Memo

To: Michael G. Cooke, Director, Division of Air Resource Management

Through: Trina L. Vielhauer, Chief, Bureau of Air Regulation

From: Cindy L. Phillips, P.E.

Re: FINAL TV Renewal/Revision Permit 0570005-017-AV
CFI Industries, Inc.
Plant City Phosphate Complex

Enclosed is the referenced permit for your review and signature. There were no comments received from the USEPA during their 45 day review period of the PROPOSED permit. I recommend that you sign the FINAL permit. Day 55 is October 13, 2005.

NOTICE OF FINAL TITLE V AIR OPERATION PERMIT

In the Matter of an
Application for Permit Renewal/Revision:

Mr. Herschel E. Morris	FINAL Permit Project No.: 0570005-017-AV
General Manager	Plant City Phosphate Complex
CF Industries, Inc. P.O. Drawer L Plant City, Florida 33564	Hillsborough County

Enclosed is the FINAL Permit, No. 0570005-017-AV. The purpose is for the renewal/revision of the Title V Air Operation Permit; to incorporate the terms and conditions of construction permits; and to incorporate the terms and conditions of a CAM Plan, an Alternate Monitoring Plan, and a Compliance Plan. The facility is located in Hillsborough County. This permit renewal is issued pursuant to Chapter 403, Florida Statutes (F.S.). There were no comments received from Region 4, U.S. EPA, regarding the PROPOSED Permit.

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

Executed in Tallahassee, Florida.

Trina L. Vielhauer, Chief
Bureau of Air Regulation

TLV/CLP

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF FINAL TITLE V AIR OPERATION PERMIT (including the FINAL Determination and the FINAL Permit) was sent by certified mail or electronically (with Received Receipt) before the close of business on 10/13/05 to the person(s) listed or as otherwise noted:

Mr. Herschel E. Morris

The undersigned duly designated deputy agency clerk hereby certifies that a copy of this NOTICE OF FINAL TITLE V AIR OPERATION PERMIT was sent by U.S. Mail or electronically (with Received Receipt) before the close of business on 10/13/05 to the person(s) listed or as otherwise noted:

Mr. David Buff, PE, Golder Assoc.
Mr. Tom Edwards, CFI
Mr. J. Michael Messina, CFI
Mr. Jerry Campbell, EPCHC
Ms. Mara Nasca, FDEP-SWD
Barbara Friday, BAR [barbara.friday@dep.state.fl.us] (for posting with Region 4, U.S. EPA)

Clerk Stamp

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

Barbara J. Friday 10/13/05
(Clerk) (Date)

7005 1160 0004 3034 3458

U.S. Postal Service™
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Mr. Herschel E. Morris, General Manager OFFICIAL USE

Postage	$
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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

Postmark Here

Sent To: Mr. Herschel E. Morris, General Manager
Street, Apt. No.; or PO Box No.: P. O. Drawer L
City, State, ZIP+4: Plant City, Florida 33564

PS Form 3800, June 2002 — See Reverse for Instructions

SENDER: *COMPLETE THIS SECTION*

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

1. Article Addressed to:

Mr. Herschel E. Morris
General Manager
CF Industries, Inc.
P.O. Drawer L
Plant City, Florida 33564

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Sabrina R. Bacon ☐ Agent ☐ Addressee

B. Received by (*Printed Name*) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

PLANT CITY FL 33564 MAY 03 2005 USPS

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

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Transfer from service label)* 7005 1160 0004 3034 3458

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

FINAL Determination

Title V Air Operation Permit Renewal/Revision
FINAL Permit No.: 0570005-017-AV
CF Industries, Inc.
Plant City Phosphate Complex

I. Comments.

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

II. Conclusion.

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

STATEMENT OF BASIS

CF Industries, Inc.
Plant City Phosphate Complex
Facility ID No.: 0570005
Hillsborough County

Title V Air Operation Permit Revision/Renewal
FINAL Permit Revision No. 0570005-017-AV

The initial Title V Air Operation Permit, No. 0570005-007-AV, was issued/effective on May 20, 1998. This Title V Air Operation Permit Revision/Renewal is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210 and 62-213. The above named permittee is hereby authorized to operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with the permitting authority, in accordance with the terms and conditions of this permit.

The subject of the permit revision is to incorporate the requirements of the National Emission Standards for Hazardous Air Pollutants, 40 CFR 63, Subparts A, AA and BB; to include applicable construction permit conditions; to update or remove obsolete conditions; and to add clarifying conditions. The subsections changed as a result of this revision are summarized as follows:

1. Section II. Updated Facility-wide conditions where applicable.
2. Section II. Deleted Facility-wide conditions that are not truly facility-wide conditions. Where applicable, conditions were added back-in at the emission unit level in Section III.
3. Section III. Subsection A. Clarified that a visible emissions test is required annually.
4. Section III. Subsection B. Revised monitoring requirements.
5. Section III. Subsection C. Revised monitoring requirements and added NESHAP requirements.
6. Section III. Subsection D. Revised monitoring requirements and added NESHAP requirements.
7. Section III. Subsection E. Revised monitoring requirements; added NESHAP requirements; added CAM requirements; and deleted references to GTSP.
8. Section III. Subsection F. Deleted references to GTSP and deleted testing requirements.
9. Section III. Subsection G. Deleted references to GTSP.
10. Section III. Subsection H. Clarified requirements.
11. Section III. Subsection I. Deleted.
12. Section III. Subsection J. Deleted.
13. Section III. Subsection K. Deleted.
14. Section III. Subsection L. Added CAM requirements
15. Section III. Subsection M. Deleted.
16. Section III. Subsection N. Revised grammar.
17. Section III. Subsection O. Added NESHAP Conditions.
18. Section III. Subsection P. Added Common Conditions.

For detailed changes see attached DRAFT Title V Permit Revision/Renewal 0570005-017-AV with shaded / ~~strikethrough~~ format to show additions / deletions.

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

The Department has determined that this facility is a major source of hazardous air pollutants (HAPs), based upon its estimation of emissions of hydrogen fluoride. If additional testing and modeling demonstrate: (1) that the facility is not and has never been a major source of hazardous air pollutants since at least June 10, 2002, or (2) if prospective changes to Subparts AA and BB warrant such an outcome, the permittee shall have the right to request that the Department revise the determination of major source status and revise this permit to remove all requirements and conditions based on 40 CFR Part 63.

CF Industries, Inc.
Plant City Phosphate Complex
Facility ID No.: 0570005
Hillsborough County

Title V Air Operation Permit
FINAL Permit Revision/Renewal No. 0570005-017-AV

Permitting Authority:
State of Florida
Department of Environmental Protection
Division of Air Resources Management
Bureau of Air Regulation

Mail Station #5505
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Telephone: 850/488-0114
Fax: 850/921-9533

Compliance Authority:
Environmental Protection Commission
of Hillsborough County
3629 Queen Palm Drive
Tampa, Florida 33619
Telephone: 813/627-2600
Fax: 813/627-2660

Title V Air Operation Permit
FINAL Permit Revision/Renewal No. 0570005-017-AV

Table of Contents

Title V Air Operation Permit
FINAL Permit Revision/Renewal No. 0570005-017-AV

Table of Contents (Continued)

Section

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

Permittee:
CF Industries, Inc.
P.O. Drawer L
Plant City, FL 33564

FINAL Permit Revision/Renewal No.: 0570005-017-AV
Facility ID No.: 0570005
SIC Nos.: 28, 2874
Project: Title V Air Operation Permit Revision to Incorporate MACT Standards and Air Construction Permit revisions; Renewal of Title V Air Operation Permit

This purpose of this Title V Operation Permit (DEP Project No. 0570005-017-AV) is to incorporate the requirements of the National Emission Standards for Hazardous Air Pollutants, 40 CFR 63, Subparts A, AA and BB, incorporate air construction permit revisions, correct typographical errors, and renew the Title V Operation Permit. This permit is for the operation of the Plant City Phosphate Complex located at 10608 Paul Buchman Highway, Plant City, Hillsborough County. UTM Coordinates: Zone 17, 338.0 km East and 3116.0 km North; Latitude: 28° 9' 57'' North and Longitude: 82° 8' 27'' West.

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

Referenced attachments made a part of this permit:
Attachment A, Memorandum of Understanding Regarding Best Operational Start-up Practices for Sulfuric Acid Plants
Attachment B, Sulfuric Acid Mist Emissions Prevention Plan
Appendix U-1, List of Unregulated Emissions Units and/or Activities
Appendix TV-5, TITLE V CONDITIONS (version dated 03/28/05
Appendix SS-1, STACK SAMPLING FACILITIES (version dated 10/7/96)
TABLE 297.310-1, CALIBRATION SCHEDULE (version dated 10/07/96)
FIGURE 1, SUMMARY REPORT - GASEOUS AND OPACITY EXCESS EMISSION AND MONITORING SYSTEM PERFORMANCE REPORT (version dated 7/96)
Appendix AMP – Alternative Monitoring Plan
Appendix CP-1, Compliance Plan
Appendix CAM
Appendix 60-A, 40 CFR 60 Subpart A - General Provisions
Appendix 60-H, 40 CFR 60 Subpart H - Standards of Performance for Sulfuric Acid Plants

Effective Date: October 13, 2005
Renewal Application Due Date: April 16, 2010
Expiration Date: October 13, 2010
FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

Michael G. Cooke, Director
Division of Air Resources Management

MGC/CLP

Section I. Facility Information

Subsection A. Facility Description:

This facility consists of a phosphate fertilizer manufacturing facility producing sulfuric acid, phosphoric acid, DAP (diammonium phosphate), and MAP (monoammonium phosphate). Also included in this permit are miscellaneous unregulated emissions units and/or activities.

The Department has determined that this facility is a major source of hazardous air pollutants (HAPs), based upon its estimation of emissions of hydrogen fluoride. If additional testing and modeling demonstrate: (1) that the facility is not and has never been a major source of hazardous air pollutants since at least June 10, 2002, or (2) if prospective changes to Subparts AA and BB warrant such an outcome, the permittee shall have the right to request that the Department revise the determination of major source status and revise this permit to remove all requirements and conditions based on 40 CFR Part 63.

Subsection B. Summary of Emissions Unit ID Nos. and Brief Descriptions:

Emission Unit	Brief Description
001	Johnson Scotch Marine Type Boiler
002	"A" Sulfuric Acid Plant
003	"B" Sulfuric Acid Plant
004	"A" Phosphoric Acid Plant
007	"C" Sulfuric Acid Plant
008	"D" Sulfuric Acid Plant
009	"B" Phosphoric Acid Plant
010	"A" DAP/MAP Plant
011	"Z" DAP/MAP Plant
012	"X" DAP/MAP Plant
013	"Y" DAP/MAP Plant
014	"A&B" Storage Buildings
015,018,019,020	"A&B" Storage, Sizing, and Shipping
022,023,024,033	Molten Sulfur Storage and Handling
032	Phosphoric Acid Cleanup
100	Phosphogypsum Stack
099	Unregulated Units and Facility Fugitives

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

Subsection C. Relevant Documents.

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

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

These documents are on file with permitting authority:

Initial Title V Permit Application received June 14, 1996.
Initial Title V Permit issued May 21, 1998.
Title V Permit Revision issued August 17, 2001.
Title V Renewal Application received November 20, 2002.
Additional application information received.
Air Construction Permit 0570005-019-AC issued June 1, 2004.
Air Construction Permit Application 0570005-020-AC received September 2, 2004.

Documents on file with USEPA:
The Responsible Official has certified that the Risk Management Plan was submitted to the RMP Reporting Center.

Section II. Facility-wide Conditions

The following conditions apply facility-wide:

1. APPENDIX TV-5, TITLE V CONDITIONS, is a part of this permit.
{Permitting note: APPENDIX TV-5, TITLE V CONDITIONS, is distributed to the permittee only. Other persons requesting copies of these conditions shall be provided one copy when requested or otherwise appropriate.}

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

3. General Particulate Emission Limiting Standards. General Visible Emissions Standard. Except for emissions units that are subject to a particulate matter or opacity limit set forth or established by rule or reflected by conditions in this permit, no person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity, the density of which is equal to or greater than that designated as Number 1 on the Ringelmann Chart (20 percent opacity). EPA Method 9 is the method of compliance pursuant to Chapter 62-297, F.A.C.
[Rule 62-296.320(4)(b)1. and 4., F.A.C.]
{Permitting Note: Although the Permittee is not required to perform a visible emissions compliance test to demonstrate compliance with the facility-wide limitations annually or before renewal, if the Department believes that the general visible emissions standard is being violated, the Department may require that the owner perform a visible emissions compliance test per Chapter 62-297.310(7)(b), Special Compliance Tests. In addition, Department personnel who are certified to perform visible emissions tests may determine compliance with the general visible emissions standard.}

4. Prevention of Accidental Releases (Section 112(r) of CAA).
a. As required by Section 112(r)(7)(B)(iii) of the CAA and 40 CFR 68, the owner or operator shall submit an updated Risk Management Plan (RMP) to the Chemical Emergency Preparedness and Prevention Office (CEPPO) RMP Reporting Center.
b. As required under Section 252.941(1)(c), F.S., the owner or operator shall report to the appropriate representative of the Department of Community Affairs (DCA), as established by department rule, within one working day of discovery of an accidental release of a regulated substance from the stationary source, if the owner or operator is required to report the release to the United States Environmental Protection Agency under Section 112(r)(6) of the CAA.
c. The owner or operator shall submit the required annual registration fee to the DCA on or before April 1, in accordance with Part IV, Chapter 252, F.S. and Rule 9G-21, F.A.C.

Any required written reports, notifications, certifications, and data required to be sent to the DCA, should be sent to:

Department of Community Affairs
Division of Emergency Management
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
Telephone: 850/413-9921, Fax: 850/488-1739

Any Risk Management Plans, original submittals, revisions or updates to submittals, should be sent to:
RMP Reporting Center
Post Office Box 1515
Lanham-Seabrook, MD 20703-1515

Telephone: 301/429-5018

Any required reports to be sent to the National Response Center, should be sent to:
National Response Center
EPA Office of Solid Waste and Emergency Response
USEPA (5305 W)
401 M Street, SW
Washington, D.C. 20460
Telephone: 1/800/424-8802

Send the required annual registration fee using approved forms made payable to:
Cashier
Department of Community Affairs
State Emergency Response Commission
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2149

[Part IV, Chapter 252, F.S.; and, Rule 9G-21, F.A.C.]

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

6. General Pollutant Emission Limiting Standards. Volatile Organic Compounds (VOC) Emissions or Organic Solvents (OS) Emissions. The permittee shall allow no person to store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds or organic solvents without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department. Nothing was deemed necessary and ordered at this time.
[Rule 62-296.320(1)(a), F.A.C.]

7. Emissions of Unconfined Particulate Matter. **Not federally enforceable.** All reasonable precautions shall be taken to prevent and control generation of unconfined emissions of particulate matter in accordance with the provision in Rule 62-296.320(4)(c), F.A.C. These provisions are applicable to any source, including, but not limited to, vehicular movement, transportation of materials, construction, alterations, demolition or wrecking, or industrial related activities such as loading, unloading, storing and handling. This shall include keeping covers on process equipment, prompt clean-up of spills within the plant, and cleaning or wetting areas used by vehicles and machines.
[Rule 62-296.320(4)(c), F.A.C.; Permit No. 0570005-007-AV]

8. The permittee shall take reasonable precautions to prevent public access to plant property. These precautions shall include either (1) fencing along the property boundaries or (2) clearly posting unfenced property boundaries with "No Trespassing" signs and routinely patrolling unfenced boundaries by plant security personnel.
[Air Construction Permit AC29-186931/PSD-FL155]

9. Statement of Compliance. The annual statement of compliance pursuant to Rule 62-213.440(3)(a)2., F.A.C., shall be submitted to the Department and EPA within 60 (sixty) days after the end of the calendar year using DEP Form No. 62-213.900(7), F.A.C.
[Rules 62-213.440(3) and 62-213.900, F.A.C.]
{Permitting Note: This condition implements the requirements of Rules 62-213.440(3)(a)2. & 3., F.A.C. (see Condition 51. of APPENDIX TV-5, TITLE V CONDITIONS)}

10. Compliance Plan. Appendix CP-1, Compliance Plan, is a part of this permit.
[Rule 62-213.440(2), F.A.C.]

11. Based on a modeling study approved by the Department on December 8, 1981, it was determined that emissions from the permittee's Plant City facility will not have a significant impact on the Hillsborough County Air Quality Maintenance Area and it is therefore exempt from the PM RACT requirements in accordance with Rule 62-296.700(2)(b), F.A.C.

12. Unless otherwise stated in a specific condition, averaging times for specific emission standards are based on the run time of the test method(s) used for determining compliance.
[Rule 62-4.070(3), F.A.C.]

