakdown of the total CMS downtime during the reporting period into periods that are due to monitoring equipment malfunctions, nonmonitoring equipment malfunctions, quality assurance/quality control calibrations, other known causes, and other unknown causes;

(K) A description of any changes in CMS, processes, or controls since the last reporting period;

(L) The name, title, and signature of the responsible official who is certifying the accuracy of the report; and

(M) The date of the report.

(vii) If the total duration of excess emissions or process or control system parameter exceedances for the reporting period is less than 1 percent of the total operating time for the reporting period, and CMS downtime for the reporting period is less than 5 percent of the total operating time for the reporting period, only the summary report shall be submitted, and the full excess emissions and continuous monitoring system performance report need not be submitted unless required by the Administrator.

(viii) If the total duration of excess emissions or process or control system parameter exceedances for the reporting period is 1 percent or greater of the total operating time for the reporting period, or the total CMS downtime for the reporting period is 5 percent or greater of the total operating time for the reporting period, both the summary report and the excess emissions and continuous monitoring system performance report shall be submitted.

(4) Reporting continuous opacity monitoring system data produced during a performance test. The owner or operator of an affected source required to use a COMS shall record the monitoring data produced during a performance test required under § 63.7 and shall furnish the Administrator a written report of the monitoring results. The report of COMS data shall be submitted simultaneously with the report of the performance test results required in paragraph (d)(2) of this section.

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

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

(2) Recordkeeping or reporting requirements may be waived upon written application to the Administrator if, in the Administrator's judgment, the affected source is achieving the

relevant standard(s), or the source is operating under an extension of compliance, or the owner or operator has requested an extension of compliance and the Administrator is still considering that request.

(3) If an application for a waiver of record-keeping or reporting is made, the application shall accompany the request for an extension of compliance under § 63.6(i), any required compliance progress report or compliance status report required under this part (such as under § 63.6(i) and § 63.9(h)) or in the source's title V permit, or an excess emissions and continuous monitoring system performance report required under paragraph (e) of this section, whichever is applicable. The application shall include whatever information the owner or operator considers useful to convince the Administrator that a waiver of recordkeeping or reporting is warranted.

(4) The Administrator will approve or deny a request for a waiver of recordkeeping or reporting requirements under this paragraph when he/she -

(i) Approves or denies an extension of compliance; or

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

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

(5) A waiver of any recordkeeping or reporting requirement granted under this paragraph may be conditioned on other recordkeeping or reporting requirements deemed necessary by the Administrator.

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

§ 63.11 Control device requirements. [Flares not applicable.]

§ 63.12 State authority and delegations.

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

(1) Adopting and enforcing any standard, limitation, prohibition, or other regulation applicable to an affected source subject to the requirements of this part, provided that such standard, limitation, prohibition, or regulation is not less stringent than any requirement applicable to such source established under this part;

(2) Requiring the owner or operator of an affected source to obtain permits, licenses, or approvals prior to initiating construction, reconstruction, modification, or operation of such source; or

(3) Requiring emission reductions in excess of those specified in subpart D of this part as a condition for granting the extension of compliance authorized by section 112(i)(5) of the Act.

(b) (1) Section 112(l) of the Act directs the Administrator to delegate to each State, when appropriate, the authority to implement and enforce standards and other requirements pursuant to section 112 for stationary sources located in that State. Because of the unique nature of radioactive material, delegation of authority to implement and enforce standards that control radionuclides may require separate approval.

(2) Subpart E of this part establishes procedures consistent with section 112(l) for the approval of State rules or programs to implement and enforce applicable Federal rules

promulgated under the authority of section 112. Subpart E also establishes procedures for the review and withdrawal of section 112 implementation and enforcement authorities granted through a section 112(l) approval.

(c) All information required to be submitted to the EPA under this part also shall be submitted to the appropriate State agency of any State to which authority has been delegated under section 112(l) of the Act, provided that each specific delegation may exempt sources from a certain Federal or State reporting requirement. The Administrator may permit all or some of the information to be submitted to the appropriate State agency only, instead of to the EPA and the State agency.

§ 63.13 Addresses of State air pollution control agencies and EPA Regional Offices.

(a) All requests, reports, applications, submittals, and other communications to the Administrator pursuant to this part shall be submitted to the appropriate Regional Office of the U.S. Environmental Protection Agency indicated as follows:

EPA Region IV; Director; Air, Pesticides and Toxics, Management Division; 61 Forsyth Street; Atlanta, GA 30303.

(b) All information required to be submitted to the Administrator under this part also shall be submitted to the appropriate State agency of any State to which authority has been delegated under section 112(l) of the Act. The owner or operator of an affected source may contact the appropriate EPA Regional Office for the mailing addresses for those States whose delegation requests have been approved.

(c) If any State requires a submittal that contains all the information required in an application, notification, request, report, statement, or other communication required in this part, an owner or operator may send the appropriate Regional Office of the EPA a copy of that submittal to satisfy the requirements of this part for that communication.

§ 63.14 Incorporations by reference.

(a) The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of the approval, and notice of any change in these materials will be published in the FEDERAL REGISTER. The materials are available for purchase at the corresponding addresses noted below, and all are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC, at the Air and Radiation Docket and Information Center, U.S. EPA, 401 M Street, SW., Washington, DC, and at the EPA Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina.

(b) The materials listed below are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM); 1916 Race Street, Philadelphia, Pennsylvania 19103; or University Microfilms International, 300 North Zeeb Road, Ann Arbor, Michigan 48106.

(1) ASTM D1946-77, Standard Method for Analysis of Reformed Gas by Gas Chromatography, IBR approved for § 63.11(b)(6).

(2) ASTM D2382-76, Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High-Precision Method), IBR approved for § 63.11(b)(6).

(3) ASTM D2879-83, Standard Test Method for Vapor Pressure—Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, IBR approved for § 63.111 of subpart G of this part.

(4) ASTM D 3695-88, Standard Test Method for Volatile Alcohols in Water by Direct Aqueous-Injection Gas Chromatography, IBR approved for § 63.365(e)(1) of subpart O of this part.

(5) ASTM D 1193-77, Standard Specification for Reagent Water, IBR approved for Method 306, section 4.1.1 and section 4.4.2, of appendix A to part 63.

(6) ASTM D 1331-89, Standard Test Methods for Surface and Interfacial Tension of Solutions of Surface Active Agents, IBR approved for Method 306B, section 2.2, section 3.1, and section 4.2, of appendix A to part 63.

(7) ASTM E 260-91, Standard Practice for Packed Column Gas Chromatography, IBR approved for § 63.750(b)(2) of subpart GG of this part.

(8) ASTM D523-89, Standard Test Method for Specular Gloss, IBR approved for § 63.782.

(9) ASTM D1475-90, Standard Test Method for Density of Paint, Varnish, Lacquer, and Related Products, IBR approved for § 63.788 appendix A.

(10) ASTM D2369-93, Standard Test Method for Volatile Content of Coatings, IBR approved for § 63.788 appendix A.

(11) ASTM D3912-80, Standard Test Method for Chemical Resistance of Coatings Used in Light-Water Nuclear Power Plants, IBR approved for § 63.782.

(12) ASTM D4017-90, Standard Test Method for Water and Paints and Paint Materials by Karl Fischer Method, IBR approved for § 63.788 appendix A.

(13) ASTM D4082-89, Standard Test Method for Effects of Gamma Radiation on Coatings for Use in Light-Water Nuclear Power Plants, IBR approved for § 63.782.

(14) ASTM D4256-89 [reapproved 1994], Standard Test Method for Determination of the Decontaminability of Coatings Used in Light-Water Nuclear Power Plants, IBR approved for § 63.782.

(15) ASTM D3792-91, Standard Test Method for Water Content of Water-Reducible Paints by Direct Injection into a Gas Chromatograph, IBR approved for § 63.788 appendix A.

(16) ASTM D3257-93, Standard Test Methods for Aromatics in Mineral Spirits by Gas Chromatography, IBR approved for § 63.786(b).

(17) ASTM E260-91, Standard Practice for Packed Column Gas Chromatography, IBR approved for § 63.786(b).

(18) ASTM E180-93, Standard Practice for Determining the Precision of ASTM Methods for Analysis and Testing of Industrial Chemicals, IBR approved for § 63.786(b).

(19) ASTM D2879-97, Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, IBR approved for Sec. 63.1251 of subpart GGG of this part.

(c) The materials listed below are available for purchase from the American Petroleum Institute (API), 1220 L Street, NW., Washington, DC 20005.

(1) API Publication 2517, Evaporative Loss from External Floating-Roof Tanks, Third Edition, February 1989, IBR approved for § 63.111 of subpart G of this part.

(2) API Publication 2518, Evaporative Loss from Fixed-roof Tanks, Second Edition, October 1991, IBR approved for § 63.150(g)(3)(i)(C) of subpart G of this part.

(3) API Manual of Petroleum Measurement Specifications (MPMS) Chapter 19.2, Evaporative Loss From Floating-Roof Tanks (formerly API Publications 2517 and 2519), First Edition, April 1997, IBR approved for Sec. 63.1251 of subpart GGG of this part.

(d) *State and Local Requirements.* The materials listed below are available at the Air and Radiation Docket and Information Center, U.S. EPA, 401 M Street, SW., Washington, DC.

(1) California Regulatory Requirements Applicable to the Air Toxics Program, April 6, 1998, IBR approved for § 63.99(a)(5)(ii) of subpart E of this part.

(2) [Reserved]

§ 63.15 Availability of information and confidentiality.

(a) *Availability of information.*

(1) With the exception of information protected through part 2 of this chapter, all reports, records, and other information collected by the Administrator under this part are available to the public. In addition, a copy of each permit application, compliance plan (including the schedule of compliance), notification of compliance status, excess emissions and continuous monitoring systems performance report, and title V permit is available to the public, consistent with protections recognized in section 503(e) of the Act.

(2) The availability to the public of information provided to or otherwise obtained by the Administrator under this part shall be governed by part 2 of this chapter.

(b) *Confidentiality.*

(1) If an owner or operator is required to submit information entitled to protection from disclosure under section 114(c) of the Act, the owner or operator may submit such information separately. The requirements of section 114(c) shall apply to such information.

(2) The contents of a title V permit shall not be entitled to protection under section 114(c) of the Act; however, information submitted as part of an application for a title V permit may be entitled to protection from disclosure.

Memorandum

Florida Department of Environmental Protection

To: Clair Fancy, P.E.

From: Joseph Kahn, P.E. *JK*

Date: May 24, 1999

Re: MACT Emissions Comparison for Suwannee American Cement

Per Howard's request, I summarized the MACT standards of 40 CFR 63, Subpart LLL and compared them with the applicant's requested emission limits for the MACT pollutants. The following table summarizes this information. The applicant has proposed to meet or exceed the MACT standards for all MACT pollutants.


Process	Pollutant	MACT Standard	SAC Proposed Limit
In-line Kiln & Raw Mill	PM	0.15 mg/kg of dry feed (0.30 lb/ton)	0.065 mg/kg of dry feed (0.13 lb/ton)
"	Opacity	20%	10%
"	Dioxins/furans	0.40 ng TEQ/dscm @ 7% O ₂ , PM control device inlet ≤ 204 °C (400 °F)	Same
"	THC	50 ppmvd, as propane, @ 7% O ₂	11.6 ppmvd, as propane, at @ 7% O ₂ *
Clinker Cooler	PM	0.05 mg/kg of dry feed (0.10 lb/ton)	0.035 mg/kg of dry feed (0.07 lb/ton)
"	Opacity	10%	10%

* Based on estimate provided by the applicant. Applicant's proposed emission limit is 0.12 lb/ton clinker.

Memorandum

Florida Department of Environmental Protection

To: Clair Fancy, P.E.

From: Joseph Kahn, P.E. 

Date: May 24, 1999

Re: Heat Consumption for Cement Plants

Per your request, I have estimated the heat consumption in units of mmBtu/ton of clinker for several of the cement plants in Florida. I based my estimate on the permitted limits of production and heat input, or, where the clinker production rate is not limited by permit, upon the production rates described in the technical evaluation or BACT determination. Although these plants are all dry-process operations, not all utilize the preheater/precalciner design. Differences in design, fuel type and feed material moisture content may account for the difference in results. Note that the Rinker Modernization project netted out of PSD and the Southdown plants are existing preheater design facilities. Additionally, I estimated the NO_x produced in units of lb/mmBtu to see how these projects compare. The results are as follows.

Plant	Design	Clinker Production (TPH)	Heat Input (mmBtu/hr)	Heat Consumption (mmBtu/ton clinker)	NO _x (lb/mmBtu)
Suwannee American Cement	PH/PC	95.8	364	3.8	0.79 ¹
Florida Rock	PH/PC	95.8	364 ²	3.8	0.75
Florida Crushed Stone #2	PH/PC	104.2	355 ³	3.4	0.82
Rinker Modernization	PH/PC	137	437	3.2	1.5
Southdown #1	PH	90	300	3.3	0.92
Southdown #2	PH	90	300	3.3	0.86

- 1 Based upon applicant's requested emission limit of 3.0 lb NO_x/ton clinker.
- 2 Includes heat input for raw mill air heater.
- 3 Includes heat input for dryer heater.

INTEROFFICE MEMORANDUM

Date: 21-May-1999 01:52pm
From: Ellen_Porter
Ellen_Porter@nps.gov

Dept:
Tel No:

To: Kahn_J (Kahn_J@dep.state.fl.us)
To: holladay_c (holladay_c@dep.state.fl.us)
CC: Bud_Rolofson (Bud_Rolofson@nps.gov)

Subject: Suwannee

I made a few additions to my tech rev doc for Suwannee based on our conversation this morning. I added some language about lowering the NOx emission rate in the BACT section. In the visib analysis section, I note that if their revised analysis predicts a >5% change in light extinction, they can lower their emission rate or lower production. Or do CALPUFF.

**Technical Review of Additional Information
For a New Cement Plant
Suwannee American Cement Company
Branford, Florida
PSD-FL-259**

by

**Air Quality Branch, Fish and Wildlife Service – Denver
May 19, 1999**

In December 1998 we provided technical comments to the Florida Department of Environmental Protection (FDEP) on the Prevention of Significant Deterioration Permit Application for Suwannee American Cement Company's (Suwannee) proposed new cement plant in Branford, Suwannee County, Florida. We provided additional comments, via fax, in February 1999. The cement plant will be a dry process preheater/precalciner kiln, producing 2,300 tons per day of clinker, and up to 1,191,360 tons per year of various types and grades of Portland cement. The primary fuels will be coal and petroleum coke. Natural gas will be used as a startup fuel and supplemental fuel. Whole tires and/or tire-derived fuel will be used as a supplemental fuel. The facility is located 83 km southwest of Okefenokee Wilderness and 88 km north of Chassahowitzka Wilderness, and 102 km east of St. Marks Wilderness, all Class I air quality areas administered by the U.S. Fish and Wildlife Service (FWS). This project will result in PSD-significant increases in emissions of nitrogen oxides (NO_x), sulfur dioxide (SO₂), volatile organic compounds (VOC), particulate matter (PM), fine particulate matter less than 10 microns in diameter (PM-10), and carbon monoxide (CO). Emissions (in tons per year – TPY) are summarized below.