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

14. The permittee shall submit all compliance related notifications and reports required of this permit to the Environmental Protection Commission of Hillsborough County (EPCHC):

Environmental Protection Commission of
Hillsborough County
Air Program
3629 Queen Palm Drive
Tampa, FL 33619
Telephone: 813/627-2600
Fax: 813/627-2660

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

United States Environmental Protection Agency
Region 4
Air, Pesticides & Toxics Management Division
Air & EPCRA Enforcement Branch
Air Enforcement Section
61 Forsyth Street
Atlanta, Georgia 30303-8960
Telephone: 404/562-9155
Fax: 404/562-9163

16. Certification by Responsible Official (RO). In addition to the professional engineering certification required for applications by Rule 62-4.050(3), F.A.C., any application form, report, compliance statement, compliance plan and compliance schedule submitted pursuant to Chapter 62-213, F.A.C., shall contain a certification signed by a responsible official that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. Any responsible official who fails to submit any required information or who has submitted incorrect information shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary information or correct information.
[Rule 62-213.420(4), F.A.C.]

Section III. Emissions Units and Conditions.

Subsection A. This section addresses the following emissions unit.

E.U. ID No.	Brief Description
001	Johnson Scotch Marine Type Boiler

This Johnson Scotch Boiler has a design capacity of 69,000 pounds per hour of steam. The boiler is fired primarily on natural gas; No. 2 fuel oil may be burned as a standby fuel. The maximum heat input rate is 83.3 MMBtu/hr.
{Permitting note: This emissions unit is regulated under Rule 62-296.406, F.A.C., Fossil Fuel Steam Generators with less than 250 Million BTU per Hour Heat Input, New and Existing Emissions Units. Though subject to 40 CFR 63 Subpart DDDDD, *I/C/I* Boilers and Process Heaters, this emissions unit is considered to be an existing large gaseous fuel boiler and is not subject to any requirements, other than the previously submitted initial notification, unless it is reconstructed as defined in 40 CFR 63.2.}

The following conditions apply to the emissions unit listed above:

Essential Potential to Emit (PTE) Parameters

A.1. Capacity. The maximum allowed heat input rate for this boiler shall not exceed 83.3 MMBtu/hr (daily average basis) {which corresponds to 89,800 cubic feet per hour of natural gas or 660 gallons per hour of new No. 2 distillate fuel oil}.
[Air Construction Permit AC29-35256]

A.2. Only natural gas or new No. 2 distillate fuel oil shall be burned in this boiler.
[Air Construction Permit AC29-35256 and Rule 62-296.406, F.A.C.].

A.3. Hours of Operation. The hours of operation for this emissions unit shall not exceed 400.0 hours in any 12 consecutive month period while fired on No. 2 fuel oil.
[Rule 62-210.200, F.A.C., Definitions - (PTE), Requested by Permittee, March 3, 1998]

Emission Limitations and Standards

A.4. Visible emissions shall not exceed 20% opacity except for one two-minute period per hour during which opacity shall not exceed 40%.
[Rule 62-296.406(1), F.A.C.]

Test Methods and Procedures

A.5. During each federal fiscal year (October 1 – September 30), unless otherwise specified by rule, order, or permit, the owner or operator of each emissions unit shall have a formal compliance test conducted for visible emissions.
[Rule 62-297.310(7)(a)4., F.A.C.]

A.6. The permittee shall conduct a visible emissions test that demonstrates compliance with the applicable limiting standard prior to obtaining a renewed operation permit. The permittee may submit the most recent annual compliance test to satisfy the requirements of this provision. In renewing an air operation permit pursuant to specific condition **A.7.** below [Rule 62-210.300(2)(a)3.b. or c., F.A.C.], the Department shall not require submission of emission compliance test results for any emissions unit that,

during the year prior to renewal: (a) Did not operate; or (b) in the case of a fuel burning emissions unit, burned liquid and/or solid fuel for a total of no more than 400 hours.
[Rule 62-297.310(7)(a)3., F.A.C.]

A.7.a. The operation permit for an emissions unit which has been shutdown for six months or more prior to the expiration date of the current operation permit, shall be renewed for a period not to exceed five years from the date of shutdown, even if the emissions unit is not maintained in operational condition, provided:

i. the permittee demonstrates to the Department that the emissions unit may need to be reactivated and used, or that it is the permittee's intent to apply to the Department for a permit to construct a new emissions unit at the facility before the end of the extension period; and

ii. the emissions unit was operating in compliance with all applicable rules as of the time the source was shut down.

b. The operation permit for an emissions unit which has been shut down for five years or more prior to the expiration date of the current operation permit shall be renewed for a maximum period not to exceed ten years from the date of shutdown, even if the emission unit is not maintained in operational condition, provided the conditions given in specific condition **A.7.a.** above are met and the permittee demonstrates to the Department that failure to renew the permit would constitute a hardship, which may include economic hardship.
[Rule 62-210.300(2)(a)3.b. and c., F.A.C.]

A.8. Compliance with the visible emission limitation of specific condition **A.4** shall be determined using DEP Method 9 contained in Chapter 62-297, F.A.C. The visible emissions test shall be conducted by a certified observer and be a minimum of sixty (60) minutes in duration. The minimum requirements for stationary point source emission test procedures and reporting shall be in accordance with Chapter 62-297, F.A.C. and 40 CFR 60, Appendix A.
[Rule 62-297.310(4)(a)2, F.A.C.]

A.9. The visible emissions test observation period shall include the period during which the highest opacity emissions can reasonably be expected to occur. Compliance testing of this boiler shall be accomplished during a period when it is cycling up to a normal high firing rate, or it is continuously operated at a high firing rate. The permittee shall submit the following information with the compliance test report: a statement of the operating mode (heat input rate) and type of fuel used, and a copy of the fuel oil usage log for the month the test was conducted as required by specific condition **A.11.** Failure to submit the required information, or operating at conditions which do not reflect the normal operating conditions, may invalidate the data.
[Rules 62-297.310(4)(a)2., 62-297.310(7)(a)5., and 62-4.070(3), F.A.C.]

A.10. This emissions unit is subject to the specific conditions found in "Subsection P. Common Conditions."

Recordkeeping and Reporting Requirements

A.11. In order to document continuing compliance with specific conditions **A.1, A.2, and A.9**, the permittee shall maintain daily records of the type of fuel oil fired, the quantity of fuel oil fired, and the total hours of operation of this boiler on fuel oil.
[Rule 62-4.070(3), F.A.C.]

Subsection B. This section addresses the following emissions units.

E.U. ID No.	Brief Description
002	"A" Sulfuric Acid Plant
003	"B" Sulfuric Acid Plant
007	"C" Sulfuric Acid Plant
008	"D" Sulfuric Acid Plant

This subsection applies to the four sulfuric acid plants (SAP), as described below:

Sulfuric Acid Plants "A" and "B"
Each of these plants has a maximum permitted production rate of 1300 tons per day of 100% sulfuric acid (H_2SO_4). In the process, molten sulfur is combusted (oxidized) with dry air in the sulfur furnace. The resulting sulfur dioxide gas is catalytically converted (further oxidized) to sulfur trioxide in a 4-bed converter tower. Sulfur trioxide is then absorbed in an approximately 98% H_2SO_4 stream to form a more concentrated acid in a single stage absorption tower (final stage of production). Heat generated by the chemical reactions in the sulfur furnace and the 4-bed converter tower is recovered to operate two boilers, and an economizer. (The boilers and the economizer are not sources of air pollution.)

Sulfur dioxide and sulfuric acid mist (acid mist) emissions at each plant are controlled by a two-stage ammonia scrubber and a high-efficiency mist eliminator and exhausted through a 110-foot stack.

A Sulfuric Acid Mist Emissions Prevention Plan (Plan) for the "A" Sulfuric Acid Plant has been added in Section IV of the Title V permit (Attachment B) as required in paragraph 6 of the Consent Order (EPC Case #: 00-0126CCG005) between the Environmental Protection Commission of Hillsborough County (EPC) and CF Industries, Inc. (Respondent). As requested by CF Industries in Air Construction Permit application 0570005-020-AC, they will also comply with this Plan for the "B" Sulfuric Acid Plant.

Sulfuric Acid Plants "C" and "D"
Each plant is a Monsanto Design, double absorption sulfuric acid plant, with a maximum production capacity of 2750 tons per day of 100% sulfuric acid. At the plant dry air and molten sulfur are ignited in a sulfur burner. The combustion gases, primarily sulfur dioxide (SO_2) are passed through a 3-stage catalytic converter where SO_2 is converted to sulfur trioxide (SO_3). The gases, now primarily SO_3, enter the interpass tower where the SO_3 is absorbed into a sulfuric acid solution. The remaining gases (a mixture of SO_2, SO_3 and other products) exit the interpass tower through a high-efficiency mist eliminator. The gas then enters the 4th stage of the catalytic converter where additional SO_2 is converted to SO_3. This gas enters the final tower where SO_3 is again absorbed into a sulfuric acid solution. The remaining gases exit through a high-efficiency mist eliminator to the atmosphere with the limits established by the Best Available Control Technology (BACT). The plant also incorporates a Waste Heat Boiler System for generating steam from the energy produced by the combustion of molten sulfur in air.
{Permitting notes: These emissions units are regulated under Rule 296.402., F.A.C., Emission Standards for Sulfuric Acid Plants; Rule 62-212.300, F.A.C., General Preconstruction Review Requirements; and Rule 62-212.400, F.A.C., Prevention of Significant Deterioration (PSD); and Best Available Control Technology (BACT) Determination, dated July 16, 1991. NSPS standards 40 CFR 60 Subpart H, Standards of Performance for Sulfuric Acid Plants, adopted and incorporated by reference in Rule 62-204.800(7)(b)10., F.A.C., apply to Sulfuric Acid Plants "C" and "D," and to the sulfuric acid mist emissions only from Sulfuric Acid Plant "B." Sulfuric Acid Plants "A", and Sulfuric Acid Plant "B" for emissions other than sulfuric acid mist, are classified as existing facilities under NSPS rules.}

The following conditions apply to the emissions units listed above:

B.0. Sulfuric Acid Plants "B", "C" and "D" are subject to the provisions of Appendix 60-A, 40 CFR 60 Subpart A - General Provisions, and Appendix 60-H, 40 CFR 60 Subpart H – Standards of Performance for Sulfuric Acid Plants. Sulfuric Acid Plant "B" is subject to Appendix 60-A and Appendix 60-H for sulfuric acid mist only.

Essential Potential to Emit (PTE) Parameters

B.1.a. Capacity. Maximum production rates are as follows:

		Reference
Sulfuric Acid Plant "A"	1,300 tpd of 100% H_2SO_4	Permit AC29-200648
Sulfuric Acid Plant "B"	1,300 tpd of 100% H_2SO_4	Permit AC29-200648
Sulfuric Acid Plant "C"	2,750 tpd of 100% H_2SO_4	Permit 0570005-019-AC/PSD-FL-339
Sulfuric Acid Plant "D"	2,750 tpd of 100% H_2SO_4	Permit 0570005-019-AC/PSD-FL-339

b. Hours of Operation. Each plant is allowed to operate continuously, i.e., 8760 hours/year.
[Rule 62-210.200, F.A.C., Definitions (PTE) and, for "C" and "D", Permit 0570005-019-AC/PSD-FL-339]

c. The maximum molten sulfur utilization rate for the "C" and "D" SAPs, each, shall neither exceed 898 TPD nor 327,755 TPY.
(Based on the maximum permitted sulfuric acid production rate of 2,750 TPD of 100% H_2SO_4.)
[Rule 62-210.200, F.A.C., Definitions (PTE); Air Construction Permit 0570005-019-AC/PSD-FL-339]

Emission Limitations and Standards

B.2. Visible emissions shall not exceed 10% opacity (except during start-up, shutdown, or malfunction, pursuant to Rule 62-210.700, F.A.C.).
[Plant "A": Rule 62-296.402(1)(b)1, F.A.C.]
[Plant "B": [Rules 62-296.402(1)(b)1., and 62-204.800(8)(b)11., F.A.C., and 40 CFR 60.83(a)(2) (Subpart H - Sulfuric Acid Plants - Standard for acid mist]
[Plants "C" and "D": Rules 62-296.402 and 62-204.800(8)(b)11., F.A.C; 40 CFR 60.83(a)(2); Permits AC29-186931/PSD-FL-155 and 0570005-019-AC/ PSD-FL-339; and BACT determinations 7/16/91 and 6/1/04]

B.3. Maximum allowable emission rates are as follows:

Sulfur Dioxide	**3-hour rolling average based on CEMS data***	**Consecutive 12-month rolling average based on CEMS data* or annual stack test**
Plant "A"	5.6 lbs/ton of 100% H_2SO_4; {equivalent to 303.3 lb/hr for 1300 tpd of 100% H_2SO_4}	4.23 lbs/ton of 100% H_2SO_4 {equivalent to 229 lbs/hr for 1300 tpd of 100% H_2SO_4 and 1003 tons/yr for 1300 tpd of 100% H_2SO_4}
Plant "B"	5.6 lbs/ton of 100% H_2SO_4; {equivalent to 303.3 lb/hr for 1300 tpd of 100% H_2SO_4}	4.23 lbs/ton of 100% H_2SO_4 {equivalent to 229 lbs/hr for 1300 tpd of 100% H_2SO_4 and 1003 tons/yr for 1300 tpd of 100% H_2SO_4}
Plant "C"	3.5 lbs/ton of 100% H_2SO_4; and 401 lb/hr	1757 tons/yr
Plant "D"	3.5 lbs/ton of 100% H_2SO_4; and 401 lb/hr	1757 tons/yr
*As described in specific condition **B.8.b.**		

Pollutant	Plant A	Plant B	Plant C	Plant D
Sulfuric Acid Mist	0.3 lb/ton of 100% H_2SO_4 produced	0.15 lb/ton of 100% H_2SO_4 produced	0.10 lb/ton of 100% H_2SO_4 produced*	0.10 lb/ton of 100% H_2SO_4 produced*
	1.43 lbs/hr (each hour)	1.43 lbs/hr (each hour)	11 lbs/hr*	11 lbs/hr*
	0.83 lbs/hr (consecutive 12 mo. avg.)	0.83 lbs/hr (consecutive 12 mo. avg.)	--	--
	3.49 tons/yr (consecutive 12 mo. period)	3.49 tons/yr (consecutive 12 mo. period)	50 tons/yr (consecutive 12 mo. period)	50 tons/yr (consecutive 12 mo. period)
NO_x	--	--	0.12 lb/ton of 100% H_2SO_4 produced	0.12 lb/ton of 100% H_2SO_4 produced
	--	--	14 lb/hr	14 lb/hr
	--	--	60 tons/year	60 tons/year
*In stack testing				

References:
[Plants "A" and "B": Rules 62-296.402(1)(b)(2) and 62-204.800(7)(b)10., F.A.C. and Air Construction Permits AC29-200648, 0570005-005-AC (deleted NO_x limits and testing), and 0570005-020-AC.]
[Plants "C" and "D": Permit 0570005-019-AC/ PSD-FL-339; and BACT determinations dated 7/16/91 and 6/1/04]

B.4. The permittee shall comply with the Attachment A, "Memorandum of Understanding Regarding Best Operation Start-up Practices for Sulfuric Acid Plants" signed on November 1, 1989. [Air Construction Permits AC29-200648; AC29-186931/PSD-FL-155; and 0570005-020-AC]

B.5. This permit acknowledges that leaks of sulfur dioxide and sulfur trioxide or other fugitive process emissions that do not pass through a stack may occur as part of routine operations. Best operation practices to minimize these emissions shall be adhered to and shall include regular inspections and the prompt repair or correction of any leaks or other fugitive emissions.
[Air Construction Permits AC29-200648, AC29-186931/PSD-FL-155; 0570005-019-AC/PSD-FL-339; and 0570005-020-AC]

B.6. The 4th converter pass of the "C" and "D" sulfuric acid plants shall contain approximately 165,000 liters of cesium promoted vanadium catalyst. A change to non-cesium promoted catalyst or switch to another SO2 control strategy shall not occur without the Department's review and approval and shall required submittal of a permit modification request to revise the Best Available Control Technology Determination.
[Air Construction Permit 0570005-019-AC/PSD-FL-339]

Test Methods and Procedures

B.7. The permittee shall test the emissions from SAPs "A", "B", "C", and "D" for the following pollutants annually, on or during the 60 day period prior to, the dates of March 15 (Plants "A" and "B"), and February 15 (Plants "C" and "D") of each year:

Sulfuric Acid Mist (Acid Mist)
Visible emissions (VE)

Plants "C" and "D" shall be tested for Nitrogen Oxide (NO_x) within 60 days following achievement of 2475 tons per day of sulfuric acid or within 180 days following the startup after installing the cesium promoted catalyst, whichever is sooner, and annually thereafter. Testing procedures shall be consistent with the requirements of Chapter 62-297, F.A.C.
[Rules 62-297 and 62-297.310(8)(b), F.A.C., Air Construction permit 0570005-019-AC/PSD-FL-339]

B.8.a. Compliance with the applicable emission limitations of Specific Condition No. **B.3** shall be determined using EPA Methods 1, 2, 3, 4, 6C, 7E, 8 (for sulfuric acid mist), and 9 contained in 40 CFR 60, Appendix A and adopted by reference in Chapter 62-297, F.A.C. The minimum requirements for stack sampling facilities, source sampling and reporting, shall be in accordance with Chapter 62-297, F.A.C. and 40 CFR 60, Appendix A.
[Rules 62-296.402(3) and 62-297, F.A.C., Air Construction permit 0570005-019-AC/PSD-FL-339]

b. A continuous emissions monitoring system (CEMS) shall be installed, calibrated, maintained, operated, and used to determine compliance with the 3-hour rolling average emissions limit for SO_2. The CEMS shall be installed and certified before the initial performance test and operated in compliance with 40 CFR 60, Appendix F, Quality Assurance Procedures (2001 version) or other Department-approved QA plan; 40 CFR 60, Appendix B, Performance Specification 2 (2001 version).