POLLUTANT	EMISSIONS INCREASE (TPY)
NO _x	1175
SO ₂	118
VOC	50
PM	267
PM-10	228
CO	1511

We recommended in our December 1998 comments that Suwannee re-evaluate its proposed control technology for NO_x emissions. We also asked that Suwannee be required to evaluate potential impacts to visibility at the Class I areas, using the guidance of the Interagency Workgroup on Air Quality Modeling (IWAQM) at: <http://www.epa.gov/scram001/>; "Model Support"; "6th Modeling Conference"; "IWAQM". In our February fax, we suggested that Suwannee evaluate installation of a wet scrubber for SO₂ control. This recommendation was based on recent information from a proposed new portland cement plant in Colorado (Holman).

Best Available Control Technology (BACT) Analysis

Suwannee provided additional information in February 1999 that supported its best available control technology (BACT) analysis for NO_x emissions. We agreed with their conclusions, based on this additional information. However, we believe that Suwannee could meet a lower emission limit than that proposed (3.0-3.1 lb/ton clinker). A similar facility, LoneStar Cement (CA) has proposed a limit of 2.5 lb/ton clinker. We understand that LoneStar is using dry limestone, in contrast to the wet limestone that Suwannee proposes to use. Therefore, Suwannee maintains that more heat input will be needed to dry the limestone, resulting in a higher NO_x emission rate. However, Suwannee's limestone could be air-dried, allowing them to meet an emission rate in the range 2.5-2.8 lb/ton clinker.

Suwannee provided additional information regarding its BACT analysis for SO₂ emissions in May 1999. We do not agree with Suwannee's conclusion that, because their SO₂ emissions are already relatively low, they should not have to consider adding scrubbers for further reductions. A BACT analysis should not discount a potential control technology on the basis that emissions are already low. Suwannee should thoroughly evaluate the use of scrubbers at their proposed facility.

Regional Haze Analysis

Suwannee submitted a regional haze analysis in March 1999 that evaluated potential impacts from the project to visibility at St. Marks, Chassahowitzka, and Okefenokee. Suwannee performed the analysis incorrectly, applying a relative humidity value of 80% instead of the 95% recommended in the IWAQM guidance, referred to in our December 1999 comments. (Note that the use of a lower relative humidity value will result in smaller changes in light extinction, i.e., smaller impacts to visibility.) Suwannee stated that, in using the 80% relative humidity value, they were following advice supplied by our office in 1995 and they had used this value in several past analyses without objection by FDEP. They therefore felt justified in using this approach.

However, a more recent examination of meteorological data indicates that relative humidities generally exceed 80% in Florida. Therefore, when we supplied our December 1998 comments, we advised Suwannee to perform the analysis following the IWAQM guidelines, which prescribe a relative humidity value of 95% if actual relative humidity values are not available. Suwannee is not justified in disregarding our recent comments in order to use outdated advice to their advantage. We recommend that Suwannee perform the analysis again, either using a relative humidity value of 95% or actual relative humidity values.

If the analysis predicts that emissions from the project would result in a greater than 5% change in light extinction at a Class I area, Suwannee should reduce emission rates or reduce production. In addition, Suwannee has the option to perform a refined modeling analysis with CALPUFF. In any case, Suwannee must demonstrate that they will not cause a greater than 5% change in light extinction at St. Marks, Chassahowitzka, or Okefenokee wildernesses.

Contact: Ellen Porter, Air Quality Branch (303) 969-2617.



Department of Environmental Protection

Jeb Bush
Governor

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

David B. Struhs
Secretary

May 20, 1999

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Joe Anderson, III
President
Suwannee American Cement Company, Inc.
PO Box 410
Branford, Florida 32008

Re: BACT Determination for Sulfur Dioxide
DEP File No. 1210465-001-AC (PSD-FL-259)
Proposed Portland Cement Plant

Dear Mr. Anderson:

On April 21, 1999 the Department received your response to the Department's letter of March 26, 1999 requesting additional information. In your response you requested the Department begin processing your permit application under Section 403.0876(2)(a), F.S. The Department is processing your application in accordance with that provision.

On May 19, 1999, the Department received a technical review from the federal land manager via e-mail. A copy of that review is enclosed for your information. The federal land manager has asked us to request a copy of the computer diskettes with your modeling runs for the regional haze analysis for transmittal to the federal land manager. If you wish to comply with this request, please provide these diskettes to us as soon as possible. This is not a request for additional information pursuant to Rule 62-4.055, F.A.C.

If there are any questions about this matter, please call me at 850/921-9519.

Sincerely,

Joseph Kahn, P.E.

New Source Review Section

/jk

enclosure

cc: Mr. Frank Darabi, P.E.
Mr. Steve Cullen, P.E.
Mr. Gregg Worley, EPA
Mr. John Bunyak, NPS
Mr. Chris Kirts, NED
Mr. Jim Stevenson, DEP
Ecosystem Mgmt.
Mr. Tom Workman, DEP
Recreation & Parks
Mr. Mark Latch, DEP
Recreation and Parks

Ms. December McSherry
Mr. Svonn Lindskold
Mr. Tom Greenhalgh
Mr. Al Mueller
Mr. Dave Bruderly
Mr. Chris Bird, Alachua
County DER
Mr. John Mousa, Alachua
County DER

Mr. Chuck Clemons,
Chairman, Alachua County
Commissioners
Mr. J. Calvin Gaddy
Ms. Patrice Boyes, Esq.
Ms. Kathy Cantwell
Mr. Ralph Ashodian
Mr. Craig Pittman
Virginia Seacrist
Dr. Bob and Lynn Milner

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
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- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
 Joe Anderson III, Pres.
 Suwannee American
 Cement Co
 PO Box 410
 Branford, FL 32008

4a. Article Number
 2 333 618 149

4b. Service Type
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 Return Receipt for Merchandise COD

7. Date of Delivery
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5. Received By: (Print Name)

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 X *[Signature]*

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US Postal Service
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No Insurance Coverage Provided.
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Sent to	Joe Anderson
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Post Office, State, & ZIP Code	Cement Plant
Postage	Branford FL
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Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	5-20-99
	1210465-201-AC
	PSD-FI-259

PS Form 3800, April 1995

**Technical Review of Additional Information
For a New Cement Plant
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PSD-FL-259**

by

**Air Quality Branch, Fish and Wildlife Service – Denver
May 19, 1999**

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We recommend that Suwannee perform the analysis again, either using a relative humidity value of 95% or actual relative humidity values.

Contact: Ellen Porter, Air Quality Branch (303) 969-2617.

Florida Department of
Environmental Protection

Memorandum

To: Kristine Roselius
Office of Communications

From: Joseph Kahn, P.E. *JK*
New Source Review Section

Date: May 20, 1999

Re: Public Records Request From Gainesville Sun Regarding Suwannee American Cement

Accompanying this memo are the photocopies requested by The Gainesville Sun in Ms. Levine's memo of May 19, 1999. I reviewed the air division file and selected the public records that seemed to comport with The Sun's request. Many records from third parties were easy to exclude because they were clearly not in support of the plant. Where I was not sure whether communication was from "persons, organizations or entities supporting the plant", I included such documents.

The photocopies consist of 63 single sided copies at a cost of \$0.15 per page and 238 double sided copies at a cost of \$0.20 per page. This results in a copy cost of \$57.05. Per Directive DEP 375, we should collect costs for labor (Extensive Use Charges) for this request. This is an additional charge of \$25.80 per hour for 2.25 hours, for a labor charge of \$58.05.

Thus, the total charge for this request is \$115.10.

Please let me know if you need anything further regarding this.

INTEROFFICE MEMORANDUM

Date: 20-May-1999 01:01pm
From: Kristine Roselius TAL
ROSELIUS_K@a1.epic5.dep.state.fl.us
Dept:
Tel No:

To: See Below
Subject: **URGENT**

The Gainesville Sun has demanded the following public records pursuant to Chapter 119, Florida Statutes:

"Any and all letters, faxes, e-mails, recorded phone messages or other correspondences, regarding the cement plant proposed near Branford, FL, between DEP officials and representatives of the Suwannee American Co., Anderson Columbia, Inc. or any other persons, organizations or entities supporting the plant."

I have been told that each of you may have some involvement in this matter and may have records which pertain to this request. I need all documents described above by TOMORROW, May 21st, at noon. The DEP Division of Air is also gathering documents for this request.

If you have any questions or concerns, please call me at 850/488-1073 or Suncom 278-1073.

Kristine Roselius - DEP Office of Communications

Distribution:

To: Mark Latch TAL (LATCH_M@a1.epic6.dep.state.fl.us)
To: James Stevenson TAL (STEVENSON_J@a1.epic6.dep.state.fl.us)
To: Joseph Bakker TAL (BAKKER_J@a1)
To: Jeremy Tyler JAX (TYLER_J@a1.depjax.dep.state.fl.us)
CC: Catherine Arnold TAL (ARNOLD_C@a1.epic5.dep.state.fl.us)
CC: Joseph Kahn TAL (KAHN_J@a1)

5/20/99

Subpart LLL - National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry.

Sec.

GENERAL

- 63.1340 Applicability and designation of affected sources.
- 63.1341 Definitions.

EMISSION STANDARDS AND OPERATING LIMITS

- 63.1342 Standards: General.
- 63.1343 Standards for kilns and in-line kiln/raw mills.
- 63.1344 Operating limits for kilns and in-line kiln/raw mills.
- 63.1345 Standards for clinker coolers.
- 63.1346 Standards for new and reconstructed raw material dryers.
- 63.1347 Standards for raw and finish mills.
- 63.1348 Standards for affected sources other than kilns; in-line kiln raw mills; clinker coolers; new and reconstructed raw material dryers; and raw and finish mills.

MONITORING AND COMPLIANCE PROVISIONS

- 63.1349 Performance testing requirements.
- 63.1350 Monitoring requirements.
- 63.1351 Compliance dates.
- 63.1352 Additional test methods.

NOTIFICATION, REPORTING AND RECORDKEEPING

- 63.1353 Notification requirements.
- 63.1354 Reporting requirements.
- 63.1355 Recordkeeping requirements.

OTHER

- 63.1356 Exemption from new source performance standards.
- 63.1357 Temporary, conditioned exemption from particulate and opacity standards.
- 63.1358 Delegation of authority.
- 63.1359[Reserved]

Subpart LLL - National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry

GENERAL

§63.1340 Applicability and designation of affected sources.

(a) Except as specified in paragraphs (b) and (c) of this section, the provisions of this subpart apply to each new and existing portland cement plant which is a major source or an area source as defined in §63.2.

(b) The affected sources subject to this subpart are:

- (1) Each kiln and each in-line kiln/raw mill at any major or area source, including alkali bypasses, except for kilns and in-line kiln/raw mills that burn hazardous waste and are subject to and regulated under subpart EEE of this part;
- (2) Each clinker cooler at any portland cement plant which is a major source;
- (3) Each raw mill at any portland cement plant which is a major source;
- (4) Each finish mill at any portland cement plant which is a major source;
- (5) Each raw material dryer at any portland cement plant which is a major source and each greenfield raw material dryer at any portland cement plant which is a major or area source;
- (6) Each raw material, clinker, or finished product storage bin at any portland cement plant which is a major source;
- (7) Each conveying system transfer point at any portland cement plant which is a major source;

- (8) Each bagging system at any portland cement plant which is a major source; and
- (9) Each bulk loading or unloading system at any portland cement plant which is a major source.

(c) For portland cement plants with on-site nonmetallic mineral processing facilities, the first affected source in the sequence of materials handling operations subject to this subpart is the raw material storage, which is just prior to the raw mill. The primary and secondary crushers and any other equipment of the on-site nonmetallic mineral processing plant which precedes the raw material storage are not subject to this subpart. Furthermore, the first conveyor transfer point subject to this subpart is the transfer point associated with the conveyor transferring material from the raw material storage to the raw mill.

(d) The owner or operator of any affected source subject to the provisions of this subpart is subject to title V permitting requirements.

§63.1341 Definitions.

All terms used in this subpart that are not defined below have the meaning given to them in the CAA and in subpart A of this part.

Alkali bypass means a duct between the feed end of the kiln and the preheater tower through which a portion of the kiln exit gas stream is withdrawn and quickly cooled by air or water to avoid excessive buildup of alkali, chloride and/or sulfur on the raw feed. This may also be referred to as the "kiln exhaust gas bypass".

Bagging system means the equipment which fills bags with portland cement.

Clinker cooler means equipment into which clinker product leaving the kiln is placed to be cooled by air supplied by a forced draft or natural draft supply system.

Continuous monitor means a device which continuously samples the regulated parameter specified in §63.1350 of this subpart without interruption, evaluates the detector response at least once every 15 seconds, and computes and records the average value at least every 60 seconds, except during allowable periods of calibration and except as defined otherwise by the continuous emission monitoring system performance specifications in appendix B to part 60 of this chapter.

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

Conveying system transfer point means a point where any material including but not limited to feed material, fuel, clinker or product, is transferred to or from a conveying system, or between separate parts of a conveying system.

Dioxins and furans (D/F) means tetra-, penta-, hexa-, hepta-, and octa- chlorinated dibenzo dioxins and furans.

Facility means all contiguous or adjoining property that is under common ownership or control, including properties that are separated only by a road or other public right-of-way.

Feed means the prepared and mixed materials, which include but are not limited to materials such as limestone, clay, shale, sand, iron ore, mill scale, cement kiln dust and flyash, that are fed to the kiln. Feed does not include the fuels used in the kiln to produce heat to form the clinker product.

Finish mill means a roll crusher, ball and tube mill or other size reduction equipment used to grind clinker to a fine powder. Gypsum and other materials may be added to and blended with clinker in a finish mill. The finish mill also includes the air separator associated with the finish mill.

Greenfield kiln, in-line kiln/raw mill, or raw material dryer means a kiln, in-line kiln/raw mill, or raw material dryer for which construction is commenced at a plant site (where no kilns and no in-line kiln/raw mills were in operation at any time prior to March 24, 1998) after March 24, 1998.

Hazardous waste is defined in §261.3 of this chapter.

In-line kiln/raw mill means a system in a portland cement production process where a dry kiln system is integrated with the raw mill so that all or a portion of the kiln exhaust gases are used to perform the drying

operation of the raw mill, with no auxiliary heat source used. In this system the kiln is capable of operating without the raw mill operating, but the raw mill cannot operate without the kiln gases, and consequently, the raw mill does not generate a separate exhaust gas stream.

Kiln means a device, including any associated preheater or precalciner devices, that produces clinker by heating limestone and other materials for subsequent production of portland cement.

Kiln exhaust gas bypass means alkali bypass.

Monovent means an exhaust configuration of a building or emission control device (e. g. positive pressure fabric filter) that extends the length of the structure and has a width very small in relation to its length (i. e., length to width ratio is typically greater than 5:1). The exhaust may be an open vent with or without a roof, louvered vents, or a combination of such features.

New brownfield kiln, in-line kiln raw mill, or raw material dryer means a kiln, in-line kiln/raw mill or raw material dryer for which construction is commenced at a plant site (where kilns and/or in-line kiln/raw mills were in operation prior to March 24, 1998) after March 24, 1998.

One-minute average means the average of thermocouple or other sensor responses calculated at least every 60 seconds from responses obtained at least once during each consecutive 15 second period.

Portland cement plant means any facility manufacturing portland cement.

Raw material dryer means an impact dryer, drum dryer, paddle-equipped rapid dryer, air separator, or other equipment used to reduce the moisture content of feed materials.

Raw mill means a ball and tube mill, vertical roller mill or other size reduction equipment, that is not part of an in-line kiln/raw mill, used to grind feed to the appropriate size. Moisture may be added or removed from the feed during the grinding operation. If the raw mill is used to remove moisture from feed materials, it is also, by definition, a raw material dryer. The raw mill also includes the air separator associated with the raw mill.

Rolling average means the average of all one-minute averages over the averaging period.

Run average means the average of the one-minute parameter values for a run.

TEQ means the international method of expressing toxicity equivalents for dioxins and furans as defined in U.S. EPA, Interim Procedures for Estimating Risks Associated with Exposures to Mixtures of Chlorinated Dibenzo-p-dioxins and -dibenzofurans (CDDs and CDFs) and 1989 Update, March 1989.

EMISSION STANDARDS AND OPERATING LIMITS

§63.1342 Standards: General.

(a) Table 1 to this subpart provides cross references to the 40 CFR part 63, subpart A, general provisions, indicating the applicability of the general provisions requirements to subpart LLL.

(b) Table 1 of this section provides a summary of emission limits and operating limits of this subpart.

CHANGE
PER CINDY'S
6/1 REVISION

Table 1 to §63.1342. Emission Limits and Operating Limits.

Affected Source	Pollutant or Opacity	Emission and Operating Limit
All kilns and in-line kiln/raw mills at major sources (including alkali bypass)	PM	0.15 kg/Mg of feed (dry basis)
	Opacity	20 percent
All kilns and in-line kiln/raw mills at major and area sources (including alkali bypass)	D/F	<p>0.20 ng TEQ/dscm or 0.40 ng TEQ/dscm when the average of the performance test run average particulate matter control device (PMCD) inlet temperatures is 204° C or less. [Corrected to 7 percent oxygen]</p> <p>Operate such that the three-hour rolling average PMCD inlet temperature is no greater than the temperature established at performance test. If activated carbon injection is used: Operate such that the three-hour rolling average activated carbon injection rate is no less than rate established at performance test. Operate such that either the carrier gas flow rate or carrier gas pressure drop exceeds the value established at performance test. Inject carbon of equivalent specifications to that used at performance test.</p>
New greenfield kilns and in-line kiln/raw mills at major and area sources	THC	50 ppmvd, as propane, corrected to 7 percent oxygen
All clinker coolers at major sources	PM	0.050 kg/Mg of feed (dry basis)
	Opacity	10 percent
All raw mills and finish mills at major sources	Opacity	10 percent
New greenfield raw material dryers at major and area sources	THC	50 ppmvd, as propane, corrected to 7 percent oxygen
All raw material dryers and material handling points at major sources	Opacity	10 percent

§63.1343 Standards for kilns and in-line kiln/raw mills.

(a) *General.* The provisions in this section apply to each kiln, each in-line kiln/raw mill, and any alkali bypass associated with that kiln or in-line kiln/raw mill.

(b) *Existing, reconstructed, or new brownfield/major sources.* No owner or operator of an existing, reconstructed or new brownfield kiln or an existing, reconstructed or new brownfield in-line kiln/raw mill at a facility that is a major source subject to the provisions of this subpart shall cause to be discharged into the atmosphere from these affected sources, any gases which:

(1) Contain particulate matter (PM) in excess of 0.15 kg per Mg (0.30 lb per ton) of feed (dry basis) to the kiln. When there is an alkali bypass associated with a kiln or in-line kiln/raw mill, the combined particulate matter emissions from the kiln or in-line kiln/raw mill and the alkali bypass are subject to this emission limit.

(2) Exhibit opacity greater than 20 percent.

(3) Contain D/F in excess of:

(i) 0.20 ng per dscm (8.7×10^{-11} gr per dscf)(TEQ) corrected to seven percent oxygen; or

(ii) 0.40 ng per dscm (1.7×10^{-10} gr per dscf)(TEQ) corrected to seven percent oxygen, when

the average of the performance test run average temperatures at the inlet to the particulate matter control device is 204° C (400° F) or less.

(c) *Greenfield/major sources.* No owner or operator that commences construction of a greenfield kiln or greenfield inline kiln/raw mill at a facility which is a major source subject to the provisions of this subpart shall cause to be discharged into the atmosphere from these affected sources any gases which:

(1) Contain particulate matter in excess of 0.15 kg per Mg (0.30 lb per ton) of feed (dry basis) to the kiln. When there is an alkali bypass associated with a kiln or in-line kiln/raw mill, the combined particulate matter emissions from the kiln or in-line kiln/raw mill and the bypass stack are subject to this emission limit.

(2) Exhibit opacity greater than 20 percent.

(3) Contain D/F in excess of:

(i) 0.20 ng per dscm (8.7×10^{-11} gr per dscf)(TEQ) corrected to seven percent oxygen; or

(ii) 0.40 ng per dscm (1.7×10^{-10} gr per dscf)(TEQ) corrected to seven percent oxygen, when

the average of the performance test run average temperatures at the inlet to the particulate matter control device is 204° C (400° F) or less.

(4) Contain total hydrocarbon (THC), from the main exhaust of the kiln or in-line kiln/raw mill, in excess of 50 ppmvd as propane, corrected to seven percent oxygen.

(d) *Existing, reconstructed, or new brownfield/area sources.* No owner or operator of an existing, reconstructed, or new brownfield kiln or an existing, reconstructed or new brownfield in-line kiln/raw mill at a facility that is an area source subject to the provisions of this subpart shall cause to be discharged into the atmosphere from these affected sources any gases which contain D/F in excess of:

(1) 0.20 ng per dscm (8.7×10^{-11} gr per dscf)(TEQ) corrected to seven percent oxygen; or

(2) 0.40 ng per dscm (1.7×10^{-10} gr per dscf)(TEQ) corrected to seven percent oxygen, when the

average of the performance test run average temperatures at the inlet to the particulate matter control device is 204° C (400° F) or less.

(e) *Greenfield/area sources.* No owner or operator of a greenfield kiln or a greenfield in-line kiln/raw mill at a facility that is an area source subject to the provisions of this subpart shall cause to be discharged into the atmosphere from these affected sources any gases which:

(1) Contain D/F in excess of:

(i) 0.20 ng per dscm (8.7×10^{-11} gr per dscf)(TEQ) corrected to seven percent oxygen; or

(ii) 0.40 ng per dscm (1.7×10^{-10} gr per dscf)(TEQ) corrected to seven percent oxygen, when the average of the performance test run average temperatures at the inlet to the particulate matter control device is 204° C (400° F) or less.

(2) Contain THC, from the main exhaust of the kiln or in-line kiln/raw mill, in excess of 50 ppmvd as propane, corrected to seven percent oxygen.

§63.1344 Operating Limits for kilns and in-line kiln/raw mills.

(a) The owner or operator of a kiln subject to a D/F emission limitation under §63.1343 must operate the kiln such that the temperature of the gas at the inlet to the kiln particulate matter control device (PMCD) and alkali bypass PMCD, if applicable, does not exceed the applicable temperature limit specified in paragraph (b) of this section. The owner or operator of an in-line kiln/raw mill subject to a D/F emission limitation under §63.1343 must operate the in-line kiln/raw mill, such that,

(1) When the raw mill of the in-line kiln/raw mill is operating, the applicable temperature limit for the main in-line kiln/raw mill exhaust, specified in paragraph (b) of this section and established during the performance test when the raw mill was operating is not exceeded.

(2) When the raw mill of the in-line kiln/raw mill is not operating, the applicable temperature limit for the main in-line kiln/raw mill exhaust, specified in paragraph (b) of this section and established during the performance test when the raw mill was not operating, is not exceeded.

(3) If the in-line kiln/raw mill is equipped with an alkali bypass, the applicable temperature limit for the alkali bypass, specified in paragraph (b) of this section and established during the performance test when the raw mill was operating, is not exceeded.

(b) The temperature limit for affected sources meeting the limits of paragraph (a) of this section or paragraphs (a)(1) through (a)(3) of this section is determined in accordance with §63.1349(b)(3)(iv).

(c) The owner or operator of an affected source subject to a D/F emission limitation under §63.1343 that employs carbon injection as an emission control technique must operate the carbon injection system in accordance with paragraphs (c)(1) and (c)(2) of this section.

(1) The three-hour rolling average activated carbon injection rate shall be equal to or greater than the activated carbon injection rate determined in accordance with §63.1349(b)(3)(vi).

(2) The owner or operator shall either:

(i) Maintain the minimum activated carbon injection carrier gas flow rate, as a three-hour rolling average, based on the manufacturer's specifications. These specifications must be documented in the test plan developed in accordance with §63.7(c) of this part, or

(ii) Maintain the minimum activated carbon injection carrier gas pressure drop, as a three-hour rolling average, based on the manufacturer's specifications. These specifications must be documented in the test plan developed in accordance with §63.7(c).

(d) Except as provided in paragraph (e) of this section, the owner or operator of an affected source subject to a D/F emission limitation under §63.1343 that employs carbon injection as an emission control technique must specify and use the brand and type of activated carbon used during the performance test until a subsequent performance test is conducted, unless the site-specific performance test plan contains documentation of key parameters that affect adsorption and the owner or operator establishes limits based on those parameters, and the limits on these parameters are maintained.

(e) The owner or operator of an affected source subject to a D/F emission limitation under §63.1343 that employs carbon injection as an emission control technique may substitute, at any time, a different brand or type of activated carbon provided that the replacement has equivalent or improved properties compared to the activated carbon specified in the site-specific performance test plan and used in the performance test. The

owner or operator must maintain documentation that the substitute activated carbon will provide the same or better level of control as the original activated carbon.

§63.1345 Standards for clinker coolers.

(a) No owner or operator of a new or existing clinker cooler at a facility which is a major source subject to the provisions of this subpart shall cause to be discharged into the atmosphere from the clinker cooler any gases which:

- (1) Contain particulate matter in excess of 0.050 kg per Mg (0.10 lb per ton) of feed (dry basis) to the kiln.
- (2) Exhibit opacity greater than ten percent.

(b) [Reserved]

§63.1346 Standards for new and reconstructed raw material dryers.

(a) *Brownfield/major sources.* No owner or operator of a new or reconstructed brownfield raw material dryer at a facility which is a major source subject to this subpart shall cause to be discharged into the atmosphere from the new or reconstructed raw material dryer any gases which exhibit opacity greater than ten percent.

(b) *Greenfield/area sources.* No owner or operator of a greenfield raw material dryer at a facility which is an area source subject to this subpart shall cause to be discharged into the atmosphere from the greenfield raw material dryer any gases which contain THC in excess of 50 ppmvd, reported as propane, corrected to seven percent oxygen.

(c) *Greenfield/major sources.* No owner or operator of a greenfield raw material dryer at a facility which is a major source subject to this subpart shall cause to be discharged into the atmosphere from the greenfield raw material dryer any gases which:

- (1) Contain THC in excess of 50 ppmvd, reported as propane, corrected to seven percent oxygen.
- (2) Exhibit opacity greater than ten percent.

§63.1347 Standards for raw and finish mills.

The owner or operator of each new or existing raw mill or finish mill at a facility which is a major source subject to the provisions of this subpart shall not cause to be discharged from the mill sweep or air separator air pollution control devices of these affected sources any gases which exhibit opacity in excess of ten percent.

§63.1348 Standards for affected sources other than kilns; in-line kiln/raw mills; clinker coolers; new and reconstructed raw material dryers; and raw and finish mills.

The owner or operator of each new or existing raw material, clinker, or finished product storage bin; conveying system transfer point; bagging system; and bulk loading or unloading system; and each existing raw material dryer, at a facility which is a major source subject to the provisions of this subpart shall not cause to be discharged any gases from these affected sources which exhibit opacity in excess of ten percent.

MONITORING AND COMPLIANCE PROVISIONS

§63.1349 Performance Testing Requirements.

(a) The owner or operator of an affected source subject to this subpart shall demonstrate initial compliance with the emission limits of §63.1343 and §§63.1345 through 63.1348 using the test methods and procedures in paragraph (b) of this section and §63.7. Performance test results shall be documented in complete test reports that contain the information required by paragraphs (a)(1) through (a)(10) of this section, as well as all other relevant information. The plan to be followed during testing shall be made available to the Administrator prior to testing, if requested.

- (1) A brief description of the process and the air pollution control system;
- (2) Sampling location description(s);
- (3) A description of sampling and analytical procedures and any modifications to standard procedures;
- (4) Test results;
- (5) Quality assurance procedures and results;
- (6) Records of operating conditions during the test, preparation of standards, and calibration procedures;
- (7) Raw data sheets for field sampling and field and laboratory analyses;
- (8) Documentation of calculations;
- (9) All data recorded and used to establish parameters for compliance monitoring; and
- (10) Any other information required by the test method.

(b) Performance tests to demonstrate initial compliance with this subpart shall be conducted as specified in paragraphs (b)(1) through (b)(4) of this section.

(1) The owner or operator of a kiln subject to limitations on particulate matter emissions shall demonstrate initial compliance by conducting a performance test as specified in paragraphs (b)(1)(i) through (b)(1)(iv) of this section. The owner or operator of an in-line kiln/raw mill subject to limitations on particulate matter emissions shall demonstrate initial compliance by conducting separate performance tests as specified in paragraphs (b)(1)(i) through (b)(1)(iv) of this section while the raw mill of the in-line kiln/raw mill is under normal operating conditions and while the raw mill of the in-line kiln/raw mill is not operating. The owner or operator of a clinker cooler subject to limitations on particulate matter emissions shall demonstrate initial compliance by conducting a performance test as specified in paragraphs (b)(1)(i) through (b)(1)(iii) of this section. The opacity exhibited during the period of the Method 5 of Appendix A to part 60 of this chapter performance tests required by paragraph (b)(1)(i) of this section shall be determined as required in paragraphs (b)(1)(v) through (vi) of this section.