The CEMS shall calculate and record emission rates in units of pounds SO_2 per ton of 100 percent sulfuric acid produced. Each operating day, the rolling averages of the SO_2 emission rate for the 3 hours shall be calculated and recorded. Emissions shall be calculated in units of pounds of SO_2 per ton of 100 percent acid produced using one of the methods specified in 40 CFR 60.84. Averages are to be calculated as the arithmetic mean of each monitored operating hour in which sulfur is burned in the unit and at least two emission measurements are recorded at least 15 minutes apart. Data taken during periods of startup, or when sulfur is not burned in the unit, or when the CEMS is out of control as defined in 40 CFR 60, Appendix F, Section 5.2, shall be excluded from the 3-hour rolling averages. Data recorded during periods of shutdown, malfunction, load change, and continuous operating periods shall be included in the calculation of the 3-hour rolling averages.

To the extent the monitoring system is available to record emissions data, the CEMS shall be operated and shall record data at all operating hours when sulfur is burned in the unit, including periods of startup, shutdown, load change, continuous operation and malfunction. Monitor downtimes and excess emissions based on 3-hour averages, which include startup emissions, shall be reported on a quarterly basis using the SUMMARY REPORT in 40 CFR 60.7. A detailed report of the cause, duration, magnitude, and corrective action taken or preventative measures adopted for each excess emission occurrence, and a listing of monitor downtime occurrences shall accompany the SUMMARY REPORT when the total duration of excess emissions is 1% or greater or if the monitoring system downtime is 5% greater of the total monitored operating hours.

The monitoring device shall meet the applicable requirements of Chapter 62-204, F.A.C., 40 CFR 60, Appendix F, and 40 CFR 60.13, including certification of each CEMS in accordance with 40 CFR 60, Appendix B, Performance Specifications and 40 CFR 60.7(a)(5) Notification Requirements. Data on monitoring equipment specifications, manufacturer, type calibration and maintenance requirements, and the proposed location of each stack probe shall be provided to the Department for review at least 30 days prior to installation of a new CEMS.
[Rules 62-4.070(3), F.A.C. and 62-204.800, F.A.C.; Permits 0570005-019-AC/PSD-FL-339 and 0570005-020-AC]

B.9. The visible emissions test shall be conducted by a certified observer and be a minimum of sixty (60) minutes in duration and simultaneous with the Method 8 test. The test observation period shall include the period during which the highest opacity can reasonably be expected to occur.
[Rule 62-297.310(4)(a)2., F.A.C.]

Monitoring, Recordkeeping and Reporting of Operations

B.10. A continuous emission monitoring system (CEMS) to determine sulfur dioxide emissions from this source shall be operated, calibrated, and maintained in accordance with Rule 62-296.402(4), F.A.C. The Permittee shall use the equation cited in 40 CFR 60.84(d) to convert CEM data into pounds of SO_2 per ton of 100% sulfuric acid produced.
[40 CFR 60.84 and Rule 62-296.402(4), F.A.C., and Air Construction Permits AC29-200648 and 0570005-020-AC]
{Permitting note: See Appendix 60-H for equation cited in 40 CFR 60.84(d).}

B.11. The permittee shall operate and maintain equipment and/or instruments necessary to determine the daily production rate of H_2SO_4. The metered production will be confirmed within 10% of its true value by comparison with the sulfur consumption at the end of each month.
[Rule 62-297.310(5)(b), F.A.C.]

B.12. In order to document compliance with the daily production rate limitations of Condition **B.1**, the permittee shall maintain daily records of H_2SO_4 production. These records shall be based upon data obtained from acid flow meters measuring acid flow rates to storage as well as transfers between plants. Flow meter information and documentation as to how daily production rates were calculated shall be included as part of the records.
[Rule 62-4.070(3), F.A.C. and permittee letter of November 16, 1993 submitted as a supplement to permit application for Plants "A" and "B"]

B.13. A CEMS is used to determine compliance with the sulfur dioxide emission limits in Condition **B.3**. However, in order to aid emissions inventory calculations, the permittee shall maintain monthly records of sulfur dioxide (SO_2) emissions. The records shall include the following for each day of the month:

A. daily acid production (in tons as 100% H_2SO_4);
B. hours operated;
C. daily average SO_2 emission rate (lbs.SO_2/ton H_2SO_4);
D. maximum 3-hr. average SO_2 emission rate;
E. monthly average SO_2 emission rate in pounds/ton of 100% H_2SO_4 produced;
F. a calculation of the SO_2 emissions in tons/last 12 consecutive month period.

The monthly records shall also show the sulfur dioxide emission limits in Condition **B.3**.
[Rule 62-4.070(3), F.A.C., Air Construction Permits AC29-200648 and 0570005-020-AC, and Appendix 1 to permittee letter of November 16, 1993 submitted as a supplement to permit application]

B.14. A report shall be submitted to the Air Compliance Section of the Environmental Protection Commission of Hillsborough County (EPCHC) and the Department within 30 days following each calendar quarter detailing all periods of excess sulfur dioxide emissions recorded by the CEMS during that three month period. The report shall include the magnitudes of the excess emissions, the duration of each excess emission period, the cause of the abnormal event, and the action taken to correct it. The excess emission report shall also include a statement of all periods during the quarter when the sulfur dioxide monitoring system was inoperative, reason for the downtime and action taken.
[Rule 62-296.402(5), F.A.C.]

B.15. The permittee shall promptly notify* the EPCHC's Air Management Division of any abnormal event** associated with the operation of the source which results in elevated emissions. Notification shall include the following:

a. Facility and Source Name;
b. Cause;
c. Time and duration of the abnormal event;
d. CEM readings or magnitude of the emissions;
e. Steps taken to reduce emissions if the abnormal event is still occurring:
f. Identification of person reporting the abnormal event.

A reportable abnormal event does not necessarily constitute a permit violation.

*For purposes for this condition, prompt notification shall mean "within thirty (30) minutes following detection of the reportable event by the permittee as long as reasonable care is taken in monitoring the source."
**For purposes of this condition, abnormal events shall, in part, include:

For all startups (hot and cold): the time when the unit will begin to burn sulfur, and shutdowns and malfunctions as defined in 40 CFR 60.2 and Rule 62-210.200, F.A.C.
[Air Construction Permits AC29-200648 and AC29-186931/PSD-FL-155]

B.16. These emissions units are subject to the specific conditions found in "Subsection P. Common Conditions."

The Following Common Conditions Apply to Plants "A" and "B" Only:
B17. Based upon the increase in actual emission of sulfuric acid mist associated with the modifications permitted on the air construction permit AC29-200648, Sulfuric Acid Plant "B" is subject to and shall comply with the Federal New Source Performance Standards (NSPS) 40 CFR 60.80-85 (Subpart H - Standards of Performance for Sulfuric Acid Plants) as they apply to emissions of sulfuric acid mist only.
{Note: Sulfuric Acid Plant "A" is not subject to 40 CFR 60 Subpart H}
[Rule 62-204.800, F.A.C.]

B.18. SAPs "A" and "B" shall comply with Attachment B, "Sulfuric Acid Mist Emissions Prevention Plan".
[Consent Order (EPC Case #: 00-0126CCG005); Applicant request; and Air Construction Permit 0570005-020-AC]

B.19. If the permittee requests relaxation of any of the federally enforceable limits in Air Construction permit AC29-200648, then the Department will determine whether the NSR requirements of Rule 62-212.400, F.A.C. shall apply. The Department determined in the Technical Evaluation for Air Construction permit 0570005-020-AC that, since continuous emissions monitors for SO_2 would be used for the method of compliance, and since the Sulfuric Acid Mist Emissions Prevention Plan will be applied to both Sulfuric Acid Plants 'A' and 'B', elimination of the required monitoring of SO_2 scrubber parameters would not be a relaxation of any federally enforceable limits.
[Rule 62-212.400(2)(g), F.A.C., and Air Construction Permits AC29-200648 and 0570005-020-AC]

The Following Common Condition Applies to Plants "C" and "D" Only:

B.20. The permittee shall submit to the Bureau of Air Regulation (BAR) SO_2 emissions data for both "C" and "D" Sulfuric Acid Plants on a quarterly basis. The data submitted shall be SO_2 CEMS 3-hour rolling averages data. It shall be submitted in a graphical presentation against time. The production rate for each plant shall also be indicated on the same graph. The data shall be submitted for a period of three years (12 quarters) after start-up of each plant (after installing the cesium promoted vanadium catalyst.)
[Air Construction Permit 0570005-019-AC/PSD-FL-339]

Subsection C. This section addresses the following emissions units.

E.U. ID No.	Brief Description
004	"A" Phosphoric Acid Plant
009	"B" Phosphoric Acid Plant

This subsection applies to the two phosphoric acid plants, as described below.

Phosphoric Acid Plant A
Fluoride emissions from this plant are controlled by a cyclonic scrubber followed by a packed bed scrubber with "Kimre" packing or equivalent packing. Typical gas flow rate through the scrubbers is approximately 43,000 DSCFM. The scrubber system uses pondwater as the scrubbing liquid. The scrubber system's approximate normal operating parameters are: liquid flow rate to the packed bed scrubber - 1210 gpm at 40 psig and total gas pressure drop across the scrubbers - 9 inches w.g. (approximately 7" w.g. across the cyclonic scrubber and 2" across the packed bed scrubber).

Phosphoric Acid Plant B
Fluoride emissions from this plant are controlled by a packed bed scrubber with "Kimre" packing or equivalent packing. Typical gas flow rate through the scrubber is approximately 48,000 ASCFM. The scrubber uses pondwater as the scrubbing liquid. The packed bed scrubber's approximate normal operating parameters are: maximum outlet temperature of 120 °F and minimum fan amps of 80.

{Permitting note(s): These emissions units are regulated under NSPS - 40 CFR 60, Subpart T, Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants, adopted and incorporated by reference in Rule 62-204.800(7)(b)25., F.A.C.; and Rule 62-296.403, F.A.C., Phosphate Processing. Phosphoric Acid Plant A is subject to NSPS Standards. Phosphoric Acid Plant B is an existing facility under NSPS rules. Both emission units are subject to 40 CFR 63, Subpart A - General Provisions; 40 CFR 63, Subpart AA - National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants.}

The following conditions apply to the emissions units listed above:

Essential Potential to Emit (PTE) Parameters

C.1. a. Capacity.
The process input rate corresponds to the "equivalent P_2O_5 feed". The following rates shall not be exceeded:

Plant A

A. Pursuant to Air Construction Permit AC29-236879 the maximum permitted process input rate to this plant is 59 tons/hour and 1,416 tons/day as 100% rock P_2O_5, and
B. The permitted process input rate shall be the rate during the most recently accepted compliance test plus 10%; not to exceed 59 tons/hour 100% rock P_2O_5.

Plant B

A. The maximum permitted process input rate to this plant is 87.8 tons/hour 2,107 tons/day as 100% rock P_2O_5, and
B. The permitted process input rate shall be the rate during the most recently accepted compliance test plus 10%; not to exceed 87.8 tons/hour 100% rock P_2O_5.

{See specific conditions **C.18** and **C.19** for NESHAP requirements for monitoring and recordkeeping of the equivalent P_2O_5 feed rate.}

b. Hours of Operation. Each plant is allowed to operate continuously, i.e., 8760 hours/year.
[Rules 62-4.160(2) and 62-210.200(PTE), F.A.C.]

Emission Limitations and Standards

C.2. Total fluorides(F) emissions shall not exceed any of the following limits:

	Plant A	Plant B
a.	0.020 pound/ton of "equivalent P_2O_5 feed",	0.020 pound/ton of "equivalent P_2O_5 feed"*
b.	1.18 pounds/hour,	1.04 pounds/hour,
c.	28.3 pounds/day, and	24.9 pounds/day, and
d.	5.2 tons/year.	4.6 tons/year.
	[Rules 62-296.403(1)(a) and 62-296.800, F.A.C.; 40 CFR 60.202 and 40 CFR 63.602(a)]	[Rule 62-296.403(1)(a), F.A.C.; 40 CFR 63.602(a)]

* "equivalent P_2O_5 feed" means the quantity of phosphorus, expressed as phosphorus pentoxide, fed to the process as rock P_2O_5.

Test Methods and Procedures

C.3. Each phosphoric acid plant stack shall be tested for fluoride emissions annually, within 60 days prior to July 9 (Plant A) and May 20 (Plant B).
[Rule 62-297.310(7)(a)4, F.A.C.; 40 CFR 63.606(a)(1) and 63.609(a)]

C.4. Compliance with the emission limitations of specific condition **C.2** shall be demonstrated in accordance with EPA Methods 1-5, and 13A or 13B (without distillation) as published in 40 CFR 60, Appendix A and adopted by reference in Chapter 62-297, F.A.C. The minimum requirements for stack sampling facilities, source sampling and reporting, shall be in accordance with Chapter 62-297, F.A.C. and 40 CFR 60, Appendix A, except as provided in 40 CFR 63.7(f) [see Subsection O.]
[Chapter 62-297, F.A.C.; 40 CFR 63.606(b)]

C.5. A summary of the following process data shall be included in any compliance test report:
A. the process input rate in tons/hour and tons/day expressed as 100% rock P_2O_5
B. the raw material input rates, i.e., sulfuric acid, rock slurry, and water, and
C. the start and end time for the rate determination.
[Rule 62-4.070(3), F.A.C.]
{Permitting Note: See Conditions **C.17** and **C.18** regarding recordkeeping of equivalent P_2O_5 feed rate.}

C.6. [Reserved.]

Monitoring, Recordkeeping, and Reporting of Operations

C.7. The permittee shall maintain a daily record of "equivalent P_2O_5 feed" to the phosphoric acid plant {for plant A, according to the procedure specified in 40 CFR 60.203(b)}.
[Plant A: Rule 62-204.800, F.A.C. and 40 CFR 60; Plants A and B: Rule 62-4.070(3), F.A.C.]

C.8. – C.11. [Reserved.]

Plant A only:

{Permit note: When in compliance with all of the requirements of 40 CFR 63 Subpart AA, Plant A is exempted from the requirements of 40 CFR 60, Subpart T, in the following specific conditions **C.12** and **C.13.**}

C.12. The permittee shall calibrate, maintain, and operate a monitoring device to determine the mass flow of phosphorus-bearing feed material to the process. Phosphorus bearing feed material shall not include recycled phosphoric acid, sludge or water. The monitoring device shall have an accuracy of ±5% over its operating range. The process input rate to this plant shall be controlled by the reading from the monitoring device with no allowance or correction for the monitoring device's accuracy.
[Rule 62-204.800, F.A.C., and 40 CFR 60.203(a)]

C.13. The permittee shall install, calibrate, maintain, and operate a monitoring device which continuously measures and permanently records the total pressure drop across the process scrubbing system. The monitoring device shall have an accuracy of ±5% over its operating range.
[Rule 62-204.800, F.A.C. and 40 CFR 60.203(c)]

NESHAP Conditions:

{Permit note: See also the attached Compliance Plan, Appendix CP-1.}

C.14. The requirements of Subpart AA apply to phosphoric acid manufacturing plants and the following emissions points which are components of a wet-process phosphoric acid process line: reactors, filters, evaporators, and hot wells. When in compliance with all of the requirements of 40 CFR 63 Subpart AA, Plant A is exempted from the requirements of 40 CFR 60, Subpart T, in specific conditions **C.12** and **C.13** above. No phosphoric acid process water evaporative cooling towers shall be operated at this facility. CF operates only fresh water cooling towers.
[Rule 62-204.800, F.A.C.; 40 CFR 63.600(1); and 40 CFR 63.610]

C.15. These emissions units are subject to specific requirements in the 40 CFR 63, Subpart A - General Provisions, which are located in "Subsection O. NESHAP Common Conditions".
[Rule 62-204.800, F.A.C.; 40 CFR 63.608; and 40 CFR 63, Appendix A.]