(i) EPA Method 5 of appendix A to part 60 of this chapter shall be used to determine PM emissions. Each performance test shall consist of three separate runs under the conditions that exist when the affected source is operating at the highest load or capacity level reasonably expected to occur. Each run shall be conducted for at least one hour, and the minimum sample volume shall be 0.85 dscm (30 dscf). The average of the three runs shall be used to determine compliance. A determination of the particulate matter collected in the impingers ("back half") of the Method 5 particulate sampling train is not required to demonstrate initial compliance with the PM standards of this subpart. However this shall not preclude the permitting authority from requiring a determination of the "back half" for other purposes.

(ii) Suitable methods shall be used to determine the kiln or inline kiln/raw mill feed rate, except for fuels, for each run.

(iii) The emission rate, E, of PM shall be computed for each run using equation 1:

$$E = (c_s Q_{sd}) / P \quad (\text{Eq 1})$$

Where: E = emission rate of particulate matter, kg/Mg of kiln feed.

c_s = concentration of PM, kg/dscm.

Q_{sd} = volumetric flow rate of effluent gas, dscm/hr.

P = total kiln feed (dry basis), Mg/hr.

(iv) When there is an alkali bypass associated with a kiln or in-line kiln/raw mill, the main exhaust and alkali bypass of the kiln or in-line kiln/raw mill shall be tested simultaneously and the combined emission rate of particulate matter from the kiln or in-line kiln/raw mill and alkali bypass shall be computed for each run using equation 2,

$$E_c = (c_{sk}Q_{sdk} + c_{sb}Q_{sdb})/P \quad (\text{Eq 2})$$

Where: E_c = the combined emission rate of particulate matter from the kiln or in-line kiln/raw mill and bypass stack, kg/Mg of kiln feed.

c_{sk} = concentration of particulate matter in the kiln or in-line kiln/raw mill effluent, kg/dscm.

Q_{sdk} = volumetric flow rate of kiln or in-line kiln/raw mill effluent, dscm/hr.

c_{sb} = concentration of particulate matter in the alkali bypass gas, kg/dscm.

Q_{sdb} = volumetric flow rate of alkali bypass gas, dscm/hr.

P = total kiln feed (dry basis), Mg/hr.

(v) Except as provided in paragraph (b)(1)(vi) of this section the opacity exhibited during the period of the Method 5 performance tests required by paragraph (b)(1)(i) of this section shall be determined through the use of a continuous opacity monitor (COM). The maximum six-minute average opacity during the three Method 5 test runs shall be determined during each Method 5 test run, and used to demonstrate initial compliance with the applicable opacity limits of §63.1343(b)(2), §63.1343(c)(2), or §63.1345(a)(2).

(vi) Each owner or operator of a kiln, in-line kiln/raw mill, or clinker cooler subject to the provisions of this subpart using a fabric filter with multiple stacks or an electrostatic precipitator with multiple stacks may, in lieu of installing the continuous opacity monitoring system required by paragraph (b)(1)(v) of this section, conduct an opacity test in accordance with Method 9 of appendix A to part 60 of this chapter during each Method 5 performance test required by paragraph (b)(1)(i) of this section. If the control device exhausts through a monovent, or if the use of a COM in accordance with the installation specifications of Performance Specification 1 (PS-1) of appendix B to part 60 of this chapter is not feasible, a test shall be conducted in accordance with Method 9 of appendix A to part 60 of this chapter during each Method 5 performance test required by paragraph (b)(1)(i) of this section. The maximum six-minute average opacity shall be determined during the three Method 5 test runs, and used to demonstrate initial compliance with the applicable opacity limits of §63.1343(b)(2), §63.1343(c)(2), or §63.1345(a)(2).

(2) The owner or operator of any affected source subject to limitations on opacity under this subpart that is not subject to paragraph (b)(1) of this section shall demonstrate initial compliance with the affected source opacity limit by conducting a test in accordance with Method 9 of appendix A to part 60 of this chapter. The performance test shall be conducted under the conditions that exist when the affected source is operating at the highest load or capacity level reasonably expected to occur. The maximum six-minute average opacity exhibited during the test period shall be used to determine whether the affected source is in initial compliance with the standard. The duration of the Method 9 performance test shall be 3-hours (30 6-minute averages), except that the duration of the Method 9 performance test may be reduced to 1-hour if the conditions of paragraphs (b)(2)(i) through (ii) of the section apply:

(i) There are no individual readings greater than 10 percent opacity;

(ii) There are no more than three readings of 10 percent for the first 1-hour period.

(3) The owner or operator of an affected source subject to limitations on D/F emissions shall demonstrate initial compliance with the D/F emission limit by conducting a performance test using Method 23 of appendix A to part 60 of this chapter. The owner or operator of an in-line kiln/raw mill shall demonstrate initial compliance by conducting separate performance tests while the raw mill of the in-line kiln/raw mill is under normal operating conditions and while the raw mill of the in-line kiln/raw mill is not operating. The owner or operator of a kiln or in-line kiln/raw mill equipped with an alkali bypass shall conduct simultaneous performance tests of the kiln or in-line kiln/raw mill exhaust and the alkali bypass,

however the owner or operator of an in-line kiln/raw mill is not required to conduct a performance test of the alkali bypass exhaust when the raw mill of the in-line kiln/raw mill is not operating.

(i) Each performance test shall consist of three separate runs; each run shall be conducted under the conditions that exist when the affected source is operating at the highest load or capacity level reasonably expected to occur. The duration of each run shall be at least three hours and the sample volume for each run shall be at least 2.5 dscm (90 dscf). The concentration shall be determined for each run and the arithmetic average of the concentrations measured for the three runs shall be calculated and used to determine compliance.

(ii) The temperature at the inlet to the kiln or in-line kiln/raw mill PMCD, and where applicable, the temperature at the inlet to the alkali bypass PMCD, must be continuously recorded during the period of the Method 23 test, and the continuous temperature record(s) must be included in the performance test report.

(iii) One-minute average temperatures must be calculated for each minute of each run of the test.

(iv) The run average temperature must be calculated for each run, and the average of the run average temperatures must be determined and included in the performance test report and will determine the applicable temperature limit in accordance with §63.1344(b).

(v) If activated carbon injection is used for D/F control, the rate of activated carbon injection to the kiln or in-line kiln/raw mill exhaust, and where applicable, the rate of activated carbon injection to the alkali bypass exhaust, must be continuously recorded during the period of the Method 23 test, and the continuous injection rate record(s) must be included in the performance test report. In addition, the performance test report must include the brand and type of activated carbon used during the performance test and a continuous record of either the carrier gas flow rate or the carrier gas pressure drop for the duration of the test. Activated carbon injection rate parameters must be determined in accordance with paragraphs (b)(3)(vi) of this section.

(vi) The run average injection rate must be calculated for each run, and the average of the run average injection rates must be determined and included in the performance test report and will determine the applicable injection rate limit in accordance with §63.1344(c)(1).

(4) The owner or operator of an affected source subject to limitations on emissions of THC shall demonstrate initial compliance with the THC limit by operating a continuous emission monitor in accordance with Performance Specification 8A of appendix B to part 60 of this chapter. The duration of the performance test shall be three hours, and the average THC concentration (as calculated from the one-minute averages) during the three hour performance test shall be calculated. The owner or operator of an in-line kiln/raw mill shall demonstrate initial compliance by conducting separate performance tests while the raw mill of the in-line kiln/raw mill is under normal operating conditions and while the raw mill of the in-line kiln/raw mill is not operating.

(c) Except as provided in paragraph (e) of this section, performance tests required under paragraphs (b)(1) and (b)(2) of this section shall be repeated every five years, except that the owner or operator of a kiln, in-line kiln/raw mill or clinker cooler is not required to repeat the initial performance test of opacity for the kiln, in-line kiln/raw mill or clinker cooler.

(d) Performance tests required under paragraph (b)(3) of this section shall be repeated every 30 months.

(e) The owner or operator is required to repeat the performance tests for kilns or in-line kiln/raw mills as specified in paragraphs (b)(1) and (b)(3) of this section within 90 days of initiating any significant change in the feed or fuel from that used in the previous performance test.

(f) Table 1 of this section provides a summary of the performance test requirements of this subpart.

TABLE 1 to §63.1349. SUMMARY OF PERFORMANCE TEST REQUIREMENTS

Affected source and pollutant	Performance Test
New and existing kiln and in-line kiln/raw mill ^{b,c} PM	EPA Method 5 ^a
New and existing kiln and in-line kiln/raw mill ^{b,c} Opacity	COM if feasible ^{d,e} or EPA Method 9 visual opacity readings.
New and existing kiln and in-line kiln/raw mill ^{b,c,f,g} D/F	EPA Method 23 ^h
New greenfield kiln and in-line kiln/raw mill ^c THC	THC CEM (EPA PS-8A) ⁱ
New and existing clinker cooler PM	EPA Method 5 ^a
New and existing clinker cooler opacity	COM ^{d,j} or EPA Method 9 visual opacity readings
New and existing raw and finish mill opacity	EPA Method 9 ^{a,j}
New and existing raw material dryer and materials handling processes (raw material storage, clinker storage, finished product storage, conveyor transfer points, bagging, and bulk loading and unloading systems) opacity	EPA Method 9 ^{a,j}
New greenfield raw material dryer THC	THC CEM (EPA PS-8A) ⁱ

^a Required initially and every 5 years thereafter.

^b Includes main exhaust and alkali bypass.

^c In-line kiln/raw mill to be tested with and without raw mill in operation.

^d Must meet COM performance specification criteria. If the fabric filter or electrostatic precipitator has multiple stacks, daily EPA Method 9 visual opacity readings may be taken instead of using a COM.

^e Opacity limit is 20 percent.

^f Alkali bypass is tested with the raw mill on.

^g Temperature and (if applicable) activated carbon injection parameters determined separately with and without the raw mill operating.

^h Required initially and every 30 months thereafter.

ⁱ EPA Performance Specification (PS)-8A of appendix B to 40 CFR part 60.

^j Opacity limit is 10 percent.

§63.1350 Monitoring requirements.

(a) The owner or operator of each portland cement plant shall prepare for each affected source subject to the provisions of this subpart, a written operations and maintenance plan. The plan shall be submitted to the Administrator for review and approval as part of the application for a part 70 permit and shall include the following information:

(1) Procedures for proper operation and maintenance of the affected source and air pollution control devices in order to meet the emission limits and operating limits of §§63.1343 through 63.1348;

(2) Corrective actions to be taken when required by paragraph (e) of this section;

(3) Procedures to be used during an inspection of the components of the combustion system of each kiln and each in-line kiln raw mill located at the facility at least once per year; and

(4) Procedures to be used to periodically monitor affected sources subject to opacity standards under §§63.1346 and 63.1348. Such procedures must include the provisions of paragraphs (a)(4)(i) through (a)(4)(iv) of this section.

(i) The owner or operator must conduct a monthly 1-minute visible emissions test of each affected source in accordance with Method 22 of Appendix A to part 60 of this chapter. The test must be conducted while the affected source is in operation.

(ii) If no visible emissions are observed in six consecutive monthly tests for any affected source, the owner or operator may decrease the frequency of testing from monthly to semi-annually for that affected source. If visible emissions are observed during any semi-annual test, the owner or operator must resume testing of that affected source on a monthly basis and maintain that schedule until no visible emissions are observed in six consecutive monthly tests.

(iii) If no visible emissions are observed during the semi-annual test for any affected source, the owner or operator may decrease the frequency of testing from semi-annually to annually for that affected source. If visible emissions are observed during any annual test, the owner or operator must resume testing of that affected source on a monthly basis and maintain that schedule until no visible emissions are observed in six consecutive monthly tests.

(iv) If visible emissions are observed during any Method 22 test, the owner or operator must conduct a 6-minute test of opacity in accordance with Method 9 of appendix A to part 60 of this chapter. The Method 9 test must begin within one hour of any observation of visible emissions.

(b) Failure to comply with any provision of the operations and maintenance plan developed in accordance with paragraph (a) of this section shall be a violation of the standard.

(c) The owner or operator of a kiln or in-line kiln/raw mill shall monitor opacity at each point where emissions are vented from these affected sources including alkali bypasses in accordance with paragraphs (c)(1) through (c)(3) of this section.

(1) Except as provided in paragraph (c)(2) of this section, the owner or operator shall install, calibrate, maintain, and continuously operate a continuous opacity monitor (COM) located at the outlet of the PM control device to continuously monitor the opacity. The COM shall be installed, maintained, calibrated, and operated as required by subpart A, general provisions of this part, and according to PS-1 of appendix B to part 60 of this chapter.

(2) The owner or operator of a kiln or in-line kiln/raw mill subject to the provisions of this subpart using a fabric filter with multiple stacks or an electrostatic precipitator with multiple stacks may, in lieu of installing the continuous opacity monitoring system required by paragraph (c)(1) of this section, monitor opacity in accordance with paragraphs (c)(2)(i) through (ii) of this section. If the control device exhausts through a monovent, or if the use of a COM in accordance with the installation specifications of PS-1 of appendix B to part 60 of this chapter is not feasible, the owner or operator must monitor opacity in accordance with paragraphs (c)(2)(i) through (ii) of this section.

(i) Perform daily visual opacity observations of each stack in accordance with the procedures of Method 9 of appendix A of part 60 of this chapter. The Method 9 test shall be conducted while the affected

source is operating at the highest load or capacity level reasonably expected to occur within the day. The duration of the Method 9 test shall be at least 30 minutes each day.

(ii) Use the Method 9 procedures to monitor and record the average opacity for each six-minute period during the test.

(3) To remain in compliance, the opacity must be maintained such that the 6-minute average opacity for any 6-minute block period does not exceed 20 percent. If the average opacity for any 6-minute block period exceeds 20 percent, this shall constitute a violation of the standard.

(d) The owner or operator of a clinker cooler shall monitor opacity at each point where emissions are vented from the clinker cooler in accordance with paragraphs (d)(1) through (d)(3) of this section.

(1) Except as provided in paragraph (d)(2) of this section, the owner or operator shall install, calibrate, maintain, and continuously operate a COM located at the outlet of the clinker cooler PM control device to continuously monitor the opacity. The COM shall be installed, maintained, calibrated, and operated as required by subpart A, general provisions of this part, and according to PS-1 of appendix B to part 60 of this chapter.

(2) The owner or operator of a clinker cooler subject to the provisions of this subpart using a fabric filter with multiple stacks or an electrostatic precipitator with multiple stacks may, in lieu of installing the continuous opacity monitoring system required by paragraph (d)(1) of this section, monitor opacity in accordance with paragraphs (d)(2)(i) through (ii) of this section. If the control device exhausts through a monovent, or if the use of a COM in accordance with the installation specifications of PS-1 of appendix B to part 60 of this chapter is not feasible, the owner or operator must monitor opacity in accordance with paragraphs (d)(2)(i) through (ii) of this section.

(i) Perform daily visual opacity observations of each stack in accordance with the procedures of Method 9 of appendix A of part 60 of this chapter. The Method 9 test shall be conducted while the affected source is operating at the highest load or capacity level reasonably expected to occur within the day. The duration of the Method 9 test shall be at least 30 minutes each day.

(ii) Use the Method 9 procedures to monitor and record the average opacity for each six-minute period during the test.

(3) To remain in compliance, the opacity must be maintained such that the 6-minute average opacity for any 6-minute block period does not exceed 10 percent. If the average opacity for any 6-minute block period exceeds 10 percent, this shall constitute a violation of the standard.

(e) The owner or operator of a raw mill or finish mill shall monitor opacity by conducting daily visual emissions observations of the mill sweep and air separator PMCDs of these affected sources, in accordance with the procedures of Method 22 of appendix A of part 60 of this chapter. The Method 22 test shall be conducted while the affected source is operating at the highest load or capacity level reasonably expected to occur within the day. The duration of the Method 22 test shall be six minutes. If visible emissions are observed during any Method 22 visible emissions test, the owner or operator must:

(1) Initiate, within one-hour, the corrective actions specified in the site specific operating and maintenance plan developed in accordance with paragraphs (a)(1) and (a)(2) of this section; and

(2) Within 24 hours of the end of the Method 22 test in which visible emissions were observed, conduct a visual opacity test of each stack from which visible emissions were observed in accordance with Method 9 of appendix A of part 60 of this chapter. The duration of the Method 9 test shall be thirty minutes.

(f) The owner or operator of an affected source subject to a limitation on D/F emissions shall monitor D/F emissions in accordance with paragraphs (f)(1) through (f)(6) of this section.

(1) The owner or operator shall install, calibrate, maintain, and continuously operate a continuous monitor to record the temperature of the exhaust gases from the kiln, in-line kiln/raw mill and alkali bypass, if applicable, at the inlet to, or upstream of, the kiln, in-line kiln/raw mill and/or alkali bypass PM control devices.

(i) The recorder response range must include zero and 1.5 times either of the average temperatures established according to the requirements in §63.1349(b)(3)(iv).

(ii) The reference method must be a National Institute of Standards and Technology calibrated reference thermocouple-potentiometer system or alternate reference, subject to approval by the Administrator.

(2) The owner or operator shall monitor and continuously record the temperature of the exhaust gases from the kiln, in-line kiln/raw mill and alkali bypass, if applicable, at the inlet to the kiln, in-line kiln/raw mill and/or alkali bypass PMCD.

(3) The three-hour rolling average temperature shall be calculated as the average of 180 successive one-minute average temperatures.

(4) Periods of time when one-minute averages are not available shall be ignored when calculating three-hour rolling averages. When one-minute averages become available, the first one-minute average is added to the previous 179 values to calculate the three-hour rolling average.

(5) When the operating status of the raw mill of the in-line kiln/raw mill is changed from off to on, or from on to off the calculation of the three-hour rolling average temperature must begin anew, without considering previous recordings.

(6) The calibration of all thermocouples and other temperature sensors shall be verified at least once every three months.

(g) The owner or operator of an affected source subject to a limitation on D/F emissions that employs carbon injection as an emission control technique shall comply with the monitoring requirements of paragraphs (f)(1) through (f)(6) and (g)(1) through (g)(6) of this section to demonstrate continuous compliance with the D/F emission standard.

(1) Install, operate, calibrate and maintain a continuous monitor to record the rate of activated carbon injection. The accuracy of the rate measurement device must be ± 1 percent of the rate being measured.

(2) Verify the calibration of the device at least once every three months.

(3) The three-hour rolling average activated carbon injection rate shall be calculated as the average of 180 successive one-minute average activated carbon injection rates.

(4) Periods of time when one-minute averages are not available shall be ignored when calculating three-hour rolling averages. When one-minute averages become available, the first one-minute average is added to the previous 179 values to calculate the three-hour rolling average.

(5) When the operating status of the raw mill of the in-line kiln/raw mill is changed from off to on, or from on to off the calculation of the three-hour rolling average activated carbon injection rate must begin anew, without considering previous recordings.

(6) The owner or operator must install, operate, calibrate and maintain a continuous monitor to record the activated carbon injection system carrier gas parameter (either the carrier gas flow rate or the carrier gas pressure drop) established during the D/F performance test in accordance with paragraphs (g)(6)(i) through (g)(6)(iii) of this section.

(i) The owner or operator shall install, calibrate, operate and maintain a device to continuously monitor and record the parameter value.

(ii) The owner or operator must calculate and record three-hour rolling averages of the parameter value.

(iii) Periods of time when one-minute averages are not available shall be ignored when calculating three-hour rolling averages. When one-minute averages become available, the first one-minute average shall be added to the previous 179 values to calculate the three-hour rolling average.

(h) The owner or operator of an affected source subject to a limitation on THC emissions under this subpart shall comply with the monitoring requirements of paragraphs (h)(1) through (h)(3) of this section to demonstrate continuous compliance with the THC emission standard:

(1) The owner or operator shall install, operate and maintain a THC continuous emission monitoring system in accordance with Performance Specification 8A, of appendix B to part 60 of this chapter

and comply with all of the requirements for continuous monitoring systems found in the general provisions, subpart A of this part.

(2) The owner or operator is not required to calculate hourly rolling averages in accordance with section 4.9 of Performance Specification 8A.

(3) Any thirty-day block average THC concentration in any gas discharged from a greenfield raw material dryer, the main exhaust of a greenfield kiln, or the main exhaust of a greenfield in-line kiln/raw mill, exceeding 50 ppmvd, reported as propane, corrected to seven percent oxygen, is a violation of the standard.

(i) The owner or operator of any kiln or in-line kiln/raw mill subject to a D/F emission limit under this subpart shall conduct an inspection of the components of the combustion system of each kiln or in-line kiln raw mill at least once per year.

(j) The owner or operator of an affected source subject to a limitation on opacity under §63.1346 or §63.1348 shall monitor opacity in accordance with the operation and maintenance plan developed in accordance with paragraph (a) of this section.

(k) The owner or operator of an affected source subject to a particulate matter standard under §63.1343 shall install, calibrate, maintain and operate a particulate matter continuous emission monitoring system (PM CEMS) to measure the particulate matter discharged to the atmosphere. The compliance deadline for installing the PM CEMS and all requirements relating to performance of the PM CEMS and implementation of the PM CEMS requirement is deferred pending further rulemaking.

(l) An owner or operator may submit an application to the Administrator for approval of alternate monitoring requirements to demonstrate compliance with the emission standards of this subpart, except for emission standards for THC, subject to the provisions of paragraphs (l)(1) through (l)(6) of this section.

(1) The Administrator will not approve averaging periods other than those specified in this section, unless the owner or operator documents, using data or information, that the longer averaging period will ensure that emissions do not exceed levels achieved during the performance test over any increment of time equivalent to the time required to conduct three runs of the performance test.

(2) If the application to use an alternate monitoring requirement is approved, the owner or operator must continue to use the original monitoring requirement until approval is received to use another monitoring requirement.

(3) The owner or operator shall submit the application for approval of alternate monitoring requirements no later than the notification of performance test. The application must contain the information specified in paragraphs (l)(3)(i) through (l)(3)(iii) of this section:

(i) Data or information justifying the request, such as the technical or economic infeasibility, or the impracticality of using the required approach;

(ii) A description of the proposed alternative monitoring requirement, including the operating parameter to be monitored, the monitoring approach and technique, the averaging period for the limit, and how the limit is to be calculated; and

(iii) Data or information documenting that the alternative monitoring requirement would provide equivalent or better assurance of compliance with the relevant emission standard.

(4) The Administrator will notify the owner or operator of the approval or denial of the application within 90 calendar days after receipt of the original request, or within 60 calendar days of the receipt of any supplementary information, whichever is later. The Administrator will not approve an alternate monitoring application unless it would provide equivalent or better assurance of compliance with the relevant emission standard. Before disapproving any alternate monitoring application, the Administrator will provide:

(i) Notice of the information and findings upon which the intended disapproval is based; and

(ii) Notice of opportunity for the owner or operator to present additional supporting information before final action is taken on the application. This notice will specify how much additional time is allowed for the owner or operator to provide additional supporting information.

(5) The owner or operator is responsible for submitting any supporting information in a timely manner to enable the Administrator to consider the application prior to the performance test. Neither submittal of an application, nor the Administrator's failure to approve or disapprove the application relieves the owner or operator of the responsibility to comply with any provision of this subpart.

(6) The Administrator may decide at any time, on a case-by-case basis that additional or alternative operating limits, or alternative approaches to establishing operating limits, are necessary to demonstrate compliance with the emission standards of this subpart.

(m) A summary of the monitoring requirements of this subpart is given in Table 1 to this section.

Table 1 to §63.1350. Monitoring Requirements.

Affected Source/Pollutant or Opacity	Monitor Type/ Operation/Process	Monitoring Requirements
All affected sources	Operations and maintenance plan	Prepare written plan for all affected sources and control devices
All kilns and in-line kiln raw mills at major sources (including alkali bypass)/opacity	Continuous opacity monitor, if applicable	Install, calibrate, maintain and operate in accordance with general provisions and with PS-1
	Method 9 opacity test, if applicable	Daily test of at least 30-minutes, while kiln is at highest load or capacity level
Kilns and in-line kiln raw mills at major sources (including alkali bypass)/particulate matter	Particulate matter continuous emission monitoring system	Deferred
Kilns and in-line kiln raw mills at major and area sources (including alkali bypass)/ D/F	Combustion system inspection	Conduct annual inspection of components of combustion system
	Continuous temperature monitoring at PMCD inlet	Install, operate, calibrate and maintain continuous temperature monitoring and recording system; calculate three-hour rolling averages; verify temperature sensor calibration at least quarterly
Kilns and in-line kiln raw mills at major and area sources (including alkali bypass)/ D/F (continued)	Activated carbon injection rate monitor, if applicable	Install, operate, calibrate and maintain continuous activated carbon injection rate monitor; calculate three-hour rolling averages; verify calibration at least quarterly; install, operate, calibrate and maintain carrier gas flow rate monitor or carrier gas pressure drop monitor; calculate three-hour rolling averages; document carbon specifications
New greenfield kilns and in-line kiln raw mills at major and area sources/THC	Total hydrocarbon continuous emission monitor	Install, operate, and maintain THC CEM in accordance with PS-8A; calculate 30-day block average THC concentration
Clinker coolers at major sources/opacity	Continuous opacity monitor, if applicable	Install, calibrate, maintain and operate in accordance with general provisions and with PS-1
	Method 9 opacity test, if applicable	Daily test of at least 30-minutes, while kiln is at highest load or capacity level.
Raw mills and finish mills at major sources/opacity	Method 22 visible emissions test	Conduct daily 6-minute Method 22 visible emissions test while mill is operating at highest load or capacity level; if visible emissions are observed, initiate corrective action within one hour and conduct 30-minute Method 9 test within 24 hours
New greenfield raw material dryers at major and area sources/THC	Total hydrocarbon continuous emission monitor	Install, operate, and maintain THC CEM in accordance with PS-8A; calculate 30-day block average THC concentration
Raw material dryers: raw material, clinker, finished product storage bins; conveying system transfer points; bagging systems; and bulk loading and unloading systems at major sources/opacity	Method 22 visible emissions test	As specified in operation and maintenance plan

§63.1351 Compliance dates.

(a) The compliance date for an owner or operator of an existing affected source subject to the provisions of this subpart is ~~[insert date 3 years from publication in the FEDERAL REGISTER]~~.

~~(b) The compliance date for an owner or operator of an affected source subject to the provisions of this subpart that commences new construction or reconstruction after March 24, 1998 is [Insert date of publication in the FEDERAL REGISTER] or immediately upon startup of operations, whichever is later.~~

63.1352 Additional Test Methods.

(a) Owners or operators conducting tests to determine the rates of emission of hydrogen chloride (HCl) from kilns, in-line kiln/raw mills and associated bypass stacks at portland cement manufacturing facilities, for use in applicability determinations under §63.1340 are permitted to use Method 320 or Method 321 of appendix A of this part.

(b) Owners or operators conducting tests to determine the rates of emission of hydrogen chloride (HCl) from kilns, in-line kiln/raw mills and associated bypass stacks at portland cement manufacturing facilities, for use in applicability determinations under §63.1340 are permitted to use Methods 26 or 26A of appendix A to part 60 of this chapter, except that the results of these tests shall not be used to establish status as an area source.

(c) Owners or operators conducting tests to determine the rates of emission of specific organic HAP from raw material dryers, kilns and in-line kiln/raw mills at portland cement manufacturing facilities, for use in applicability determinations under §63.1340 of this subpart are permitted to use Method 320 of appendix A to this part, or Method 18 of appendix A to part 60 of this chapter.

NOTIFICATION, REPORTING AND RECORDKEEPING

§63.1353 Notification requirements.

(a) The notification provisions of 40 CFR part 63, subpart A that apply and those that do not apply to owners and operators of affected sources subject to this subpart are listed in Table 1 of this subpart. If any State requires a notice that contains all of the information required in a notification listed in this section, the owner or operator may send the Administrator a copy of the notice sent to the State to satisfy the requirements of this section for that notification.

(b) Each owner or operator subject to the requirements of this subpart shall comply with the notification requirements in §63.9 as follows:

(1) Initial notifications as required by §63.9(b) through (d). For the purposes of this subpart, a Title V or 40 CFR part 70 permit application may be used in lieu of the initial notification required under §63.9(b), provided the same information is contained in the permit application as required by §63.9(b), and the State to which the permit application has been submitted has an approved operating permit program under part 70 of this chapter and has received delegation of authority from the EPA. Permit applications shall be submitted by the same due dates as those specified for the initial notification.

(2) Notification of performance tests, as required by §§63.7 and 63.9(e).

(3) Notification of opacity and visible emission observations required by §63.1349 in accordance with §§63.6(h)(5) and 63.9(f).

(4) Notification, as required by §63.9(g), of the date that the continuous emission monitor performance evaluation required by §63.8(e) of this part is scheduled to begin.

(5) Notification of compliance status, as required by §63.9(h).

§63.1354 Reporting requirements.

(a) The reporting provisions of subpart A of this part that apply and those that do not apply to owners or operators of affected sources subject to this subpart are listed in Table 1 of this subpart. If any State requires a report that contains all of the information required in a report listed in this section, the owner or operator may send the Administrator a copy of the report sent to the State to satisfy the requirements of this section for that report.

(b) The owner or operator of an affected source shall comply with the reporting requirements specified in §63.10 of the general provisions of this part 63, subpart A as follows:

(1) As required by §63.10(d)(2), the owner or operator shall report the results of performance tests as part of the notification of compliance status.

(2) As required by §63.10(d)(3), the owner or operator of an affected source shall report the opacity results from tests required by §63.1349.

(3) As required by §63.10(d)(4), the owner or operator of an affected source who is required to submit progress reports as a condition of receiving an extension of compliance under §63.6(i) shall submit such reports by the dates specified in the written extension of compliance.