C.16. The permittee shall maintain daily averages of the pressure drop across each scrubber and of the flow rate of the scrubbing liquid to each scrubber with in the allowable ranges established pursuant to 40 CFR 63.605(d)(1) or (2), as stated in Condition **C.20**.
[Rule 62-204.800, F.A.C.; 40 CFR 63.604]

C.17. The permittee shall install calibrate, maintain, and operate a monitoring system which can be used to determine and permanently record the mass flow of the phosphorus-bearing feed to the process. The monitoring system shall have an accuracy of ±5 % over its operating range.
[Rule 62-204.800, F.A.C.; 40 CFR 63.605(a)]

C.18. The permittee shall maintain a daily record of equivalent P_2O_5 feed by first determining the total mass rate of the phosphorus bearing feed using a monitoring system for measuring mass flowrate which meets the requirements of specific condition **C.17** [40 CFR 63.605(a)] and using the calculation method in specific condition **C.21(3)** [40 CFR 63.606(c)(3)].
[Rule 62-204.800, F.A.C., 40 CFR 63.605(b)(1)]

C.19. The permittee shall install, calibrate, maintain, and operate the following monitoring systems:

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

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

[Rule 62-204.800, F.A.C.; 40CFR 63.605(c)(1) & (2)]

C.20. The permittee must establish allowable ranges for operating parameters using the methodology of either of the following paragraphs (a) or (b):

a. The allowable range for the daily averages of the pressure drop across each scrubber and the flow rate of the scrubbing liquid to each scrubber in the process scrubbing system is ±20% of the baseline average value determined per specific condition **C.21.(4)** [40 CFR 62.606(c)(4)]. The Administrator retains the right to reduce the ± 20 percent adjustment to the baseline average values of operating ranges in those instances where performance test results indicate that a source's level of emissions is near the value of an applicable emissions standard, but, in no instance shall the adjustment be reduced to less than ± 10 percent. The owner or operator must notify the Administrator of the baseline average value and must notify the Administrator each time that the baseline value is changed as a result of the most recent performance test. When a source using the methodology of this paragraph is retested, the permittee shall determine whether new allowable ranges of baseline average values will be based upon the new performance test or (if the performance test results are within the previously established range) whether there will be no change in the operating parameters derived from previous tests. When a source using the methodology of this paragraph is retested and the performance test results are submitted to the Administrator pursuant to §§ 63.607(c)(1) [specific condition **C.22**], 63.7(g)(1) [see Subsection O.], and/or 63.10(d)(2) [see Subsection O.], the permittee will indicate whether the operating range will be based on the new performance test or the previously established range. If the Administrator has not denied approval of the new operating ranges within 30 days of submission of the performance test results, the new ranges shall be deemed approved and the new baseline value shall then be effective on the 31st day following submission;

or

b. The permittee shall establish, and provide to the Administrator for approval, allowable ranges of baseline average values for the pressure drop across and of the flow rate of the scrubbing liquid to each scrubber in the process scrubbing system for the purpose of assuring compliance with this subpart. Allowable ranges may be based upon baseline average values recorded during previous performance tests using the test methods required in this subpart and established in the manner required in specific condition **C.21(4)** [§ 63.606(c)(4)]. As an alternative, the permittee can establish the allowable ranges of baseline average values using the results of performance tests conducted specifically for the purposes of this paragraph using the test methods required in this subpart and established in the manner required in specific condition **C.21(4)** [§ 63.606(c)(4)]. The source shall certify that the control devices and processes have not been modified subsequent to the testing upon which the data used to establish the allowable ranges were obtained. The allowable ranges of baseline average values developed pursuant to the provisions of this paragraph must be submitted to the Administrator for approval. The permittee must request and obtain approval of the

Administrator for changes to the allowable ranges. When a source using the methodology of this paragraph is retested, the owner operator shall determine new allowable ranges of baseline average values unless the retest indicates no change in the operating parameters outside the previously established ranges. If the Administrator has not denied approval of the new operating ranges within 30 days of submission of the performance test results, the new ranges shall be deemed approved and the new baseline value shall then be effective on the 31st day following submission.

[Rule 62-204.800, F.A.C.; 40 CFR 63.605(d)(1) or (2)]

C.21. The permittee shall determine compliance with the total fluorides standards in specific condition **C.2.a.** as follows:

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

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

where:

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

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

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

$$P = M_p R_p$$

where:

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

(i) The accountability system described in specific conditions **C.17.** and **C.18.** [§63.605(a) and (b)] shall be used to determine the mass flow rate (M_p) of the phosphorus-bearing feed.

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

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

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

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

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

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

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

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

(4) To comply with specific condition **C.20** [§ 63.605(d)(1) or (2)], the owner or operator shall use the monitoring systems in specific condition **C.19** [§ 63.605(c)] to determine the average pressure loss of the gas stream across each scrubber in the process scrubbing system and to determine the average flow rate of the scrubber liquid to each scrubber in the process scrubbing system during each of the total fluoride runs. The arithmetic averages of the three runs shall be used as the baseline average values for the purposes of specific condition **C.20** [§ 63.605(d)(1) or (2)].
[Rule 62-204.800, F.A.C.; 40 CFR 63.606(c)]

C.22. The owner or operator of an affected source shall comply with the reporting requirements specified in § 63.10 as follows:

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

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

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

(4) If the total duration of control system operating parameter exceedances for the reporting period is 1 percent or greater of the total operating time for the reporting period, the owner or operator shall submit a summary report and the excess emissions report.
[Rule 62-204.800, F.A.C.; 40 CFR 63.607(c)]

Common Conditions:

C.23. These emissions units are subject to the specific conditions found in "Subsection P. Common Conditions."

Subsection D. This section addresses the following emissions unit.

E.U. ID No.	Brief Description
010	"A" DAP/MAP Plant

This subsection applies to the "A" DAP /MAP plant, as described below.

For the operation of the A-Train phosphate manufacturing plant to produce DAP or MAP. The A-Train consists of a reactor, granulator, dryer, 30,000 ACFM product cooler, mills, and screens. The dryer is fired with natural gas or No. 5 fuel oil, or a better grade, i.e., No. 2, 3, or 4 (back-up); at a maximum heat input rate of 28.5 MMBtu/hr.

Emissions from the reactor and granulator are controlled by the following pollution control equipment, respectively:

Stage I - Ducon Envir. Tech. Series 435X-RL 9' O.D. 27' long scrubber with phosphoric acid as the scrubbing liquid. (No. 3.A.)*

Stage II- Fume Downcomer which consists of duct work with fresh water sprays. The water is from the abatement scrubber. (No. 3.B.)*

Abatement Scrubber - Ducon Envir. Tech. Size 15' x 28' scrubber with fresh water as the scrubbing liquid. (No. 5)*

*Permitting Note: Equipment numbers refer to a flow chart not included as a part of this permit.

Emissions from the dryer are controlled by the following pollution control equipment, respectively:

Dust Cyclones- Fly Ash Arrestor Corp. (4) 59 3/8" dia. each.

Stage I - Ducon Envir. Tech. 11' O.D. x 30' scrubber with phosphoric acid as the scrubbing liquid. (No. 2.A.)

Stage II- Fume Downcomer which consists of duct work with fresh water sprays. The water is from the abatement scrubber. (No. 2.B.)

Abatement Scrubber - (same as above)

Emissions from the mills and screens are controlled by the following pollution control equipment, respectively:

Dust Cyclones- Fly Ash Arrestor Corp. (2) 59 3/8" dia. each.

Dryer Scrubber- Ducon Envir. Tech. 11' O.D. x 30' high scrubber with phosphoric acid as the scrubbing liquid. (No. 2.A.)

Abatement Scrubber - (same as above)

Emissions from the product cooler are controlled by the following pollution control equipment, respectively:

Dust Cyclones- Fly Ash Arrestor Corp. (2) 65" dia. each.

Cooler Scrubber - Fume Downcomer which consists of duct work with fresh water sprays. The water is from the abatement scrubber. (No. 1)

Abatement Scrubber - (same as above)

{Permitting notes: This emissions unit is regulated under Rule 62-296.403, F.A.C., Phosphate Processing; 40 CFR 63, Subpart A - General Provisions; and 40 CFR 63, Subpart BB - National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants.}

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

Essential Potential to Emit (PTE) Parameters

D.1. a. Capacity.
The following are the maximum permitted P_2O_5 input rates and each is based on a 12-hour average, pursuant to Rule 62-4.070(3), F.A.C.:

Production	P_2O_5 Input, TPH
DAP	29.53
MAP	33.30

b. Hours of Operation. The plant is allowed to operate continuously, i.e., 8760 hours/year.
[Rules 62-4.070(3) and 62-210.200(PTE), F.A.C.]

Emission Limitations and Standards
D.2. At the request of the permittee, particulate emissions shall not exceed the following to exempt the facility from particulate RACT:

a. 32.66 lbs./hr.
b. 143.05 tons/yr.

[Rule 62-296.700(2)(b), F.A.C.]

D.3. This plant shall not exceed any of the following maximum allowable total fluorides emission rates based on the design capacity of 23 tons/hr. of P_2O_5 input.

a. 1.38 lbs./hr.
b. 6.04 tons/yr.
c. 0.06 lbs./ton of P_2O_5 input

[Rule 62-296.403, F.A.C.; 40 CFR 63.622(a)]

D.4. The maximum heat input rate to the dryer is 28.5 MMBTU/hr. based on a daily average. The primary fuel for the dryer shall be natural gas, with No. 5 fuel oil (or a better grade, i.e., No. 2, 3, or 4) permitted as a back-up fuel.
[Rules 62-4.160(2), F.A.C. and 62-213.440(1), F.A.C.]

Test Methods and Procedures

D.5. Test this plant for particulates and fluorides annually within 60 days prior to the date of April 27 and within 30 days of a change in the production mode (DAP to MAP or MAP to DAP) and/or when switching to No. 5 fuel oil (or a better grade, i.e., No. 2, 3, or 4) upon exceeding the 400th hour for any 12 consecutive month period. More than one test per any 12 consecutive month period is not required for any production mode change or fuel switching condition.
[Rules 62.204.800, 62-297.310(7)(a)5, and 62-297.310(8)(b), F.A.C.; 40 CFR 63.626(a)(1)]

D.6. Compliance with the emission limitations of Conditions D.2. and D.3 shall be determined using EPA Methods 1, 2, 3, 4, 5, and 13A or 13B (without distillation) contained in 40 CFR 60, Appendix A and adopted by reference in Chapter 62-297, F.A.C. The minimum requirements for stack sampling facilities, source sampling and reporting, shall be in accordance with Chapter 62-297, F.A.C. and 40 CFR 60, Appendix A, except as specified in 40 CFR 63.7(f) [see Subsection O.]
[Chapter 62-297, F.A.C.; Rule 62-204.800, F.A.C.; 40 CFR 63.626(b)]

D.7. Testing of emissions must be conducted while operating at the following conditions in order to maintain operating limits at the maximum permitted rates:

a. Within 90-100% of the maximum permitted P_2O_5 input rate (29.53 TPH DAP or 33.30 TPH of MAP).

b. If testing with fuel oil, within 90-100% of the maximum heat input rate (daily average) to the dryer of 28.5 MMBTU/hr.

If it is impracticable to test at 90-100% of the permitted maximum rate, an emissions unit may be tested at less than 90-100% of the maximum permitted rate; in this case, subsequent emissions unit operation is limited to 110 percent of the test rate until a new test is conducted. Once the unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity.
[Rules 62.070(3) and 62-297.310(2), F.A.C.]

D.8. Failure to submit the following with the test report or operating under conditions during testing which are not representative of normal operating conditions may invalidate the tests and fail to provide reasonable assurance of compliance:

a. Tons/hr. of P_2O_5 input.

b. Fuel used to fire the dryer.

c. When using fuel oil, average heat input rate to the dryer.

d. Copies of the charts and/or records and log as required in Condition **D.11**.

[Rule 62-4.070(3), F.A.C.]
{Permitting Note: See the applicable monitoring, reporting, recordkeeping, and excess emissions reporting requirements of 40 CFR 63, Subpart BB (See NESHAP Conditions **D.11** through **D.18**) and 40 CFR 63, Subpart A (See Subsection O, NESHAP Common Conditions).

D.9. To provide reasonable assurance of continuous compliance with Conditions **D.1** and **D.4**, the permittee shall maintain a daily log. The log at a minimum shall include the following:

a. Date

b. Total operating hours.

c. At least once every 12 hours record the product mode (DAP or MAP) and the average P_2O_5 input rate in tons/hr.

d. An area on the log shall indicate the P_2O_5 input rate (plus 10%, but not exceeding 29.53 for DAP or 33.30 for MAP) at which the last compliance test was conducted.

e. Each type and quantity of fuel used.
f. When using fuel oil, the daily average MMBTU/hr. heat input rate to the dryer.
g. After switching to fuel oil to fire the dryer following a compliance test conducted using natural gas, record the hours the dryer was fired with fuel oil and the cumulative total time of fuel oil use to determine when the 400th hour testing requirement is triggered.
[Rule 62-4.070(3), F.A.C.]

Other Requirements

D.10. Addition of a urea/ammonium nitrate solution (UAN), or an equivalent supplemental nitrogen source approved by the Department of Environmental Protection, to DAP is allowed under the following conditions:

a. Up to seven gpm shall be considered as a normal operating condition and shall be added to the granulator at a normal rate during any granulator stack emissions test.

b. UAN shall contain a maximum of 45% by weight ammonium nitrate and 35% urea as an aqueous solution.
[Authorization letter 2/13/97 and Rule 62-4.070(3), F.A.C.]

NESHAP Conditions

D.11. a. The requirements of 40 CFR 63, Subpart BB, apply to the following emission points which are components of a DAP or MAP process line: reactors, granulators, dryers, coolers, screens, and mills.
[Rule 62-204.800, F.A.C.; and 40 CFR 63.620(b)(1)]

b. This emissions unit is subject to specific requirements in the 40 CFR 63, Subpart A - General Provisions, which are located in Subsection O. NESHAP Common Conditions.
[Rule 62-204.800, F.A.C.; 40 CFR 63.628; and 40 CFR 63, Appendix A]

D.12. The permittee must maintain daily averages of the pressure drop across each scrubber and of the flow rate of the scrubbing liquid to each scrubber within the allowable ranges established pursuant the requirements of 40 CFR 63.625(f)(1) or 63.625(f)(2), [specific condition **D.16**].
[Rule 62-204.800, F.A.C.; 40 CFR 63.624]

D.13. The permittee shall install, calibrate, maintain, and operate a monitoring system which can be used to determine and permanently record the mass flow of phosphorus-bearing feed material to the process. The monitoring system shall have an accuracy of ± 5 % over its operating range.
[Rule 62-204.800, F.A.C.; 40CFR 63.625(a)]

D.14. The permittee shall maintain a daily record of equivalent P_2O_5 feed by first determining the total mass rate of phosphorus bearing feed using a monitoring system for measuring mass flowrate which meets the requirements of specific condition **D.13.** [40 CFR 63.625(a)] and then by proceeding according to specific condition **D.16(3)** [40 CFR 63.626(c)(3)].
[Rule 62-204.800, F.A.C.; 40 CFR 63.625(b)]

{Permit note: See also the attached Compliance Plan, Appendix CP-1.)
D.15. The permittee shall comply with the attached Alternative Monitoring Plan, Appendix AMP, **or** the following monitoring requirements of 40 CFR 63.625:

a.-b. [Reserved]

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

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

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

[Rule 62-204.800, F.A.C.; 40CFR 63.625(c)]

d.-e. [Reserved]

f. The permittee must establish allowable ranges for operating parameters using the methodology of either of the following:

(1) The allowable range for the daily averages of the pressure drop across each scrubber and of the flow rate of the scrubbing liquid to each scrubber in the process scrubbing system is ±20% of the baseline average value determined as a requirement of specific condition **D.16(4)** [40 CFR 62.626(c)(4)]. The Administrator retains the right to reduce the ±20% adjustment to the baseline average values of operating ranges in those instances where performance test results indicate that a source's level of emissions is near the value of an applicable emissions standard, but in no instance shall the adjustment be reduced to less than ±10%. The permittee must notify the Administrator of the baseline average value and must notify the Administrator each time that the baseline value is changed as a result of the most recent performance test. When a source using the methodology of this paragraph is retested, the permittee shall determine whether new allowable ranges of baseline average values will be based upon the new performance test or (if the new performance test results are within the previously established range) whether there will be no change in the operating parameters derived from previous tests. When a source using the methodology of this paragraph is retested and the performance test results are submitted to the Administrator pursuant to §§63.627(c)(1) [specific condition **D.17(1)**], 63.7(g)(1) [see Subsection O.], and/or 63.10(d)(2) [see Subsection O.], the permittee will indicate whether the operating range will be based on the new performance test or the previously established range. If the Administrator has not denied approval of the new operating ranges within 30 days of submission of the performance test results, the new ranges shall be deemed approved and the new baseline value shall then be effective on the 31st day following submission.

or

(2) The permittee shall establish, and provide to the Administrator for approval, allowable ranges for the daily averages of the pressure drop across and of the flow rate of the scrubbing liquid to each scrubber in the process scrubbing system for the purpose of assuring compliance with 40 CFR 63 Subpart BB. Allowable ranges may be based upon baseline average values recorded during previous performance tests using the test methods required in specific condition **D.16(4)** [40 CFR 62.626(c)(4)]. As an alternative, the owner or operator can establish the allowable ranges using the results of performance tests conducted specifically for the purposes of this paragraph using the test methods required in this subpart and established in the manner required in specific condition **D.16(4)** [40 CFR 62.626(c)(4)]. The source shall certify that the control devices and processes have not been modified subsequent to the testing upon which the data used to establish the allowable ranges were

obtained. The allowable ranges developed pursuant to the provisions of this paragraph must be submitted to the Administrator for approval. The owner or operator must request and obtain approval of the Administrator for changes to the allowable ranges. When a source using the methodology of this paragraph is retested, the permittee shall determine new allowable ranges of baseline average values unless the retest indicates no change in the operating parameters outside the previously established ranges. If the Administrator has not denied approval of the new operating ranges within 30 days of submission of the performance test results, the new ranges shall be deemed approved and the new baseline value shall then be effective on the 31st day following submission.

[Rule 62-204.800, F.A.C.; 40 CFR 63.625(f)(1) & (2)]

D.16. The permittee shall determine compliance with the applicable total fluorides limit in specific condition **D.3.c.** [§ 63.622(a)] as follows:

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

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

where:

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

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

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

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

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

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

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

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

$$P = M_p R_p$$

where:

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

$R_p = P_2O_5$ content, decimal fraction.

(i) The accountability system described in specific conditions **D.13** and **D.14** [40 CFR 63.625(a) and (b)] shall be used to determine the mass flow rate (M_p) of the phosphorus-bearing feed.

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

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

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

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

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

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

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

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

(4) To comply with specific condition **D.15.f.(1) or (2)** [§ 63.625(f)(1) or (2)], the owner or operator shall use the monitoring systems in specific condition **D.15.c.** [§ 63.625(c)] to determine the average pressure loss of the gas stream across each scrubber in the process scrubbing system and to determine the average flow rate of the scrubber liquid to each scrubber in the process scrubbing system during each of the total fluoride runs. The arithmetic averages of the three runs shall be used as the baseline average values for the purposes of specific condition **D.15.f.(1) or (2)** [§ 63.625(f)(1) or (2)]. [Rule 62-204.800, F.A.C.; 40 CFR 63.626(c)]

D.17. The owner or operator of an affected source shall comply with the reporting requirements specified in § 63.10 as follows:

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

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

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

(4) If the total duration of control system operating parameter exceedances for the reporting period is 1 percent or greater of the total operating time for the reporting period, the owner or operator shall submit a summary report and the excess emissions report.
[Rule 62-204.800, F.A.C.; 40 CFR 63.627(c)].

Common Conditions:

D.18. This emissions unit is subject to the specific conditions found in "Subsection P. Common Conditions."

Subsection E. This section addresses the following emissions units.

E.U. ID No.	Brief Description
011	"Z" DAP/MAP Plant
012	"X" DAP/MAP Plant
013	"Y" DAP/MAP Plant

{Permitting note:
012 was formerly the E.U. ID No. for the X-train GTSP mode. This mode is no longer used.
016 was formerly the E.U. ID No. for the X-train DAP mode.
021 was formerly the E.U. ID No. for the X-train MAP mode.
013 was formerly the E.U. ID No. for the Y-train GTSP mode. This mode is no longer used.
017 was formerly the E.U. ID No. for the Y-train DAP mode
030 was formerly the E.U. ID No. for the Y-train MAP mode}

This subsection applies to the "X" DAP/MAP Plant, "Y" DAP/MAP Plant, and "Z" DAP/MAP Plant, as described below:

For the operation of the XYZ Train phosphate granulation plants to produce DAP or MAP. Each of the XYZ Train granulation plants consist of a reactor, granulator, aging belt, 50,000 ACFM product cooler, mills, and screens. The dryers are fired with natural gas or No. 5 fuel oil or lower fuel oil (back-up) at a maximum heat input rate for each plant as follows:

"X" Train DAP/MAP	49.7 MMBtu/hour
"Y" Train DAP/MAP	49.5 MMBtu/hour
"Z" Train DAP/MAP	42.75 MMBtu/hour

Emissions from the **reactor, granulator, and aging belt** are controlled by the following pollution control equipment, respectively:

Stage I - Ducon Envir. Tech. Series 550, 9'-9" O.D., 36'-10½" high scrubber with phosphoric acid as the scrubbing liquid.

Stage II- Ducon Envir. Tech. Series 550, 9'-9" O.D., 35'-4½" high scrubber with pond water as the scrubbing liquid.

Abatement Scrubber - Ducon Envir. Tech. Size 15' x 35' scrubber with fresh water as the scrubbing liquid

Emissions from the **dryer** are controlled by the following pollution control equipment, respectively:

Dust Cyclones- Ducon Envir. Tech. 810/175 Type VM

Stage I - Ducon Envir. Tech. Series 555, 10'-2" O.D., 38'-4½" high scrubber with phosphoric acid as the scrubbing liquid.

Stage II- Ducon Envir. Tech. Series 555, 10'-2" O.D., 36'-10½" high scrubber with pond water as the scrubbing liquid.

Abatement Scrubber* - (same device as the reactor/granulator abatement scrubber)

Emissions from the **mills and screens** are controlled by the following pollution control equipment, respectively:

Dust Cyclones- Ducon Envir. Tech. 810/175 Type VM

Dust Scrubber- Ducon Envir. Tech., Series 535, 8'-8" O.D., overall height 34'-3" with phosphoric acid as the scrubbing liquid. (No. 2)

Abatement Scrubber* - (same device as the reactor/granulator abatement scrubber)

Emissions from the **product cooler** are controlled by the following pollution control equipment, respectively:

Dust Cyclones - Ducon Envir. Tech. 810/175 Type VM Size 4-355 cyclone.

Cooler Scrubber - Ducon Envir. Tech., Series 550, 9'-9" O.D., 35'-4½" high scrubber with pond water as the scrubbing liquid.

Abatement Scrubber* - (same device as the reactor/granulator abatement scrubber)

*All equipment gases pass through the same abatement scrubber.
{Permitting notes: These emissions units are regulated under NSPS - 40 CFR 60, Subpart V, Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants, adopted and incorporated by reference in Rule 62-204.800(7)(b)27., F.A.C ("X" and "Y" Trains only); Rule 62-212.300, F.A.C., General Preconstruction Review Requirements; Rule 62-212.400(6), F.A.C., Best Available Control Technology (BACT) Determination, dated July 6, 1989; Rule 62-296.320, F.A.C., General Pollutant Emission Limiting Standards; and Rule 62-296.403, F.A.C., Phosphate Processing; 40 CFR 63, Subpart A - General Provisions; 40 CFR 63, Subpart BB - National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants.}

The following conditions apply to the emissions units listed above:

Essential Potential to Emit (PTE) Parameters

E.1. Capacity.
The following are the maximum permitted input limits for the **X** Train:

		RAW MATERIAL INPUT(TPH)			
Mode	P_2O_5 Input(TPH)	Phos. Rock	Acid (H_3PO_4)	NH_3	Operating Time(hr/yr)
DAP	48.7	0.0	122.3	23.1	7,884
MAP	55.0	0.0	130.6	14.1	6,091

The following are the maximum permitted input limits for the **Y** Train:

		RAW MATERIAL INPUT(TPH)		
	P_2O_5 Input	Phos.	Acid	
Mode	(TPH)	Rock	(H_3PO_4)	NH_3
DAP	48.7	0.0	122.3	23.1
MAP	55.0	0.0	130.6	14.1

Hours of Operation. The Y-Train is allowed to operate continuously, i.e., 8760 hours/year.
[Rule 62-210.200, F.A.C., Definitions (PTE)]

The following are maximum permitted input limits for the Z train:

		RAW MATERIAL INPUT(TPH)	
		Acid	
Mode	P_2O_5 Input(TPH)	(H_3PO_4)	NH_3
DAP	48.7	122.3	23.1
MAP	55.0	130.6	14.1

Hours of Operation. The Z-Train is allowed to operate continuously, i.e., 8760 hours/year.
[Rule 62-210.200, F.A.C., Definitions (PTE)]

The permittee shall maintain logs that can be used to determine compliance with these restrictions. These logs shall include the hourly quantity of phosphoric acid feed to the plant and the daily P_2O_5 content of the acid.
[Air Construction Permit 0570005-004-AC; Rules 62-4.070(3) and 62-210.200(PTE), F.A.C.]
{Permitting Note: See Conditions **E.19** and **E.20** regarding the NESHAP requirements for monitoring and recordkeeping of the equivalent P_2O_5 feed rate.}

Emission Limitations and Standards

E.2.

a. The X plant shall not exceed any of the following maximum allowable total fluorides emissions rates:

Production Mode	lbs. F/Ton P_2O_5	lbs./hr.	TPY
DAP	0.035	1.70	6.70
MAP	0.04	2.20	6.70

The combined total fluoride emission rate for DAP and MAP from the X Plant shall not exceed 6.70 TPY. [Air Construction Permit AC29-210979 and Rule 62-212.300, F.A.C. and 40 CFR 63.622(b)]

b. The Y plant shall not exceed any of the following maximum allowable total fluorides emissions rates:

Production Mode	lbs. F/Ton P_2O_5	lbs./hr.	TPY
DAP	0.06	2.2	9.6
MAP	0.06	2.2	9.6

[Air Construction Permit AC29-165420 and 40 CFR 63.622(a) and (b)]

c. The Z plant shall not exceed any of the following maximum allowable total fluorides emission rates based on the design capacity of 24 tons/hr. of P_2O_5 input.

Production Mode	lbs. F/Ton P_2O_5	lbs./hr.	TPY
DAP	0.06	1.44	6.31
MAP	0.06	1.44	6.31

[Rule 62-296.403, F.A.C. and 40 CFR 63.622(a)]

E.3.

a. The X plant shall not exceed any of the following maximum allowable particulate matter emissions rates:

Production Mode	lbs./hr.	TPY
DAP	10.62	41.88
MAP	13.75	41.88

The combined total particulate matter emission rate for DAP and MAP shall not exceed 41.88 TPY.
[Air Construction Permit AC29-210979 and Rule 62-212.300, F.A.C.]

b. The Y plant shall not exceed any of the following maximum allowable particulate matter emissions rates:

Production Mode	lbs./hr.	TPY
DAP	15.3	67
MAP	15.3	67

[Air Construction Permit AC29-165420]

c. The Z plant shall not exceed any of the following maximum allowable particulate matter emissions rates to exempt the facility from particulate RACT:

Production Mode	lbs./hr.	TPY
DAP	22.6	99
MAP	22.6	99

[Rule 62-296.700(2)(b), F.A.C.]

E.4. The primary fuel for the XYZ-Train phosphate granulation plants shall be natural gas, with No. 5 (or lower) fuel oil permitted for use as a back-up fuel. The maximum heat input rate shall not exceed the following:

Phosphate Granulation Plant	Maximum Heat Input (MMBtu/hr)
X Train	49.7
Y Train	49.5
Z Train	42.75

[Air Construction Permit 0570005-004-AC]

Test Methods and Procedures

E.5. The permittee shall test the emissions from the XYZ-Train phosphate granulation plants for particulates matter and fluorides emissions per specific conditions **E.2.** and **E.3.** on or during the 60 day period prior to test due dates and test intervals shown below:

		Test Due Date		
Pollutant	Test Interval	X-Train Phosphate Granulation Plant	Y-Train Phosphate Granulation Plant	Z-Train Phosphate Granulation Plant
Fluoride	annually	May 5	May 5	April 6
Particulate	annually	May 5	May 5	April 6

[Rules 62-297.310(7)(a)5 and 62-297.310(8)(b), F.A.C.; 40 CFR 63.626(a)(1) and 63.630(a)]

E.6. Test for emissions per specific conditions **E.2.** and **E.3.**, within thirty days of a change in production mode (e.g., DAP to MAP or MAP to DAP) and/or when switching to No. 5 fuel oil (or a better grade, i.e., No. 2, 3, or 4) upon exceeding the 400th hour for any 12 consecutive month period. More than one test per any 12 consecutive month period is not required for any production mode change or fuel switching condition.
[Rules 62-297.310(7)(a)5. and 62-297.310(8)(b), F.A.C.]

E.7. Compliance with the emission limitations of specific conditions E.2, and E.3 shall be determined using EPA Methods 1, 2, 3, 4, 5, and 13A or 13B (without distillation) contained in 40 CFR 60, Appendix A and adopted by reference in Chapter 62-297, F.A.C. The minimum requirements for stack sampling facilities, source sampling and reporting, shall be in accordance with Chapter 62-297, F.A.C. and 40 CFR 60, Appendix A, except as provided in 40 CFR 63.7(f) [see Subsection O.]
[Chapter 62-297, F.A.C.; 40 CFR 63.626(b) and 63.630(a)]

E.8. Failure to submit the following with the test report or operating under conditions during testing which are not representative of normal operating conditions may invalidate the tests and fail to provide reasonable assurance of compliance [Rule 62-4.070(3), F.A.C.]:

- **a.** Tons/hr. of P_2O_5 input.
- **b.** Fuel used to fire the dryer.
- **c.** When using fuel oil, average heat input rate to the dryer.
- **d.** Copies of the records as required by specific condition **E.4** which documents the sulfur content of the fuel oil from the vendor immediately preceding the compliance tests.

{Permit Note: See the applicable monitoring, reporting, recordkeeping, and excess emissions reporting requirements of 40 CFR 63, Subpart BB (See NESHAP Conditions **E.15** through **E.24**) and 40 CFR 63, Subpart A (See Subsection O, NESHAP Common Conditions).

E.9. [Reserved]

E.10.a. To provide reasonable assurance of continuous compliance with Conditions **E.1** and **E.4**, the permittee shall maintain a daily log for each Train. The log at a minimum shall include the following:

(1) Date
(2) Total operating hours.
(3) At least once every 12 hours record the product mode (DAP or MAP) and the average P_2O_5 input rate in tons/hr.
(4) An area on the log shall indicate the current allowable P_2O_5 input rate: the rate at which the last compliance test was conducted plus 10%, or the P_2O_5 input rate limit from Condition E.1., whichever rate is lower.
(5) The hourly quantity of phosphoric acid feed to the plant.
(6) The daily P_2O_5 content of the acid.
(7) Each type and quantity of fuel used.
(8) When using fuel oil, the daily average MMBTU/hr. heat input rate to the dryer.
(9) After switching to fuel oil to fire the dryer following a compliance test conducted using natural gas, record the hours the dryer was fired with fuel oil and the cumulative total time of fuel oil use to determine when the 400th hour testing requirement is triggered.

b. For particulate matter emissions, these emissions units are subject to the Compliance Assurance Monitoring requirements contained in the attached APPENDIX CAM
[Rule 62-4.070(3), F.A.C., Air Construction Permit 0570005-004-AC; and 40 CFR 64]

X and Y Train Plants Only:
{Permit note: When in compliance with all of the requirements of 40 CFR 63 Subpart BB, the X and Y Train Plants are exempted from the requirements of 40 CFR 60, Subpart V, in the following specific conditions **E.11** and **E.12.** See Specific Condition **E.16** below.}

E.11. The permittee shall maintain and operate a flow monitoring device for the X and Y Train phosphate granulation plants which can be used to determine the mass flow of phosphorus-bearing feed material to the process. The flow monitoring device shall have an accuracy of ± 5 percent over its operating range.
[40 CFR 60.223(a), 40 CFR 60.224 and Rule 62-4.070(3), F.A.C.]

E.12.a. The permittee shall maintain and operate a monitoring device for the X and Y Train phosphate granulation plants which continuously measures and permanently records the total pressure drop across the scrubbing system. The monitoring device shall an accuracy of ± 5 percent over its operating range.
[40 CFR 60.223(c)]

b. The permittee shall continuously measure the pressure drop across the scrubbing system per NSPS, 40 CFR 60, Subparts A and V. According to 40 CFR 60.13(e), at least one data point must be recorded every 15 minutes. Therefore, a minimum of four readings per hour must be obtained.

Other Requirements

E.13. Addition of a urea/ammonium nitrate solution (UAN), or an equivalent supplemental nitrogen source approved by the Department of Environmental Protection, to DAP is allowed under the following conditions:

A. Up to seven gpm shall be considered as a normal operating condition and shall be added to the granulator at a normal rate during any granulator stack emissions test.

B. UAN shall contain a maximum of 45% by weight ammonium nitrate and 35% urea as an aqueous solution.

[Authorization letter 2/13/97 and Rule 62-4.070(3), F.A.C.]