(4) As required by §63.10(d)(5), if actions taken by an owner or operator during a startup, shutdown, or malfunction of an affected source (including actions taken to correct a malfunction) are consistent with the procedures specified in the source's startup, shutdown, and malfunction plan specified in §63.6(e)(3), the owner or operator shall state such information in a semiannual report. Reports shall only be required if a startup, shutdown, or malfunction occurred during the reporting period. The startup, shutdown, and malfunction report may be submitted simultaneously with the excess emissions and continuous monitoring system performance reports; and

(5) Any time an action taken by an owner or operator during a startup, shutdown, or malfunction (including actions taken to correct a malfunction) is not consistent with the procedures in the startup, shutdown, and malfunction plan, the owner or operator shall make an immediate report of the actions taken for that event within 2 working days, by telephone call or facsimile (FAX) transmission. The immediate report shall be followed by a letter, certified by the owner or operator or other responsible official, explaining the circumstances of the event, the reasons for not following the startup, shutdown, and malfunction plan, and whether any excess emissions and/or parameter monitoring exceedances are believed to have occurred.

(6) As required by §63.10(e)(2), the owner or operator shall submit a written report of the results of the performance evaluation for the continuous monitoring system required by §63.8(e). The owner or operator shall submit the report simultaneously with the results of the performance test.

(7) As required by §63.10(e)(2), the owner or operator of an affected source using a continuous opacity monitoring system to determine opacity compliance during any performance test required under §63.7 and described in §63.6(d)(6) shall report the results of the continuous opacity monitoring system performance evaluation conducted under §63.8(e).

(8) As required by §63.10(e)(3), the owner or operator of an affected source equipped with a continuous emission monitor shall submit an excess emissions and continuous monitoring system performance report for any event when the continuous monitoring system data indicate the source is not in compliance with the applicable emission limitation or operating parameter limit.

(9) The owner or operator shall submit a summary report semiannually which contains the information specified in §63.10(e)(3)(vi). In addition, the summary report shall include:

(i) All exceedences of maximum control device inlet gas temperature limits specified in §63.1344(a) and (b);

(ii) All failures to calibrate thermocouples and other temperature sensors as required under §63.1350(f)(7) of this subpart; and

(iii) All failures to maintain the activated carbon injection rate, and the activated carbon injection carrier gas flow rate or pressure drop, as applicable, as required under §63.1344(c).

(iv) The results of any combustion system component inspections conducted within the reporting period as required under §63.1350(i).

(v) All failures to comply with any provision of the operation and maintenance plan developed in accordance with §63.1350(a).

(10) If the total continuous monitoring system downtime for any CEM or any continuous monitoring system (CMS) for the reporting period is ten percent or greater of the total operating time for the reporting period, the owner or operator shall submit an excess emissions and continuous monitoring system performance report along with the summary report.

§63.1355 Recordkeeping requirements.

(a) The owner or operator shall maintain files of all information (including all reports and notifications) required by this section recorded in a form suitable and readily available for inspection and review as required by §63.10(b)(1). The files shall be retained for at least five years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent two years of data shall be retained on site. The remaining three years of data may be retained off site. The files may be maintained on microfilm, on a computer, on floppy disks, on magnetic tape, or on microfiche.

(b) The owner or operator shall maintain records for each affected source as required by §63.10(b)(2) and (b)(3) of this part; and

(1) All documentation supporting initial notifications and notifications of compliance status under §63.9 of this part;

(2) All records of applicability determination, including supporting analyses; and

(3) If the owner or operator has been granted a waiver under §63.8(f)(6), any information demonstrating whether a source is meeting the requirements for a waiver of recordkeeping or reporting requirements.

(c) In addition to the recordkeeping requirements in paragraph (b) of this section, the owner or operator of an affected source equipped with a continuous monitoring system shall maintain all records required by §63.10(c).

OTHER

§63.1356 Exemption from new source performance standards.

(a) Except as provided in paragraphs (a)(1) and (a)(2) of this section, any affected source subject to the provisions of this subpart is exempted from any otherwise applicable new source performance standard contained in 40 CFR part 60, subpart F.

(1) Kilns and in-line kiln/raw mills, as applicable under 40 CFR 60.60(b), located at area sources are subject to PM and opacity limits and associated reporting and recordkeeping, under 40 CFR part 60, subpart F.

(2) Greenfield raw material dryers, as applicable under 40 CFR 60.60(b), located at area sources are subject to opacity limits and associated reporting and recordkeeping under 40 CFR part 60, subpart F.

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

(a) Subject to the limitations of paragraphs (b) through (f) of this section, an owner or operator conducting PM CEMS correlation tests (that is, correlation with manual stack methods) is exempt from:

(1) Any particulate matter and opacity standards of part 60 or part 63 of this chapter that are applicable to cement kilns and in-line kiln/raw mills.

(2) Any permit or other emissions or operating parameter or other limitation on workplace practices that are applicable to cement kilns and in-line kiln raw mills to ensure compliance with any particulate matter and opacity standards of this part or part 60 of this chapter.

(b) The owner or operator must develop a PM CEMS correlation test plan. The plan must be submitted to the Administrator for approval at least 90 days before the correlation test is scheduled to be conducted. The plan must include:

- (1) The number of test conditions and the number of runs for each test condition;
- (2) The target particulate matter emission level for each test condition;
- (3) How the operation of the affected source will be modified to attain the desired particulate matter emission rate; and
- (4) The anticipated normal particulate matter emission level.

(c) The Administrator will review and approve or disapprove the correlation test plan in accordance with §63.7(c)(3)(i) and (iii). If the Administrator fails to approve or disapprove the correlation test plan within the time period specified in §63.7(c)(3)(iii), the plan shall be considered approved, unless the Administrator has requested additional information.

(d) The stack sampling team must be on-site and prepared to perform correlation testing no later than 24 hours after operations are modified to attain the desired particulate matter emissions concentrations, unless the correlation test plan documents that a longer period is appropriate.

(e) The particulate matter and opacity standards and associated operating limits and conditions will not be waived for more than 96 hours, in the aggregate, for a correlation test, including all runs and conditions.

(f) The owner or operator must return the affected source to operating conditions indicative of compliance with the applicable particulate matter and opacity standards as soon as possible after correlation testing is completed.

§63.1358 Delegation of Authority.

(a) In delegating implementation and enforcement authority to a State under subpart E of this part, the authorities contained in paragraph (b) of this section shall be retained by the Administrator and not transferred to a State.

(b) Authority which will not be delegated to States:

- (1) Approval of alternative non-opacity emission standards under §63.6(g).
- (2) Approval of alternative opacity standards under §63.6(h)(9).
- (3) Approval of major changes to test methods under §§63.7(e)(2)(ii) and 63.7(f). A major change to a test method is a modification to a federally enforceable test method that uses unproven technology or procedures or is an entirely new method (sometimes necessary when the required test method is unsuitable).
- (4) Approval of major changes to monitoring under §63.8(f). A major change to monitoring is a modification to federally enforceable monitoring that uses unproven technology or procedures, is an entirely new method (sometimes necessary when the required monitoring is unsuitable), or is a change in the averaging period.
- (5) Waiver of recordkeeping under §63.10(f).

§63.1359 [Reserved]

INTEROFFICE MEMORANDUM

Date: 20-May-1999 02:35pm
From: Joseph Kahn TAL
KAHN J
Dept: Air Resources Management
Tel No: 850/921-9519

To: koogler@worldnet.att.net

Subject: Letter to Suwannee American Cement Company

John & Steve,

We sent out the attached letter and enclosure in today's mail. I discovered too late that the letter has an error in the subject line, as it is not in reference to BACT for SO2. Feel free to call if you have any questions. (By the way, I was told that Frank Darabi has scheduled a meeting with Howard on Thursday, May 27th at 10 a.m. Clair and I will also attend.)

-Joe

INTEROFFICE MEMORANDUM

Date: 19-May-1999 04:26pm
From: Ellen_Porter
Ellen_Porter@nps.gov
Dept:
Tel No:

To: KAHN_J (KAHN_J@A1)
To: HOLLADAY_C (HOLLADAY_C@A1)
CC: Don_Shepherd (Don_Shepherd@nps.gov)
CC: John_Notar (John_Notar@nps.gov)
CC: Bud_Rolofson (Bud_Rolofson@nps.gov)

Subject: Suwannee Cement

Our technical review comments on recent information from Suwannee are attached. A letter from our regional director will follow.

Cleve, I am puzzled that Suwannee's regional haze analysis shows the greatest impact at St. Marks, even though it is further (102 km) from Suwannee than Okefenokee (83 km) or Chassahowitkza (88 km). Can Suwannee provide us with a floppy with their modeling runs?

**Technical Review of Additional Information
For a New Cement Plant
Suwannee American Cement Company
Branford, Florida
PSD-FL-259**

by

**Air Quality Branch, Fish and Wildlife Service – Denver
May 19, 1999**

In December 1998 we provided technical comments to the Florida Department of Environmental Protection (FDEP) on the Prevention of Significant Deterioration Permit Application for Suwannee American Cement Company's (Suwannee) proposed new cement plant in Branford, Suwannee County, Florida. We provided additional comments, via fax, in February 1999. The cement plant will be a dry process preheater/precalciner kiln, producing 2,300 tons per day of clinker, and up to 1,191,360 tons per year of various types and grades of Portland cement. The primary fuels will be coal and petroleum coke. Natural gas will be used as a startup fuel and supplemental fuel. Whole tires and/or tire-derived fuel will be used as a supplemental fuel. The facility is located 83 km southwest of Okefenokee Wilderness and 88 km north of Chassahowitzka Wilderness, and 102 km east of St. Marks Wilderness, all Class I air quality areas administered by the U.S. Fish and Wildlife Service (FWS). This project will result in PSD-significant increases in emissions of nitrogen oxides (NO_x), sulfur dioxide (SO₂), volatile organic compounds (VOC), particulate matter (PM), fine particulate matter less than 10 microns in diameter (PM-10), and carbon monoxide (CO). Emissions (in tons per year – TPY) are summarized below.

POLLUTANT	EMISSIONS INCREASE (TPY)
NO _x	1175
SO ₂	118
VOC	50
PM	267
PM-10	228
CO	1511

We recommended in our December 1998 comments that Suwannee re-evaluate its proposed control technology for NO_x emissions. We also asked that Suwannee be required to evaluate potential impacts to visibility at the Class I areas, using the guidance of the Interagency Workgroup on Air Quality Modeling (IWAQM) at: <http://www.epa.gov/scram001/>; "Model Support"; "6th Modeling Conference"; "IWAQM". In our February fax, we suggested that Suwannee evaluate installation of a wet scrubber for SO₂ control. This recommendation was based on recent information from a proposed new portland cement plant in Colorado (Holman).

Best Available Control Technology (BACT) Analysis

Suwannee provided additional information in February 1999 that supported its best available control technology (BACT) analysis for NO_x emissions. We agreed with their conclusions, based on this additional information. Suwannee provided additional information regarding its BACT analysis for SO₂ emissions in May 1999. We do not agree with Suwannee's conclusion that, because their SO₂ emissions are already relatively low, they should not have to consider adding scrubbers for further reductions. A BACT analysis should not discount a potential control technology on the basis that emissions are already low. Suwannee should thoroughly evaluate the use of scrubbers at their proposed facility.

Regional Haze Analysis

Suwannee submitted a regional haze analysis in March 1999 that evaluated potential impacts from the project to visibility at St. Marks, Chassahowitzka, and Okefenokee. Suwannee performed the analysis incorrectly, applying a relative humidity value of 80% instead of the 95% recommended in the IWAQM guidance, referred to in our December 1999 comments. (Note that the use of a lower relative humidity value will result in smaller changes in light extinction, i.e., smaller impacts to visibility.) Suwannee stated that, in using the 80% relative humidity value, they were following advice supplied by our office in 1995 and they had used this value in several past analyses without objection by FDEP. They therefore felt justified in using this approach.

However, a more recent examination of meteorological data indicates that relative humidities generally exceed 80% in Florida. Therefore, when we supplied our December 1998 comments, we advised Suwannee to perform the analysis following the IWAQM guidelines, which prescribe a relative humidity value of 95% if actual relative humidity values are not available. Suwannee is not justified in disregarding our recent comments in order to use outdated advice to their advantage.

We recommend that Suwannee perform the analysis again, either using a relative humidity value of 95% or actual relative humidity values.

Contact: Ellen Porter, Air Quality Branch (303) 969-2617.

DEP ROUTING AND TRANSMITTAL SLIP

TO: (NAME, OFFICE, LOCATION)

1. CINDY PHILLIPS

3. _____

4. _____

2. _____

5. _____

PLEASE PREPARE REPLY FOR:

SECRETARY'S SIGNATURE

DIV/DIST DIR SIGNATURE

MY SIGNATURE

YOUR SIGNATURE

DUE DATE _____

ACTION/DISPOSITION

DISCUSS WITH ME

COMMENTS/ADVISE

REVIEW AND RETURN

SET UP MEETING

FOR YOUR INFORMATION

HANDLE APPROPRIATELY

INITIAL AND FORWARD

SHARE WITH STAFF

FOR YOUR FILES

COMMENTS:

CINDY,
THIS IS THE RESPONSE
FROM SUWANNEE AMERICAN
REGARDING THE DIOXIN
ISSUE. PLEASE LET
ME KNOW IF YOU
HAVE ANY COMMENTS.
THANKS.

DISCUSSED 5/18/99.
FINAL MACT SIGNED BY
C. BROWNER 5/14/99
PER JOE WARD TO CINDY
PHILLIPS.

FROM:

JOE KAW

DATE:

5/7/99

PHONE:

1-9519

4. Provide an estimate of emissions from truck traffic associated with operating the proposed plant. This appears to be a particular concern to the public because there is no available rail line in existence to the proposed location.

Response: The applicant notes that the matters inquired of in this request are not related to those matters allowed under Section 403.0876(1), F.S., and therefore requests that the Department begin processing the permit application under Section 403.0876(2)(a), F.S.

5. Regarding the MACT assessment, evaluate the applicability of meeting the dioxin emissions of the best controlled source.

Response: The Clean Air Act, at Section 112(d), discusses the National Emission Standards for Hazardous Air Pollutants from source categories. The EPA Administrator is charged with promulgating emissions standards applicable to new or existing sources of hazardous air pollutants and requiring the maximum degree of reduction in emissions of the hazardous air pollutants. In doing so, the Administrator is to take into consideration the cost of achieving such emission reduction, and any non-air quality health and environmental impacts and energy requirements, and must determine that the standard is achievable for new or existing sources in the category or subcategory to which the emission standard applies.

Section 112(d)(3) describes the requirements for emission standards for new sources as:

The maximum degree of reduction in emissions that is deemed achievable for new sources in a category or subcategory shall not be less stringent than the emission control that is achieved in practice by the best controlled similar source, as determined by the Administrator. [emphasis added]

Therefore, compliance with the MACT standard for new cement plants is the level of emission control that is achieved in practice by the best controlled similar source.

The Administrator has determined that the control technology of the best controlled similar dry process cement plant is the reduction of kiln exhaust gas temperature at the particulate matter control device inlet¹. The Administrator further determined that dioxin emissions levels achieved with activated carbon injection (on other "potentially similar sources") are expected to be about the same as that achieved with temperature reduction.

To achieve the control system temperatures that are consistent with MACT requirements in the Suwannee American Cement plant, with the plant operating in the direct mode (bypassing the raw mill), the gas stream leaving the preheater tower will be cooled to approximately 300° F in a quench tower prior to entering the kiln electrostatic precipitator. When the plant is operating in the compound mode (with the raw mill operating), the hot gases from the preheater pass through the raw mill drying the raw feed. In this mode of operation, the temperature of the gas stream is reduced to approximately 230° F prior to entering the kiln electrostatic precipitator. In both cases, the inlet temperature to the kiln electrostatic precipitator is well below temperatures associated with the formation of dioxins and furans. These operating practices are consistent with achievement of the MACT standard promulgated by EPA for Portland

¹ *Preamble to Proposed NESHAP for the Portland Cement Manufacturing Industry. March 24, 1998, U.S. Environmental Protection Agency.*

cement plants.

6. Estimate $PM_{2.5}$ emissions from the plant and characterize the nature of these emissions, particularly as compared to the PM_{10} emissions.

Response: The applicant notes that the matters inquired of in this request are not related to those matters allowed under Section 403.0876(1), F.S., and therefore requests that the Department begin processing the permit application under Section 403.0876(2)(a), F.S. However, in a continuing effort to be responsive to the concerns behind the questions asked, the applicant submits the following information, provided the submittal does not affect the permit processing time clock.

Based on EPA estimates (Compilation of Air Pollutant Emission Factors, EPA Publication AP-42, Version 5, January 1995), 50-60 percent of PM_{10} from Portland cement plants is $PM_{2.5}$. The nature of these particles ranges from raw materials such as limestone, sand and clay through the intermediary products to finished cement. Some portion of the particulate matter will be products of combustion and some portion will be post-combustion products.

7. Consider installing ambient monitors for $PM_{2.5}$ and ozone in locations appropriate for assessing the impacts of the proposed plant at the Ichetucknee Springs State Park and the area around the site.

Response: The applicant notes that the matters inquired of in this request are not related to those matters allowed under Section 403.0876(1), F.S., and therefore requests that the Department begin processing the permit application under Section 403.0876(2)(a), F.S.

5/14/99

**FACT SHEET
FINAL AIR TOXICS RULE FOR
PORTLAND CEMENT MANUFACTURING PLANTS**

TODAY'S ACTION...

- ◆ The Environmental Protection Agency (EPA) is today issuing a final regulation to reduce emissions of toxic air pollutants from portland cement manufacturing plants. Portland cement is an ingredient in concrete, which is a widely used construction material. Air toxics, also referred to as hazardous air pollutants (HAPs), are those pollutants that are known or suspected to cause cancer or other serious health effects.
- ◆ EPA developed today's rule in close partnership with representatives of the portland cement industry as well as representatives of state and local agencies.

WHAT ARE THE HEALTH AND ENVIRONMENTAL BENEFITS OF THIS ACTION?

- ◆ EPA's rule will reduce emissions of air toxics from new and existing portland cement manufacturing plants by approximately 90 tons annually, representing a 31 percent reduction from current levels.
- ◆ These include reductions in emissions of air toxics, such as arsenic, cadmium, chromium, lead, benzene, toluene, dioxins/furans, hexane, and formaldehyde from portland cement plants. Specifically, this rule will reduce annual emissions of dioxins/furans by 36 percent. Exposure to these compounds may be associated with a number of adverse health effects, including cancer, respiratory illness, and nervous system, dermal, developmental, and/or reproductive effects.
- ◆ EPA's rule will also reduce emissions of particulate matter by 5,200 tons annually, a 24 percent reduction from the levels currently emitted by these facilities. Exposure to particulate matter has been linked with adverse health effects, including aggravation of existing respiratory and cardiovascular disease and increased risk of premature death.
- ◆ The rule will also reduce emissions of hydrocarbons from new portland cement kilns by 220 tons per year, a 38 percent reduction from projected future emissions levels. Some of these hydrocarbons are volatile organic compounds, which can contribute to the formation of ground-level ozone. Ground-level ozone can cause a variety of health problems because it damages lung tissue, reduces lung function, and makes the lungs susceptible to other irritants.

BACKGROUND

- ◆ Under the Clean Air Act Amendments of 1990, EPA is required to regulate emissions of 188 specific air toxics. (Note that this list originally referenced 189 pollutants, but EPA has subsequently removed the chemical caprolactum from the list.) On July 16, 1992, EPA published a list of industry groups, known as source categories, that emit one or more of these

air toxics. For listed categories of "major" sources (those that have the potential to emit 10 tons/year or more of a listed pollutant or 25 tons/year or more of a combination of pollutants), the Clean Air Act requires EPA to develop standards that are based on stringent air pollution controls, known as maximum achievable control technology (MACT).

- ◆ EPA's published list of industry groups to be regulated includes portland cement manufacturing plants.

HOW DOES THE CEMENT MANUFACTURING PROCESS WORK?

- ◆ Portland cement manufacturing is an energy intensive process in which cement is made by grinding and heating a mixture of raw materials such as limestone, clay, sand, and iron ore in a rotary kiln. The kiln is a large furnace that is fueled by coal, oil, gas, coke and/or various waste materials. The product (called clinker) from the kiln is cooled, ground, and then mixed with a small amount of gypsum to produce portland cement.
- ◆ The main source of air toxics emissions from a portland cement plant is the kiln. Emissions originate from the burning of fuels and heating of feed materials. Air toxics are also emitted from the grinding, cooling, and materials handling steps in the manufacturing process.
- ◆ There are about 210 kilns located at 110 portland cement plants in the U.S.

WHAT DOES EPA'S THE RULE REQUIRE?

- ◆ EPA's rule limits emissions of particulate matter, which contain toxic metals (such as cadmium and chromium), from kilns and clinker coolers. The rule also limits emissions of opacity (a surrogate pollutant for particulate matter and toxic metals) from the kiln, clinker cooler, and materials handling facilities. Finally, the rule places limits on emissions of dioxins/furans and hydrocarbons (a surrogate for toxic organic compounds) from cement kilns.
- ◆ EPA based the emission limit for hydrocarbons on the emissions levels that can be achieved through the pollution prevention technique of using clean feed materials. However, the rule does not dictate any particular type of air pollution control. Rather, the rule allows industry to use a variety of techniques to achieve the emissions limits.
- ◆ EPA's rule also includes new test methods for measuring emissions of air toxics from cement kilns. These new methods can be used by portland cement plant owners/operators to help determine if their plants are major sources of air toxics.
- ◆ The rule also requires continuous monitoring of emissions and/or operating parameters which indicate the emissions of particular pollutants. EPA outlines the details of the monitoring, recordkeeping, and reporting requirements in the rule.

- ◆ The rule requires the installation and use of continuous emission monitors to measure particulate matter emitted from the kiln, although the compliance date for the installation of these instruments is deferred pending further testing of this technology and additional rulemaking.

WHO WILL BE AFFECTED BY EPA'S RULE?

- ◆ All portland cement manufacturing plants in the nation will be affected by EPA's final rule. Under the Clean Air Act, MACT standards typically only apply to major sources in the source category. However, under the authority of Section 112 (c)(6) of the Clean Air Act, and due to the high toxicity of dioxins/furans and polycyclic organic matter, the provisions of the rule regarding dioxin/furan and total hydrocarbon (surrogate for polycyclic organic matter) emissions limitations and associated monitoring, recordkeeping, and reporting also apply to "non-major" (known as area) sources of air toxics. Area sources are stationary sources that emit hazardous air pollutants, but are not classified as a major source. EPA estimates that about 20 percent of the portland cement plants may be area sources.
- ◆ About 30 out of the 210 cement kilns in the U.S. burn hazardous waste as fuel. It is important to note that kilns that burn hazardous waste will not be covered by this rule. This is due to their different emissions characteristics, different air pollution controls, and separate classification in the Resource Conservation and Recovery Act (section 3004 (q)). The cement kilns that burn hazardous waste will be covered under an air toxics standard for hazardous waste combustors that EPA proposed on April 19, 1996 and will be promulgated soon.
- ◆ However, today EPA is also proposing to address any sources of hazardous air pollutants at a cement plant which are not part of the combustion phase of the process (i.e., emissions associated with the kiln), regardless of whether or not the cement kiln burns hazardous waste.

HOW MUCH WILL THE FINAL RULE COST?

- ◆ EPA estimates the total annual cost to portland cement manufacturers to comply with the rule to be about \$37 million. EPA estimates the initial capital cost to portland cement manufacturers to comply with the rule to be about \$108 million.

FOR MORE INFORMATION...

- ◆ Interested parties can download the rule from EPA's web site on the Internet under recent actions at the following address: <http://www.epa.gov/ttn/oarpg>. For further information about the rule, contact Joseph Wood, P. E. of EPA's Office of Air Quality Planning and Standards (OAQPS) at (919) 541-5446 or e-mail at wood.joe@epamail.epa.gov. For information about the emission test methods, contact Rima Dishakjian of OAQPS at (919) 541-0443.
- ◆ EPA's Office of Air and Radiation's homepage on the Internet contains a wide range of information on the air toxics program, as well as many other air pollution programs and issues. The Office of Air and Radiation's home page address is: <http://www.epa.gov/oar/>.

Suwannee County



COUNTY OFFICES
224 Pine Avenue
Live Oak, Florida 32060

FAX (904) 362-1032

"In The Heart Of The Suwannee River Valley"

FAX COVER LETTER

Date: 5/11/99

TO: NAME Joe Kahn

FIRM DEP

FAX 850/922-6979

FROM: NAME Robiette C Robinson

FAX 904/362-1032

PHONE 904/364-3401

TOTAL NUMBER OF PAGES INCLUDING THIS COVER LETTER: 4

MESSAGE:

IF ALL PAGES ARE NOT RECEIVED,
PLEASE CALL 364-3401 AS SOON AS POSSIBLE



SUWANNEE COUNTY
RESOLUTION NO. 99-16

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SUWANNEE COUNTY, FLORIDA GRANTING SITE PLAN APPROVAL AS AUTHORIZED UNDER SECTION 1.2.4 OF ORDINANCE NO. 91-15, AS AMENDED, ENTITLED SUWANNEE COUNTY COMPREHENSIVE PLAN; APPROVING A SITE PLAN FOR A CEMENT PLANT ON PROPERTY ZONED AGRICULTURAL (A-1) ON CERTAIN LANDS WITHIN THE UNINCORPORATED AREA OF SUWANNEE COUNTY, FLORIDA; REPEALING RESOLUTIONS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Policy 1.2.4 of the Suwannee County Comprehensive Plan permits the Suwannee County Board of County Commissioners to approve a site and development plan for a resource-based facility in the rural areas of the county; and

WHEREAS, Suwannee American Cement Company, Inc., on behalf of Anderson Mining Corporation, in reference to Suwannee American Cement Company, Inc., Branford Plant, has properly filed an application for a site and development plan for the construction and operation of a resource based cement manufacturing plant as a permitted use at an existing excavation; and

WHEREAS, the subject property is located in Section 18, Township 6, South, Range 15, East, described more particularly as:

Part of the South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ and Part of the Southeast $\frac{1}{4}$ of Section 18, Township 6 South, Range 15 East, Suwannee County, Florida, being more particularly described as follows: for point of beginning commence at the Southwest corner of said Southeast $\frac{1}{4}$, thence run North $01^{\circ} 11' 04''$ West along the West line of the East $\frac{1}{2}$ of said Section 18, a distance of 2970.00 feet; thence run North $88^{\circ} 38' 15''$ East, a distance of 1400 feet; thence run South $01^{\circ} 11' 04''$ East, a distance of 1650.00 feet; thence run South $88^{\circ} 38' 15''$ West, a distance of 540.00 feet; thence run South $01^{\circ} 11' 04''$ East, a distance of 1320.00 feet to the South line of said Section 18; thence run South $88^{\circ} 38' 15''$ West along said South line, a distance of 860.00 feet to the Point of Beginning together with the West 120.00 feet of the Northeast $\frac{1}{4}$ of Section 19, lying North of U.S. Highway 27 of said Township and Range, containing 83.3 acres more or less.

WHEREAS, proper authorization has been granted to Suwannee American Cement Company, Inc. by Anderson Mining Corporation, the fee simple owner of the subject property; and

WHEREAS, a site and development plan application was received by the Suwannee County Staff, under Policy 1.2.4 of the Suwannee County Comprehensive Plan for a resource based activity, reviewed, determined to be sufficient and consistent with the applicable codes, policies, and ordinances; and

Suwannee County Resolution No. 99-16

WHEREAS, a site and development plan has been submitted in accordance with the provisions of the Comprehensive Plan and the Suwannee County Land Development Regulations; and

WHEREAS, a public hearing was legally and properly advertised and held before the Suwannee County Board of County Commissioners; and

WHEREAS, as part of the review process the Suwannee County Board of County Commissioners gave full and complete consideration to the application materials, the comments and analysis by the Suwannee County Staff, all documents contained within the application on file with Suwannee County, the Suwannee County Comprehensive Plan, and the testimony of all interested persons; and

WHEREAS, THE FOLLOWING FINDINGS are made in conjunction with this approval:

1. That the proposed use is determined to be a resource based activity as described in Policy I.2.4 of the Comprehensive Plan.
2. That the proposed use is consistent with the applicable Goals, Objectives, and Policies of the Suwannee County Comprehensive Plan.
3. That the proposed use complies with the Suwannee County Land Development Regulations.
4. That the proposed use complies with the other applicable Suwannee County Ordinances or Codes.
5. The project meets the concurrency requirements of the Suwannee Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SUWANNEE COUNTY, that:

Section 1. The site and development plan, described above, is APPROVED with the following conditions:

- a. The final arrangement of structures and improvements may be altered as a result of geotechnical and other considerations including changes needed for regulatory approval by the appropriate state and federal agencies.
- b. Required buffers and setbacks will be maintained in the event of a shift or alternate plant layout.
- c. Revised final construction plans will be submitted at the time of the building permit application. If the Land Development Regulation Administrator deems such plans a substantial change from the approved site and development plan, the new plan shall be resubmitted in accordance with § 14.12.4 of the Land Development Regulations.
- d. Construction of the plant entrance connection with U.S. 27 will require the necessary permits as determined by the Florida Department of Transportation at the time such a connection is constructed.
- e. Signage and buffer will be consistent with the requirements of the Suwannee County Land Development Regulations.