E.14. A copy of the logs and/or charts for the operating parameters noted in specific condition **E.10** shall be submitted with each compliance test report required by specific condition **E.6** and **E.7**. Failure to submit the input rate(s) or operating at conditions during testing which do not reflect actual operating conditions may invalidate the data.
[Rules 62-297.310(8)(c), and 62-4.070(3), F.A.C.]

NESHAP Conditions

E.15. The requirements of 40 CFR 63, Subpart BB, apply to the following emission points which are components of a DAP or MAP process line: reactors, granulators, dryers, coolers, screens, and mills.
[Rule 62-204.800, F.A.C.; and 40 CFR 63.620(b)(1)]

E.16. When in compliance with all of the requirements of 40 CFR 63 Subpart BB, the X and Y Train Plants are exempted from the requirements of 40 CFR 60, Subpart V, in specific conditions **E.11** and **E.12** above.
[Rule 62-204.800, F.A.C.; and 40 CFR 63.631]

E.17. These emissions units are subject to specific requirements in the 40 CFR 63, Subpart A - General Provisions, which are located in Subsection O. NESHAP Common Conditions.
[40 CFR 63. 628; 40 CFR 63, Appendix A.]

E.18. The permittee must maintain daily averages of the pressure drop across each scrubber and of the flow rate of the scrubbing liquid to each scrubber within the allowable ranges established pursuant to the attached Alternative Monitoring Plan, Appendix AMP, **or** the requirements of 40 CFR 63.625(f)(1) or 63.625(f)(2) [specific condition **E.21.f.**].
[Rule 62-204.800, F.A.C.; 40 CFR 63.624]

E.19. The permittee shall install, calibrate, maintain, and operate a monitoring system which can be used to determine and permanently record the mass flow of phosphorus-bearing feed material to the process. The monitoring system shall have an accuracy of ± 5 % over its operating range.
[40 CFR 63.625(a), F.A.C.]

E.20. The permittee shall maintain a daily record of equivalent P_2O_5 feed by first determining the total mass rate of phosphorus-bearing feed using a monitoring system for measuring mass flowrate which meets the requirements of specific condition **E.19.** [40 CFR 63.625(a)] and then by proceeding according to specific condition **E.22(3)** [40 CFR 63.626(c)(3)].
[40 CFR 63.625(b)]

{Permit note: See also the attached Compliance Plan, Appendix CP-1.)
E.21. The permittee shall comply with the attached Alternative Monitoring Plan, Appendix AMP, **or** the following monitoring requirements of 40 CFR 63.625:

a.-b. [Reserved]

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

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

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

[40CFR 63.625(c)]

d.-e. [Reserved]

f. The permittee must establish allowable ranges for operating parameters using the methodology of either of the following:

(1) The allowable range for the daily averages of the pressure drop across each scrubber and of the flow rate of the scrubbing liquid to each scrubber in the process scrubbing system is ±20% of the baseline average value determined as a requirement of specific condition **E.22(4)** [40 CFR 62.626(c)(4)]. The Administrator retains the right to reduce the ±20% adjustment to the baseline average values of operating ranges in those instances where performance test results indicate that a source's level of emissions is near the value of an applicable emissions standard, but in no instance shall the adjustment be reduced to less than ±10%. The permittee must notify the Administrator of the baseline average value and must notify the Administrator each time that the baseline value is changed as a result of the most recent performance test. When a source using the methodology of this paragraph is retested, the permittee shall determine whether new allowable ranges of baseline average values will be based upon the new performance test or (if the new performance test results are within the previously established range) whether there will be no change in the operating parameters derived from previous tests. When a source using the methodology of this paragraph is retested and the performance test results are submitted to the Administrator pursuant to §§63.627(c)(1) [specific condition **E.23(1)**], 63.7(g)(1) [see Subsection O.], and/or 63.10(d)(2) [see Subsection O.], the permittee will indicate whether the operating range will be based on the new performance test or the previously established range. If the Administrator has not denied approval of the new operating ranges within 30 days of submission of the performance test results, the new ranges shall be deemed approved and the new baseline value shall then be effective on the 31st day following submission.

or

(2) The permittee shall establish, and provide to the Administrator for approval, allowable ranges for the daily averages of the pressure drop across and of the flow rate of the scrubbing liquid to each scrubber in the process scrubbing system for the purpose of assuring compliance with 40 CFR 63 Subpart BB. Allowable ranges may be based upon baseline

average values recorded during previous performance tests using the test methods required in specific condition **E.22(4)** [40 CFR 62.626(c)(4)]. As an alternative, the owner or operator can establish the allowable ranges using the results of performance tests conducted specifically for the purposes of this paragraph using the test methods required in this subpart and established in the manner required in specific condition **E.22(4)** [40 CFR 62.626(c)(4)]. The source shall certify that the control devices and processes have not been modified subsequent to the testing upon which the data used to establish the allowable ranges were obtained. The allowable ranges developed pursuant to the provisions of this paragraph must be submitted to the Administrator for approval. The owner or operator must request and obtain approval of the Administrator for changes to the allowable ranges. When a source using the methodology of this paragraph is retested, the permittee shall determine new allowable ranges of baseline average values unless the retest indicates no change in the operating parameters outside the previously established ranges. If the Administrator has not denied approval of the new operating ranges within 30 days of submission of the performance test results, the new ranges shall be deemed approved and the new baseline value shall then be effective on the 31st day following submission.

[Rule 62-204.800, F.A.C.; 40 CFR 63.625(f)(1) & (2)]

E.22. The permittee shall determine compliance with the applicable total fluorides limits in specific condition **E.2** [§ 63.622(a)] as follows:

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

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

where:

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

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

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

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

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

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

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

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

$$P = M_p\, R_p$$

where:

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

R_p = P_2O_5 content, decimal fraction.

(i) The accountability system described in specific conditions **E.19** and **E.20** [40 CFR 63.625(a) and (b)] shall be used to determine the mass flow rate (M_p) of the phosphorus-bearing feed.

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

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

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

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

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

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

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

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

(4) To comply with specific condition **E.21.f.(1) or (2)** [§ 63.625(f)(1) or (2)], the owner or operator shall use the monitoring systems in specific condition **E.21.c.** [§ 63.625(c)] to determine the average pressure loss of the gas stream across each scrubber in the process scrubbing system and to determine the average flow rate of the scrubber liquid to each scrubber in the process scrubbing system during each of the total fluoride runs. The arithmetic averages of the three runs shall be used as the baseline average values for the purposes of specific condition **E.21.f.(1) or (2)** [§ 63.625(f)(1) or (2)]. [Rule 62-204.800, F.A.C.; 40 CFR 63.626(c)]

E.24. The owner or operator of an affected source shall comply with the reporting requirements specified in § 63.10 as follows:

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

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

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

(4) If the total duration of control system operating parameter exceedances for the reporting period is 1 percent or greater of the total operating time for the reporting period, the owner or operator shall submit a summary report and the excess emissions report.
[Rule 62-204.800, F.A.C.; 40 CFR 63.627(c)].

Common Conditions:

E.25. These emissions units are subject to the specific conditions found in "Subsection P. Common Conditions."

Subsection F. This section addresses the following emissions unit.

E.U. ID No.	Brief Description
-014	"A" and "B" Storage Buildings

This subsection applies to the "A" and "B" Storage Buildings, as described below.

For the operation of the "A" and "B" DAP/MAP storage building. Coating oils are applied to the MAP/DAP to prevent fugitive emissions of particulate matter.

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

Essential Potential to Emit (PTE) Parameters

F.1. Capacity. The maximum input to the storage buildings shall not exceed 382 tons/hr and 3,346,320 tons/year, the maximum production rates of MAP/DAP from the "X", "Y", "Z", and "A" trains.
[Rules 62-4.160(2), F.A.C. and 62-210.200, F.A.C., Definitions - (PTE); and Air Construction Permit 0570005-020-AC.]

F.2. Coating oils shall be applied to the MAP/DAP to prevent fugitive emissions of particulate matter.
[Rules 62-4.070(3) and 62.296.700(2), F.A.C.; Applicant request; and Air Construction Permit 0570005-020-AC.]

F.3. In order to document compliance with the rate limitations of **F.1**, the permittee shall maintain daily records of the amount of material transferred to the storage buildings and the total hours of process operations.
[Rule 62-4.070(3), F.A.C.]

Subsection G. This section addresses the following emissions units.

E.U. ID No.	Brief Description
-015	"A" Shipping Baghouse
-018	"B" Shipping Baghouse
-019	"B" Truck Loading
-020	"B" Railcar Loading

This subsection applies to the "A" & "B" Shipping units, as described below.

For the operation of the "A" & "B" Shipping units consisting of sizing, screening, and conveying systems for transferring DAP/MAP from storage buildings "A" and "B" to the truck and railcar loading operations associated with these buildings.

Particulate matter emissions from the transfer points and emissions from the sizing and screening are controlled by 10,000 acfm Mikro-Pulsaire Model 1F2-48 baghouse dust collectors (2) (one on each unit). Emissions from the truck and railcar loading operations are minimized by the use of dust suppressant.

The following specific conditions apply to the emissions units listed above:

Essential Potential to Emit (PTE) Parameters

G.1. a. Capacity.

i. The maximum loading rate from "A" Shipping Unit shall not exceed 250 tons/hour.

ii. The maximum loading rate from "B" Shipping Unit shall not exceed 500 tons/hour.

b. Hours of Operation. These emissions units are allowed to operate continuously, i.e., 8760 hours/year.

[As requested by permittee in letter dated January 11, 1996, Rule 62-4.160(2), F.A.C. and Rule 62-210.200, F.A.C., Definitions - (PTE)]

Emission Limitations and Standards

G.2. Particulate matter emissions from the "A" and "B" Shipping baghouse exhausts shall each not exceed 5 pounds per hour.

[As requested by permittee, and Rule 62-296.700(2)(b), F.A.C.]

G.3. Due to the expense and complexity of conducting a stack test on a minor source of particulate matter, and because these emission units are equipped with baghouse dust control devices, the Department, in accordance with the authority granted under Rule 62-297.620(4), F.A.C., hereby establishes visible emission limitations not to exceed an opacity of 5% for the "A" and "B" Shipping unit baghouse exhausts in lieu of particulate matter stack tests.

[Rule 62-297.620(4), F.A.C.]

Test Methods and Procedures

G.4. Visible emissions shall be tested as shown below:

A. The baghouse exhaust associated with the A" Shipping System shall be tested annually for visible emissions on or during the 60 day period prior to September 8.

B. The baghouse exhaust, truck loading operation and railcar loading operation associated with the "B" Shipping System shall be tested annually for visible emissions on or during the 60 day period prior to June 2.

[Rule 62-297.310(7)(a)4., F.A.C.]

G.5. Compliance with the visible emission limitation of specific condition **G.3** shall be determined using DEP Method 9. [Rules 62-297.401(9)(c), and 62-297.310(4)(a)2, F.A.C.]

G.6. Testing may be conducted while handling DAP or MAP. All test reports shall include a statement of the type of product being handled during the test.
[Rule 62-4.070(3), F.A.C.]

G.7. As an indicator that the dust control measures being implemented are adequate, visible emissions from the truck and railcar loading areas should not exceed 5% opacity. If this level is exceeded then the Department or EPCHC may require that additional dust control measures be implemented.
[Rule 62-296.320(4)(c)2., F.A.C.]

Monitoring of Operations

G.8. For each baghouse, the pressure drop across the baghouse shall be monitored during each compliance test, and a summary of this data shall be included in each emissions test report.
[Rule 62-297.310(8), F.A.C.]

Recordkeeping and Reporting Requirements

G.9. The permittee shall create and keep a log of the baghouse operating parameters for each baghouse. The record log shall contain, at a minimum, one fifteen-second opacity observation per shift by a plant operator, the date and time of the observation, and the person responsible for performing the observation.
[Rule 62-4.070(3), F.A.C.]

G.10. In order to document compliance with specific condition **G.1**, the permittee shall maintain separate daily records of operating hours and the quantity (tons) of material loaded out on the "A" and "B" Shipping Systems. For the "B" Shipping System the records shall be further broken down into amount of material loaded into trucks and into railcars.
[Rules 62-213.440(1)(b)2.b. and 62-4.070(3), F.A.C.]

Other Requirements

G.11. The permittee shall not circumvent any air pollution control device or allow the emissions of air pollutants without the applicable air pollution control device operating properly. The emission control equipment (i.e. dust collection systems and baghouse control devices) shall be maintained in good repair to perform adequately the function for which they were intended. Maintenance shall include, but not be limited to, periodic inspections and replacement or repair of faulty equipment when necessary.
[Rules 62-4.070(3) and 62-210.650, F.A.C]

G.12. These emissions units are subject to the specific conditions found in "Subsection P. Common Conditions."

Subsection H. This section addresses the following emissions units.

E.U. ID No.	Brief Description
-022	2600 Ton Storage Tank
-023	Truck Pit A
-024	Truck Pit B
-033	5000 Ton Storage Tank

This subsection applies to the molten sulfur storage and handling system, as described below.

For the operation of the molten sulfur storage and handling system consisting of :
- one (1) 5,000 ton capacity molten sulfur storage tank (has 5 exhaust vents);
- one (1) 2,600 ton capacity molten sulfur storage tank;
- two (2) 679 ton capacity truck unloading pits (designated as Truck Pit A and Truck Pit B;
- one (1) railcar unloading pit.

Molten sulfur delivered by trucks is unloaded to one of the truck unloading pits and can be transferred to the molten sulfur storage tanks or transferred to any one of the sulfuric acid plants. Molten sulfur delivered by railcar is unloaded to the railcar sulfur unloading pit at a rate of 100 tons (one railcar) per hour. Molten sulfur is transferred from the sulfur tanks to the truck sulfur unloading pits and then to any one of the sulfuric acid plants. Emissions from each storage vessel are vented uncontrolled through a round stack with a rain cap.

{Permitting note: This emissions unit is regulated under Rule 62-296.411, F.A.C., Sulfur Storage and Handling Facilities.}

The following specific conditions apply to the emissions units listed above:

Essential Potential to Emit (PTE) Parameters

H.1. a. Capacity.

i. The molten sulfur throughput (defined as sulfur unloaded) for the molten sulfur storage and handling facility shall not exceed 930,750 tons per every consecutive 365 day period. (This is based on maximum daily sulfuric acid production of 7,800 TPD of 100% sulfuric acid covered under separate permits).

ii. The daily molten sulfur throughput for the molten sulfur storage and handling facility shall not exceed 5,200 tons per day.

b. Hours of Operation. These emissions units are allowed to operate continuously, i.e., 8760 hours/year.

[Air Construction Permits AC29-187327 and AC29-226648, Rule 62-4.160(2), F.A.C. and Rule 62-210.200, F.A.C., Definitions - (PTE)]

Emission Limitations and Standards

H.2. Visible emissions from any emission point (vent) in the molten sulfur storage and handling facility shall not exceed 10% opacity.
[Air Construction Permit AC29-187327]

Test Methods and Procedures

H.3 Test each emission point of the molten sulfur storage and handling system for visible emissions annually on or during the 60 day period prior to June 12. Testing procedures shall be consistent with the requirements of Rule 62-297.310, F.A.C.
[Rule 62-297.310(7)(a)4, F.A.C.]

H.4. Compliance with the emission limitations of specific condition **H.2** shall be demonstrated using DEP Method 9 contained in Rule 62-297.401(9)(c), F.A.C. The visible emissions test shall be conducted by a certified observer and be a minimum of thirty (30) minutes in duration. The test observation period shall include the period during which the highest opacity can reasonably be expected to occur.
[Rule 62-297.310(4)(a)2, F.A.C.]

Fugitive Emission Control Requirements

H.5. The permittee shall employ the following procedures to minimize emissions from the facility.

a. All molten sulfur transfer shall be through enclosed piping systems where feasible and practical. Contact surfaces between movable unloading arms and stationary pipes shall seat effectively around the entire circumference to minimize spillage. A shroud shall be used between the railcar unloading valve and the discharge to the transfer trench.

b. Maintain records of spills outside of containment areas and of collection and disposal of spilled sulfur.

c. All spilled molten sulfur shall be collected and properly disposed of whenever the containment area is filled to one-half its containment capacity, or monthly, whichever is more frequent. Spills of molten sulfur outside of a containment area, or where subject to vehicular traffic, shall be collected and disposed of as soon as possible, but no later than 24 hours after the spill occurs. Drip pans or the secondary containment shall be cleaned as needed to prevent exceedance of capacity, but at least weekly.

d. All vent surfaces shall be inspected monthly and cleaned as required to remove captured particles and prevent plugage.

[Rule 62-296.411(1), F.A.C.]

Recordkeeping and Reporting Requirements

H.6. The following information shall be shown on or submitted with all compliance test reports:

a. Identification of the source and emission point being tested;
b. Description of unloading/transfer operation taking place during testing (truck unloading, railcar unloading, etc.);
c. Estimated source unloading/transfer rate during test period.