- f. On-site potable water will be provided by the construction of an on-site potable water well.
- g. Wastewater shall be disposed of through the use of an on-site septic system as approved by the Suwannee County Health Department.
- h. The facilities will be designed to meet or exceed the requirements of the Suwannee River Water Management District with all storm water retained on-site, and no discharge of storm water to the mining quarry permitted. A copy of the surface water management permit shall be submitted prior to the issuance of the building permit.
- i. The facility shall obtain all State and Federal approvals prior to being constructed.
- j. Hazardous waste or solvent-contaminated wastes, biomedical wastes or household garbage shall not be used as sources of fuel. Used tires shall be stored in a manner that prevents breeding of mosquitoes.
- k. Prior to beginning operation, the Applicant shall have installed street lighting, if allowed by the Florida Department of Transportation, at the cement plant entrance onto U.S. 27 as a safety enhancement for the 24-hour operation of the plant.
- l. The Applicant shall comply with all applicable state and federal laws, applicable air and water regulations, and will provide copies of all permits and approvals when applying for construction permits.
- m. The Applicant shall have until twelve (12) months after the issuance of all permits or the final resolution of all administrative and/or judicial proceedings, if any, challenging the issuance of any permit or development order to begin construction. Should the Applicant not meet any of the time limitations in this paragraph this site plan approval shall be null and void and the Applicant shall be required to reinstate this process to construct the facility in question.
- n. No nighttime audible alarm for shift changes.
- o. Tie-downs must be used on trucks.
- p. The applicant shall provide a copy of the stack report to the County prior to start-up of the facility, and shall provide copies of all stack reports conducted thereafter.
- q. The applicant shall consent to independent monitoring of emissions from the facility.

Section 2. All resolutions in conflict with this resolution are hereby repealed to the extent of such conflict.

Section 3. This resolution shall become effective upon adoption by the Board of County Commissioners.


DULY ADOPTED in session this 15th day of December, 1998.

BOARD OF COUNTY COMMISSIONERS
SUWANNEE COUNTY, FLORIDA



Chairman

Attest:



W. Randy Henderson, Clerk

Suwannee County Resolution No. **99-16**

INTEROFFICE MEMORANDUM

Date: 11-May-1999 03:33pm
From: Joseph Kahn TAL
KAHN_J
Dept: Air Resources Management
Tel No: 850/921-9519

To: Clair Fancy TAL (FANCY_C)

Subject: Suwannee County Site Approval for Suwannee American Cement

Clair,

I spoke this afternoon with Ed Harvey (904/364-3400), the County Coordinator for Suwannee County, and with Robinette Robinson of Mr. Harvey's office about the site approval process used for the Suwannee American Cement site. Suwannee County's comprehensive plan provides for resource based activities in areas zoned for agriculture upon approval of a site plan by the county commission. This is the process followed for the Suwannee American Cement plant. The property is zoned for agriculture and has not been rezoned. The county commission held a public meeting December 15th and made a policy decision at that meeting that the proposed activity is a resource based activity. The commission adopted a resolution at that meeting approving the site plan with a number of conditions. Ms. Robinson will fax me a copy of the resolution.

-Joe

INTEROFFICE MEMORANDUM

Date: 10-May-1999 09:31am
From: Joseph Kahn TAL
KAHN_J
Dept: Air Resources Management
Tel No: 850/921-9519

To: Clair Fancy TAL (FANCY_C)

Subject: Discussion with DCA re: Suwannee American Cement

Clair,

I spoke with Walker Banning of the Department of Community Affairs (487-4545) on Friday, May 7th, regarding the proposed Suwannee American Cement plant. He told me that DCA does not have any direct authority over this project and that the authority for review of the proposed project lies with the local officials, particularly the Suwannee County commission. He said that DCA's typical involvement with development projects is through review and approval of a county's comprehensive plan, and that the local officials are responsible for determining if any given development is consistent with or allowed by the comprehensive plan. An affected party can challenge the local officials' decision in circuit court as provided by Chapter 163, F.S. He confirmed that issues such as appropriate use of property, industrial siting, and truck traffic are addressed at the local level through the concurrency check and local review.

Per our discussion last Friday, I'll follow up with the local government to see if I can get any additional information about the local approval for the SAC project.

-Joe

Florida Department of
Environmental Protection

Memorandum

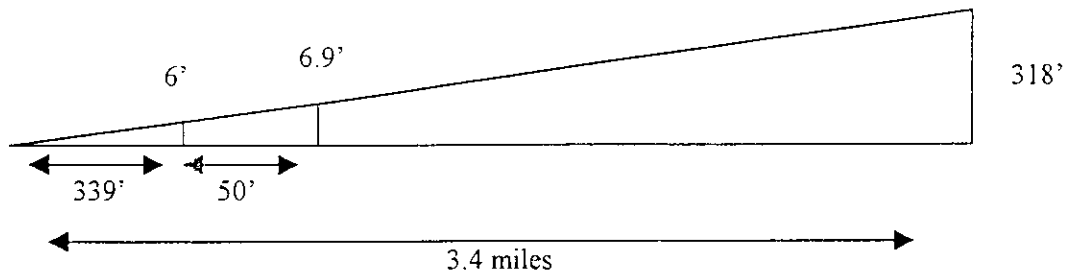
To: Clair Fancy
Bureau of Air Regulation

From: Joseph Kahn, P.E. *[Signature]*
New Source Review Section

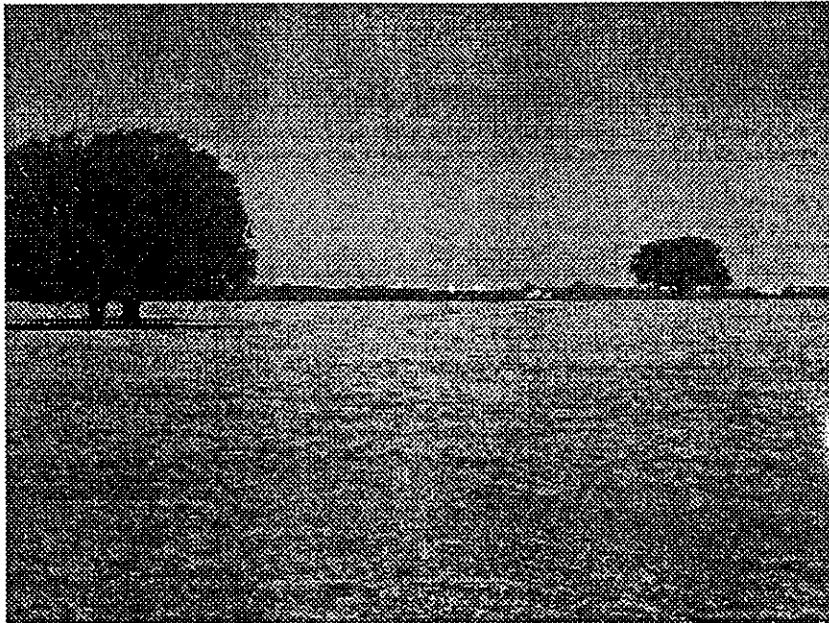
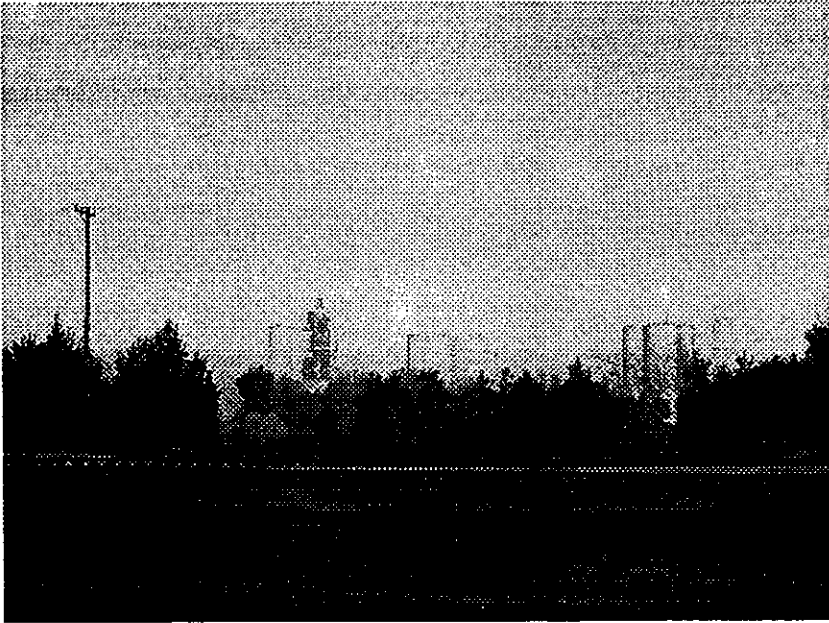
Date: May 7, 1999

Re: Visibility of Suwannee American Cement Plant

Per your request, I have evaluated the potential visibility of the plant equipment at the Ichetucknee Springs State Park, assuming a distance of 3.4 miles from the plant's preheater tower to the closest park boundary at US 27. I believe the preheater tower is 318 feet tall, and is one of the tallest structures at the proposed plant. Assuming the terrain is relatively flat, a six foot tall person would have his or her view of the preheater tower obscured by a 6.9 foot tall object, if that object were fifty feet in front of the person.



Note that Al took some recent photos of the Florida Rock plant, which is currently under construction. Two photos illustrate the visibility of the plant from about a quarter mile away and about three miles (see below). It is evident from these photos that most trees will obscure the plant's structures, either partially or completely.



INTEROFFICE MEMORANDUM

Date: 05-May-1999 08:02am
From: Joseph Kahn TAL
KAHN_J
Dept: Air Resources Management
Tel No: 850/921-9519

To: Clair Fancy TAL (FANCY_C)
To: Howard Rhodes TAL (RHODES_H)

Subject: Pertinent Timeclock Dates for Suwannee American Cement

Clair asked me to advise you of the timeclock dates for the Suwannee American Cement permit application. As detailed below, the last day for an intent is Friday, July 2nd, but a preliminary determination must be made by Friday, June 18th.


We received the response from the applicant's engineers on April 21, 1999. The last practical date we can send an intent on this project and still allow for the 30 day public comment period is day 74. Because this falls on the weekend of the July 4th holiday, it would be prudent to use the previous Friday as the deadline for the intent. This is Friday, July 2nd. (I believe that OGC has previously determined that when a due date falls on a weekend or holiday, the Department has until the next business day to meet its obligation, but we generally use the preceding business day when possible.)

Note that Rule 62-212.400(5)(a)3., F.A.C., requires, "Within 60 days after receipt of a complete application for a permit to construct ... the Department shall make a preliminary determination as to whether the application should be approved or denied." We typically draft the technical evaluation and preliminary determination document by this date to fulfill the requirements of this rule, although the rule does not require that such a determination be in writing, and it does not prescribe the format. It may be reasonable to assume that although this rule refers to receipt of a complete application, it also applies from the date the applicant requested that we process the application pursuant to statute. The 60 day date will fall on a Saturday, so again it would be prudent to fall back to the previous Friday, June 18th.

Memorandum

Florida Department of Environmental Protection

To: Howard Rhodes

From: Joe Kahn 

Date: May 5, 1999

Re: Distances for Suwannee American Cement

Based on measurements from page 64 of the Florida Atlas & Gazetteer (4th ed., 1997, DeLorme), I estimated the following distances related to the Suwannee American Cement project:

Main stack to the Ichetucknee Springs State Park boundary at US 27: 3.4 miles;

Main stack to the Ichetucknee River at US 27: 3.8 miles;

Main stack to the Ichetucknee River at its junction with the Santa Fe River: 3.6 miles;

Closest site boundary to park boundary at US 27: 2.4 miles;

Main stack to the Ichetucknee Springs: 5.4 miles.

These distances are +/- 0.1 mile, except for the last, which is +/- 0.2 miles because of the difficulty in determining the location of the springs on this map.

Note that John Koogler estimated today that the distance from the main stack to the park boundary at US 27 is 3.5 miles, which is in agreement with my estimate.

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL Date: 04-May-1999 07:08am
From: Mark Latch TAL
Mark.Latch@dep.state.fl.us
Dept:
Tel No:

To: See Below
Subject: FWD: Re: FWD: Re: FWD: Letter to Suwannee American Cement

See the attached.

If we want to have any comments or input, now is the time.
We should at least formally ask to be notified of the Intent. That will be our opportunity to object/petition if we want to do that. Presuming that we do not want to get into that mode with another arm of the agency, NOW is the time to request any conditions that we would want to have included as part of the permit - monitoring stations (air or water), reports copied to us, etc.

Also,
if we want to have face-to-face discussions with Air program, now is the time to do that.
Let me know ASAP. I would like to get our request to Joe Kahn the week of May 17.

ml
05/04

Distribution:

To: Fran Mainella TAL fl.us)	(Fran.Mainella@dep.state.fl.us)
To: Michael Bullock TAL e.fl.us)	(Michael.Bullock@dep.state.fl.us)
To: Torrey Johnson GNSV .fl.us)	(Torrey.Johnson@dep.state.fl.us)
To: Craig Parenteau GNSV e.fl.us)	(Craig.Parenteau@dep.state.fl.us)
To: James Stevenson TAL e.fl.us)	(James.Stevenson@dep.state.fl.us)
CC: Dana Bryan TAL us)	(Dana.Bryan@dep.state.fl.us)
CC: Joseph Kahn TAL .us)	(Joseph.Kahn@dep.state.fl.us)

INTEROFFICE MEMORANDUM

Date: 03-May-1999 08:33am
From: Joseph Kahn TAL
Joseph.Kahn@dep.state.fl.us
Dept:
Tel No:

Subject: Re: FWD: Re: FWD: Letter to Suwannee American Cement

It looks like management here wants to take the full 60 days to review the submittal. Assuming we will draft an intent to issue, we are required to make our technical evaluation by day 60, which would be about June 18th (Friday). We will not send anything out any earlier than that. To allow for the 30 day public comment period for PSD projects, we generally have to send an intent by about day 74 (say July 2nd to avoid the holiday). Generally, though, we try to send out the intent, draft permit, and technical evaluation at the same time by day 60 if we can. To give us plenty of time, I probably need to get technical comments from you and the other staff sometime this month. We can meet again this month if you want.

INTEROFFICE MEMORANDUM

(Draft)

Date: 03-May-1999 08:29am
From: Joseph Kahn TAL
Dept:
Tel No:

To: Mark Latch TAL

(LATCH_M@EPIC6A1@EPIC9)

Subject: Re: FWD: Re: FWD: Letter to Suwannee American Cement

It looks like management here wants to take the full 60 days to review the submittal. Assuming we will draft an intent to issue, we are required to make our technical evaluation by day 60, which would be about June 18th (Friday). We will not send anything out any earlier than that. To allow for the 30 day public comment period for PSD projects, we generally have to send an intent by about day 74 (say July 2nd to avoid the holiday). Generally, though, we try to send out the intent, draft permit, and technical evaluation at the same time by day 60 if we can. To give us plenty of time, I probably need to get technical comments from you and the other staff sometime this month. We can meet again this month if you want.