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

H.7. To comply with the restrictions in specific condition **H.1**, daily recordkeeping shall be maintained. The records shall be made available for inspection by the Department, EPCHC, or its designee, and shall contain, at a minimum, the following:

a. Date and time of delivery;
b. Amount delivered;
c. Delivery vehicle type (truck or railcar).
d. Daily molten sulfur receiving rate (in TPD) and cumulative total for the most recent 365 consecutive day period (tons/yr).
e. Sulfuric acid plant daily sulfur utilization rate (tons/day).

[Air Construction Permit AC29-187327 and Rule 62-4.070(3), F.A.C.]

Common Conditions:

H.8. These emissions units are subject to the specific conditions found in "Subsection P. Common Conditions."

Subsection L. This section addresses the following emissions unit.

E.U. ID No.	Brief Description
-032	Phosphoric Acid Cleanup

For the operation of a phosphoric acid clean-up system capable of processing 671 tons/hr. of phosphoric acid which includes the 40% settler underflow. The clean-up system involves the mixing of phosphoric acid (25-28% and 40% P_2O_5) with a flocculent to remove most of the organic and gypsum. The mixture is then clarified and the clean acid is returned to the phosphoric acid plant(s) and the solids are sent to the gypsum stack. Emissions are controlled by a Packed Bed Scrubber with a flow rate of 35,000 ACFM.

{Permitting note: This emissions unit is regulated under Rule 62-296.403, F.A.C., Phosphate Processing.}

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

Essential Potential to Emit (PTE) Parameters

L.1.a. Capacity. The input rate to the clean-up system shall not exceed 671 tons per hour of phosphoric acid (26% - 45% P_2O_5).

b. Hours of Operation. This emissions unit is allowed to operate continuously, i.e., 8760 hours/year.
[Rule 62-4.160(2), F.A.C., Rule 62-210.200, F.A.C., Definitions - (PTE) and Rule 62-4,070(3), F.A.C.; and Air Construction Permit 0570005-006-AC]

Emission Limitations and Standards

L.2. The maximum fluoride emissions from the clean-up system shall not exceed 0.28 lbs./hr (1.23 tons/yr.).
[Rule 62-296.403(2), F.A,C., and Air Construction Permit 0570005-006-AC]

Test Methods and Procedures

L.3. Test the emissions from the scrubber for total fluorides annually, on or during the 60 day period prior to August 23.
[Rules 62-297.310(7)(a)4., F.A.C., and Air Construction Permits 0570005-006-AC and 0570005-020-AC]

L.4. Compliance with the emission limitations of Condition **L.2** shall be determined using EPA Methods 1, 2, 4, and 13A or 13B (without distillation) contained in 40 CFR 60, Appendix A and adopted by reference in Chapter 62-297, F.A.C. The minimum requirements for stationary point source emissions test procedures and reporting shall be in accordance with Chapter 62-297, F.A.C. and 40 CFR 60, Appendix A.
[Chapter 62-297, F.A.C., and Air Construction Permits 0570005-006-AC and 0570005-020-AC]

Monitoring of Operations

L.5. This emissions unit is subject to the Compliance Assurance Monitoring requirements contained in the attached APPENDIX CAM.
[40 CFR 64]

L.6. In order to document compliance with the rate limitation of specific condition **L.1**, the permittee shall maintain daily records of the of phosphoric acid inputted to the phosphoric acid clean-up system and the total hours of process operations. The input rate (phosphoric acid) to the clean-up system shall be recorded at least every 12 hours of operation.
[Rule 62-4.070(3), F.A.C., and Air Construction Permit 0570005-006-AC]

Common Conditions:

L.7. This emissions unit is subject to the specific conditions found in "Subsection P. Common Conditions."

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

E.U. ID No.	Brief Description
100	Phosphogypsum Stack

{Permitting notes:
1) This emission unit refers to the stack existing at 6/96.
2) This emissions unit is regulated under 40 CFR 61, Subpart R - National Emission Standards for Radon Emissions from Phosphogypsum Stacks}

N.1. The following conditions from 40 CFR Part 61, Subpart R - National Emission Standards for Radon Emissions From Phosphogypsum Stacks apply:

§61.200 Designation of facilities.

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

§ 61.201 Definitions.

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

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

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

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

§61.202 Standard.

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

§61.203 Radon monitoring and compliance procedures.

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

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

(i) The name and location of the facility;

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

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

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

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

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

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

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

(e) If an owner or operator removes phosphogypsum from an inactive stack, the owner shall test the stack in accordance with the procedures described in 40 CFR part 61, appendix B, Method 115. The stack shall be tested within ninety days of the date that the owner or operator first removes phosphogypsum from the stack, and the test shall be repeated at least once during each calendar year that the owner or operator removes additional phosphogypsum from the stack. EPA shall be notified at least 30 days prior to an emissions test so that EPA may, at its option, observe the test. If meteorological conditions are such that a test cannot be properly conducted, then the owner shall notify EPA and test as soon as conditions permit. Within ninety days after completion of a test, the owner or operator shall

provide EPA with a report detailing the actions taken and the results of the radon-222 flux testing. Each such report shall include all of the information specified by §61.203(b).

§61.204 Distribution and use of phosphogypsum for agricultural purposes.

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

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

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

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

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

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

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

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

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

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

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

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

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

Caution: Phosphogypsum Contains Elevated Levels of
Naturally Occurring Radioactivity

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

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

§61.206 Distribution and use of phosphogypsum for other purposes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§61.207 Radium-226 sampling and measurement procedures.

(a) Before removing phosphogypsum from a stack for distribution to commerce pursuant to §61.204, §61.205, or §61.206, the owner or operator of a phosphogypsum stack shall measure the

average radium-226 concentration at the location in the stack from which phosphogypsum will be removed. Measurements shall be performed for each such location prior to the initial distribution in commerce of phosphogypsum removed from that location and at least once during each calendar year while distribution of phosphogypsum removed from the location continues.

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

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

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

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

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

$$e \geq \frac{\tau(n)s}{x\sqrt{n}}$$

where:

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

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

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

§61.208 Certification requirements.

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

(i) The name and address of the owner or operator;
(ii) The name and address of the purchaser or recipient of the phosphogypsum;
(iii) The quantity (in pounds) of phosphogypsum sold or transferred;
(iv) The date of sale or transfer;
(v) A description of the intended end-use for the phosphogypsum;
(vi) The average radium-226 concentration, in pCi/g, of the

phosphogypsum, as determined pursuant to §61.207; and

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

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

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

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

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

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

(iv) The date of resale or transfer;

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

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

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

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

§61.209 Required records.

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

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

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

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

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

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

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

(5) The date of each use of phosphogypsum.

(6) The quantity of phosphogypsum used.

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

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

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

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

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

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

[57 FR 23317, June 3, 1992, unless otherwise noted]

N.2. [Reserved]

Subsection O. NESHAP Common Conditions

E.U. ID No.	Brief Description
004	"A" Phosphoric Acid Plant
009	"B" Phosphoric Acid Plant
010	"A" DAP/MAP Plant
011	"Z" DAP/MAP Plant
012	"X" DAP/MAP Plant
013	"Y" DAP/MAP Plant

O.1. The emissions units listed above are subject to the attached Appendix CP-1, Compliance Plan.

O.2. The following conditions apply to the emissions units listed above:

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

§ 63.1 Applicability.

(a) *General.*

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

(2) [Reserved]

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

(4) – (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) - (14)[Reserved]

(b) – (e) [Reserved]

§ 63.2 Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) A description as follows:

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

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

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

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

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

Compliance schedule means:

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

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

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

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

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

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

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

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

Effective date means:

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

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

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

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

EPA means the United States Environmental Protection Agency.

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

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

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

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

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

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

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

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

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

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

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

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

(iii) The operating permit program requires that all emission limitations, controls, and other requirements imposed by such permits will be at least as stringent as any other applicable limitations and requirements contained in the SIP or enforceable under the SIP, and that the program may not issue permits that waive, or make less stringent, any limitations or requirements contained in or issued pursuant to the SIP, or that are otherwise "federally enforceable";

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

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

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

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

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

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

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

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

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

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

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

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

(1) Indicator(s) of performance -- the parameter or parameters you measure or observe for demonstrating proper operation of the pollution control measures or compliance with the applicable emissions limitation or standard. Indicators of performance may include direct or predicted emissions measurements (including opacity), operational parametric values that

correspond to process or control device (and capture system) efficiencies or emissions rates, and recorded findings of inspection of work practice activities, materials tracking, or design characteristics. Indicators may be expressed as a single maximum or minimum value, a function of process variables (for example, within a range of pressure drops), a particular operational or work practice status (for example, a damper position, completion of a waste recovery task, materials tracking), or an interdependency between two or among more than two variables.

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

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

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

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

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

(2) Cost effectiveness of controlling individual equipment;

(3) Flexibility to accommodate common control strategies;

(4) Cost/benefits of emissions averaging;

(5) Incentives for pollution prevention;

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

(7) Feasibility and cost of monitoring; and

(8) Other relevant factors.

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

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

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

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

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

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

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

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

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

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

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

Permitting authority means:

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

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

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

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

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

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

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

Relevant standard means:

(1) An emission standard;

(2) An alternative emission standard;

(3) An alternative emission limitation; or

(4) An equivalent emission limitation established pursuant to section 112 of the Act that applies to the collection of equipment, activities, or both regulated by such standard or limitation. A relevant standard may include or consist of a design, equipment, work practice, or operational requirement, or other measure, process, method, system, or technique (including prohibition of emissions) that the

Administrator (or a State) establishes for new or existing sources to which such standard or limitation applies. Every relevant standard established pursuant to section 112 of the Act includes subpart A of this part, as provided by § 63.1(a)(4), and all applicable appendices of this part or of other parts of this chapter that are referenced in that standard.

Responsible official means one of the following:

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

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

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

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

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

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

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

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

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

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

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

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

(1) The provisions of this part and/or

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

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

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

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

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

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

§ 63.3 Units and abbreviations.

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

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

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

(b) Other units of measure:

Btu = British thermal unit
°C = degree Celsius (centigrade)
cal = calorie
cfm = cubic feet per minute
cc = cubic centimeter
cu ft = cubic feet
d = day
dcf = dry cubic feet
dcm = dry cubic meter
dscf = dry cubic feet at standard conditions
dscm = dry cubic meter at standard conditions
eq = equivalent
°F = degree Fahrenheit
ft = feet

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

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

§ 63.4 Prohibited activities and circumvention.

(a) *Prohibited activities.*

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

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

(3) [Reserved]

(4) [Reserved]

(5) [Reserved]

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

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

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

(3) [Reserved]

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

§ 63.5 Preconstruction review and notification requirements.

(a) *Applicability.*

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

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

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

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

(2) [Reserved]

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

(i) Construct a new affected source that is major-emitting and subject to such standard;
(ii) Reconstruct an affected source that is major-emitting and subject to such standard; or
(iii) Reconstruct a major source such that the source becomes an affected source that is major-emitting and subject to the standard.

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

(5) [Reserved]

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

(c) [Reserved]

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

(1) *General application requirements.*

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

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

(A) The applicant's name and address;

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

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

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

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

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

(G) [Reserved]

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

(I) [Reserved]

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

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

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

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

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

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

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

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

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

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

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

(e) *Approval of construction or reconstruction.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 63.6 Compliance with standards and maintenance requirements.

(a) *Applicability.*

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

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

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

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

(b) *Compliance dates for new and reconstructed sources.*
See also § 63.609 and § 63.629.

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

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

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

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

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

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

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

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

(6) [Reserved]

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

(c) *Compliance dates for existing sources.*

§ 63.609 and § 63.629 specify dates.

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

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

(3)–(4) [Reserved]

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

(d) [Reserved]

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

(1) (i) At all times, including periods of startup, shutdown, and malfunction, the owner or operator must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions to the levels required by the relevant standards, i.e., meet the emission standard or comply with the startup, shutdown, and malfunction plan. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures (including the startup, shutdown, and malfunction plan required in paragraph (e)(3) of this section), review of operation and maintenance records, and inspection of the source.

(ii) Malfunctions must be corrected as soon as practicable after their occurrence in accordance with the startup, shutdown, and malfunction plan required in paragraph (e)(3) of this section. To the extent that an unexpected event arises during a startup, shutdown, or malfunction,

an owner or operator must comply by minimizing emissions during such a startup, shutdown, and malfunction event consistent with safety and good air pollution control practices.

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

(2) [Reserved]

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

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

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

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

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

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

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

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

(v) The owner or operator must maintain at the affected source a current startup, shutdown, and malfunction plan and must make the plan available upon request for inspection and

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

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

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

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

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

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

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

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

(ix) The title V permit for an affected source must require that the owner or operator adopt a startup, shutdown, and malfunction plan which conforms to the provisions of this part, and that the owner or operator operate and maintain the source in accordance with the procedures specified in the

current startup, shutdown, and malfunction plan. However, any revisions made to the startup, shutdown, and malfunction plan in accordance with the procedures established by this part shall not be deemed to constitute permit revisions under part 70 or part 71 of this chapter. Moreover, none of the procedures specified by the startup, shutdown, and malfunction plan for an affected source shall be deemed to fall within the permit shield provision in section 504(f) of the Act.

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

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

(2) *Methods for determining compliance.*

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

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

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

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

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

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

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

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

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

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

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

(1) If, in the Administrator's judgment, an owner or operator of an affected source has established that an alternative means of emission limitation will achieve a reduction in emissions of a

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

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

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

(h) *Compliance with opacity and visible emission standards* – **Subparts AA and BB do not include VE/opacity standards.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) [Reserved]

(D) [Reserved]

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

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

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

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

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

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

(ii) Specify the termination date of the extension;

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

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

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

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

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

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

The 30-day approval or denial period will begin after the owner or operator has been notified in writing that his/her application is complete.

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

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

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

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

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

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

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

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

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

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

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

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

(i) Notice of the reason for termination; and

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

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

(15) [Reserved]

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

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

§ 63.7 Performance testing requirements.

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

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

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

(i)- (viii) [Reserved]

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

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

(b) *Notification of performance test.*

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

(2) In the event the owner or operator is unable to conduct the performance test on the date specified in the notification requirement specified in paragraph (b)(1) of this section due to unforeseeable

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

(c) *Quality assurance program.*

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

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

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

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

(iv) The owner or operator of an affected source shall submit the site-specific test plan to the Administrator upon the Administrator's request at least 60 calendar days before the performance test is scheduled to take place, that is, simultaneously with the notification of intention to conduct a performance test required under paragraph (b) of this section, or on a mutually agreed upon date.

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

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

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

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

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

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

(A) If the owner or operator intends to demonstrate compliance using the test method(s) specified in the relevant standard or with only minor changes to those tests methods (see

paragraph (e)(2)(i) of this section), the owner or operator must conduct the performance test within the time specified in this section using the specified method(s);

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

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

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

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

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

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

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

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

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

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

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

(2) Safe sampling platform(s);

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

(4) Utilities for sampling and testing equipment; and

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

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

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

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

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

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

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

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

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

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

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

(iii) Extreme meteorological conditions occur; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) [Reserved]

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

(h) *Waiver of performance tests.*

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

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

(3) Request to waive a performance test.

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

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

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

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

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

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

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

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

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

§ 63.8 Monitoring requirements.

(a) *Applicability.*

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

(2) **Subparts AA and BB do not require CMS performance specifications.**

(3) [Reserved]

(4) Additional monitoring requirements for control devices used to comply with provisions in relevant standards of this part are specified in § 63.11.

(b) *Conduct of monitoring.*

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

(i) Specifies or approves the use of minor changes in methodology for the specified monitoring requirements and procedures (see § 63.90(a) for definition);

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

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

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

(ii) If the relevant standard is a mass emission standard and the effluent from one affected source is released to the atmosphere through more than one point, the owner or operator shall install an applicable CMS at each emission point unless the installation of fewer systems is -

(A) Approved by the Administrator; or

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

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

(c) Operation and maintenance of continuous monitoring systems.

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

(i) The owner or operator of an affected source must maintain and operate each CMS as specified in § 63.6(e)(1).

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

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

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

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

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

(4) Except for system breakdowns, out-of-control periods, repairs, maintenance periods, calibration checks, and zero (low-level) and high-level calibration drift adjustments, all CMS, including

COMS and CEMS, shall be in continuous operation and shall meet minimum frequency of operation requirements as follows:

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

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

(5)-(8) **Subparts AA and BB do not require COMS/CEMS or CMS performance specifications.**

(d) *Quality control program.*

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

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

(i) Initial and any subsequent calibration of the CMS;

(ii) Determination and adjustment of the calibration drift of the CMS;

(iii) Preventive maintenance of the CMS, including spare parts inventory;

(iv) Data recording, calculations, and reporting;

(v) Accuracy audit procedures, including sampling and analysis methods; and

(vi) Program of corrective action for a malfunctioning CMS.

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

(e) *Performance evaluation of continuous monitoring systems* – **Subparts AA and BB do not require CMS performance evaluations.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) The Administrator will notify the owner or operator of approval or intention to deny approval of the request to use an alternative monitoring method within 30 calendar days after receipt of the original request and within 30 calendar days after receipt of any supplementary information that is

submitted. If a request for a minor change is made in conjunction with site-specific performance evaluation plan, then approval of the plan will constitute approval of the minor change. Before disapproving any request to use an alternative monitoring method, the Administrator will notify the applicant of the Administrator's intention to disapprove the request together with --

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

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

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

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

(6) **Subparts AA and BB do not require CEMS.**

(g) *Reduction of monitoring data.*

(1) The owner or operator of each CMS must reduce the monitoring data as specified in paragraphs (g)(1) through (5) of this section.

(2) **Subparts AA and BB do not require COMS or CEMS.**

(3) The data may be recorded in reduced or nonreduced form (e.g., ppm pollutant and percent O_2 or ng/J of pollutant).

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

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

§ 63.9 Notification requirements.

(a) *Applicability and general information.*

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

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

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

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

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

(b) *Initial notifications.*

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

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

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

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

(i) The name and address of the owner or operator;

(ii) The address (i.e., physical location) of the affected source;

(iii) An identification of the relevant standard, or other requirement, that is the basis of the notification and the source's compliance date;

(iv) A brief description of the nature, size, design, and method of operation of the source and an identification of the types of emission points within the affected source subject to the relevant standard and types of hazardous air pollutants emitted; and

(v) A statement of whether the affected source is a major source or an area source.

(3) [Reserved]

(4) The owner or operator of a new or reconstructed major affected source for which an application for approval of construction or reconstruction is required under § 63.5(d) must provide the following information in writing to the Administrator:

(i) A notification of intention to construct a new major-emitting affected source, reconstruct a major-emitting affected source, or reconstruct a major source such that the source becomes a major-emitting affected source with the application for approval of construction or reconstruction as specified in § 63.5(d)(1)(i); and

(ii) [Reserved]

(iii) [Reserved]

(iv) [Reserved]; and

(v) A notification of the actual date of startup of the source, delivered or postmarked within 15 calendar days after that date.

(5) The owner or operator of a new or reconstructed affected source for which an application for approval of construction or reconstruction is not required under § 63.5(d) must provide the following information in writing to the Administrator:

(i) A notification of intention to construct a new affected source, reconstruct an affected source, or reconstruct a source such that the source becomes an affected source, and

(ii) A notification of the actual date of startup of the source, delivered or postmarked within 15 calendar days after that date.

(iii) Unless the owner or operator has requested and received prior permission from the Administrator to submit less than the information in § 63.5(d), the notification must include the information required on the application for approval of construction or reconstruction as specified in § 63.5(d)(1)(i).

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

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

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

(f) *Notification of opacity and visible emission observations.* **Subparts AA and BB do not include VE/opacity standards.**

(g) *Additional notification requirements for sources with continuous monitoring systems.* **Subparts AA and BB do not require CMS performance evaluation, COMS, or CEMS.**

(h) *Notification of compliance status.*

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

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

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

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

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

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

(E) If the relevant standard applies to both major and area sources, an analysis demonstrating whether the affected source is a major source (using the emissions data generated for this notification);

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

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

(ii) The notification must be sent before the close of business on the 60th day following the completion of the relevant compliance demonstration activity (or activities that have the same compliance date) specified in the relevant standard (unless a different reporting period is specified in the standard, in which case the letter must be sent before the close of business on the day the report of the relevant testing or monitoring results is required to be delivered or postmarked). For example, the notification shall be sent before close of business on the 60th (or other required) day following completion of the initial performance test and again before the close of business on the 60th (or other required) day following the completion of any subsequent required performance test. If no performance test is required but opacity or visible emission observations are required to demonstrate compliance with an opacity or visible emission standard under this part, the notification of compliance status shall be sent before close of business on the 30th day following the completion of opacity or visible emission observations.

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

(4) [Reserved]

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

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

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

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

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

(2) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. An owner or operator who wishes to request a change in a time period or postmark deadline for a particular requirement shall request the adjustment in writing as soon as

practicable before the subject activity is required to take place. The owner or operator shall include in the request whatever information he or she considers useful to convince the Administrator that an adjustment is warranted.

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

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

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

§ 63.10 Recordkeeping and reporting requirements.

(a) *Applicability and general information.*

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

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

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

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

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

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

(6) If an owner or operator supervises one or more stationary sources affected by more than one standard established pursuant to section 112 of the Act, he/she may arrange by mutual agreement between the owner or operator and the Administrator (or the State permitting authority) a common schedule on which periodic reports required for each source shall be submitted throughout the year. The

allowance in the previous sentence applies in each State beginning 1 year after the latest compliance date for any relevant standard established pursuant to section 112 of the Act for any such affected source(s). Procedures governing the implementation of this provision are specified in § 63.9(i).

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

(b) *General recordkeeping requirements.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(x) All CMS calibration checks;

(xi) All adjustments and maintenance performed on CMS;

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

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

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

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

§ 63.1(b)(3) and to record the results of that determination under paragraph (b)(3) of this section shall not by themselves create an obligation for the owner or operator to obtain a title V permit.

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

(1) All required CMS measurements (including monitoring data recorded during unavoidable CMS breakdowns and out-of-control periods);

(2)–(4) [Reserved]

(5) The date and time identifying each period during which the CMS was inoperative except for zero (low-level) and high-level checks;

(6) **Subparts AA and BB do not require CMS performance specifications.**;

(7) The specific identification (i.e., the date and time of commencement and completion) of each period of excess emissions and parameter monitoring exceedances, as defined in the relevant standard(s), that occurs during startups, shutdowns, and malfunctions of the affected source;

(8) The specific identification (i.e., the date and time of commencement and completion) of each time period of excess emissions and parameter monitoring exceedances, as defined in the relevant standard(s), that occurs during periods other than startups, shutdowns, and malfunctions of the affected source;

(9) [Reserved]

(10) The nature and cause of any malfunction (if known);

(11) The corrective action taken or preventive measures adopted;

(12) The nature of the repairs or adjustments to the CMS that was inoperative or out of control;

(13) The total process operating time during the reporting period; and

(14) **Subparts AA and BB do not require a CMS quality control program.**

(15) In order to satisfy the requirements of paragraphs (c)(10) through (c)(12) of this section and to avoid duplicative recordkeeping efforts, the owner or operator may use the affected source's startup, shutdown, and malfunction plan or records kept to satisfy the recordkeeping requirements of the startup, shutdown, and malfunction plan specified in § 63.6(e), provided that such plan and records adequately address the requirements of paragraphs (c)(10) through (c)(12).

(d) *General reporting requirements.*

(1) Not-withstanding the requirements in this paragraph or paragraph (e) of this section, the owner or operator of an affected source subject to reporting requirements under this part shall submit reports to the Administrator in accordance with the reporting requirements in the relevant standard(s).

(2) *Reporting results of performance tests.* Before a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall report the results of any performance test under § 63.7 to the Administrator. After a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall report the results of a required performance test to the appropriate permitting authority. The owner or operator of an affected source shall report the results of the performance test to the Administrator (or the State with an approved permit program) before the close of business on the 60th day following the completion of the performance test, unless specified otherwise in a relevant standard or as approved otherwise in writing by the Administrator. The results of the performance test shall be submitted as part of the notification of compliance status required under § 63.9(h).

(3) *Reporting results of opacity or visible emission observations.* **Subparts AA and BB do not include VE/opacity standards.**

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

(5) (i) Periodic startup, shutdown, and malfunction reports. If actions taken by an owner or operator during a startup, shutdown, or malfunction of an affected source (including actions taken to correct a malfunction) are consistent with the procedures specified in the source's startup, shutdown, and malfunction plan [see § 63.6(e)(3)], the owner or operator shall state such information in a startup, shutdown, and malfunction report. Reports shall only be required if a startup, shutdown, or malfunction occurred during the reporting period. The startup, shutdown, and malfunction report shall consist of a letter, containing the name, title, and signature of the owner or operator or other responsible official who is certifying its accuracy, that shall be submitted to the Administrator semi-annually (or on a more frequent basis if specified
otherwise in a relevant standard or as established otherwise by the permitting authority in the source's title V permit). The startup, shutdown, and malfunction report shall be delivered or postmarked by the 30th day following the end of each calendar half (or other calendar reporting period, as appropriate). If the owner or operator is required to submit excess emissions and continuous monitoring system performance (or other periodic) reports under this part, the startup, shutdown, and malfunction reports required under this paragraph may be submitted simultaneously with the excess emissions and continuous monitoring system performance (or other) reports. If startup, shutdown, and malfunction reports are submitted with excess emissions and continuous monitoring system performance (or other periodic) reports, and the owner or operator receives approval to reduce the frequency of reporting for the latter under paragraph (e) of this section, the frequency of reporting for the startup, shutdown, and malfunction reports also may be reduced if the Administrator does not object to the intended change. The procedures to implement the allowance in the preceding sentence shall be the same as the procedures specified in paragraph (e)(3) of this section.

(ii) Immediate startup, shutdown, and malfunction reports. Notwithstanding the allowance to reduce the frequency of reporting for periodic startup, shutdown, and malfunction reports under paragraph (d)(5)(i) of this section, any time an action taken by an owner or operator during a startup, shutdown, or malfunction (including actions taken to correct a malfunction) is not consistent with the procedures specified in the affected source's startup, shutdown, and malfunction plan, the owner or operator shall report the actions taken for that event within 2 working days after commencing actions inconsistent with the plan followed by a letter within 7 working days after the end of the event. The immediate report required under this paragraph shall consist of a telephone call (or facsimile (FAX) transmission) to the Administrator within 2 working days after commencing actions inconsistent with the plan, and it shall be followed by a letter, delivered or postmarked within 7 working days after the end of the event, that contains the name, title, and signature of the owner or operator or other responsible official who is certifying its accuracy, explaining the circumstances of the event, the reasons for not following the startup, shutdown, and malfunction plan, and whether any excess emissions and/or parameter monitoring exceedances are believed to have occurred. Notwithstanding the requirements of the previous sentence, after the effective date of an approved permit program in the State in which an affected source is located, the owner or operator may make alternative reporting arrangements, in advance, with the permitting authority in that State. Procedures governing the arrangement of alternative reporting requirements under this paragraph are specified in § 63.9(i).

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

(1) *General.* **Subparts AA and BB do not require CEMS or CMS performance evaluations.**

(2) *Reporting results of continuous monitoring system performance evaluations.* **Subparts AA and BB do not require CEMS or CMS performance evaluations.**

(3) *Excess emissions and continuous monitoring system performance report and summary report.* **{§ 63.606(c)(2) and §63.626(c)(2) include additional requirements. A CMS performance report is not required.}**

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

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

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

(C) [Reserved].

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

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

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

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

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

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

(v) *Content and submittal dates for excess emissions and monitoring system performance reports*. All excess emissions and monitoring system performance reports and all summary reports, if required, shall be delivered or postmarked by the 30th day following the end of each calendar half or

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

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

(A) The company name and address of the affected source;

(B) An identification of each hazardous air pollutant monitored at the affected source;

(C) The beginning and ending dates of the reporting period;

(D) A brief description of the process units;

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

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

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

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

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

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

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

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

(M) The date of the report.

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

(viii) If the total duration of excess emissions or process or control system parameter exceedances for the reporting period is 1 percent or greater of the total operating time for the reporting

period, or the total CMS downtime for the reporting period is 5 percent or greater of the total operating time for the reporting period, both the summary report and the excess emissions and continuous monitoring system performance report shall be submitted.

(4) Reporting continuous opacity monitoring system data produced during a performance test. **Subparts AA and BB do not require COMS.**

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

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

(2) Recordkeeping or reporting requirements may be waived upon written application to the Administrator if, in the Administrator's judgment, the affected source is achieving the relevant standard(s), or the source is operating under an extension of compliance, or the owner or operator has requested an extension of compliance and the Administrator is still considering that request.

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

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

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

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

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

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

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

§ 63.11 Control device requirements.

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

(b) Flares. **[Not applicable.]**

§ 63.12 State authority and delegations.

{Authority for approval of site-specific test plans for GTSP storage buildings is retained by EPA (see § 63.628(a)).}

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

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

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

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

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

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

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

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

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

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

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

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

§ 63.14 Incorporations by reference.

(a) The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of the

approval, and notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding addresses noted below, and all are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC, at the Air and Radiation Docket and Information Center, U.S. EPA, 401 M St., SW., Washington, DC, and at the EPA Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina.

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

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

(2) ASTM D1193-77, 91, Standard Specification for Reagent Water, IBR approved for Appendix A: Method 306, Sections 7.1.1 and 7.4.2.

(3) ASTM D1331-89, Standard Test Methods for Surface and Interfacial Tension of Solutions of Surface Active Agents, IBR approved for Appendix A: Method 306B, Sections 6.2, 11.1, and 12.2.2.

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

(5) ASTM D1946-77, 90, 94, Standard Method for Analysis of Reformed Gas by Gas Chromatography, IBR approved for § 63.11(b)(6).

(6) ASTM D2369-93, 95, Standard Test Method for Volatile Content of Coatings, IBR approved for § 63.788, Appendix A.

(7) ASTM D2382-76, 88, Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High-Precision Method), IBR approved for § 63.11(b)(6).

(8) ASTM D2879-83, 96, Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, IBR approved for § 63.111 of Subpart G.

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

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

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

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

(13) ASTM D4017-90, 96a, Standard Test Method for Water in Paints and Paint Materials by the Karl Fischer Titration Method, IBR approved for § 63.788, Appendix A.

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

(15) ASTM D4256-89, 94, Standard Test Method for Determination of the Decontaminability of Coatings Used in Light-Water Nuclear Power Plants, IBR approved for § 63.782.

(16) ASTM D4809-95, Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter (Precision Method), IBR approved for § 63.11(b)(6).

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

(18) ASTM E260-91, 96, General Practice for Packed Column Gas Chromatography, IBR approved for §§ 63.750(b)(2) and 63.786(b)(5).

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

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

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

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

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

(1) *California Regulatory Requirements Applicable to the Air Toxics Program,* January 5, 1999, IBR approved for § 63.99(a)(5)(ii) of subpart E of this part.

(2) New Jersey's *Toxic Catastrophe Prevention Act Program*, (July 20, 1998), Incorporation By Reference approved for § 63.99 (a)(30)(i) of subpart E of this part.

(3) (i) Letter of June 7, 1999 to the U.S. Environmental Protection Agency Region 3 from the Delaware Department of Natural Resources and Environmental Control requesting formal full delegation to take over primary responsibility for implementation and enforcement of the Chemical Accident Prevention Program under Section 112(r) of the Clean Air Act Amendments of 1990.

(ii) Delaware Department of Natural Resources and Environmental Control, Division of Air and Waste Management, Accidental Release Prevention Regulation, sections 1 through 5 and sections 7 through 14, effective January 11, 1999, IBR approved for § 63.99(a)(8)(i) of subpart E of this part.

(iii) State of Delaware Regulations Governing the Control of Air Pollution (October 2000), IBR approved for § 63.99(a)(8)(ii)-(v) of subpart E of this part.

(e) The materials listed below are available for purchase from the National Institute of Standards and Technology, Springfield, VA 22161, (800) 553-6847.

(1) Handbook 44, Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices 1998, IBR approved for § 63.1303(e)(3).

(2) [Reserved]

(f) The following material is available from the National Council of the Paper Industry for Air and Stream Improvement, Inc. (NCASI), P. O. Box 133318, Research Triangle Park, NC 27709-3318 or at http://www.ncasi.org: NCASI Method DI/MEOH-94.02, Methanol in Process Liquids GC/FID (Gas Chromatography/Flame Ionization Detection), August 1998, Methods Manual, NCASI, Research Triangle Park, NC, IBR approved for § 63.457(c)(3)(ii) of subpart S of this part.

(g) The materials listed below are available for purchase from AOAC International, Customer Services, Suite 400, 2200 Wilson Boulevard, Arlington, Virginia, 22201-3301, Telephone (703) 522-3032, Fax (703) 522-5468.

(1) AOAC Official Method 978.01 Phosphorus (Total) in Fertilizers, Automated Method, Sixteenth edition, 1995, IBR approved for § 63.626(d)(3)(vi).

(2) AOAC Official Method 969.02 Phosphorus (Total) in Fertilizers, Alkalimetric Quinolinium Molybdophosphate Method, Sixteenth edition, 1995, IBR approved for § 63.626(d)(3)(vi).

(3) AOAC Official Method 962.02 Phosphorus (Total) in Fertilizers, Gravimetric Quinolinium Molybdophosphate Method, Sixteenth edition, 1995, IBR approved for § 63.626(d)(3)(vi).

(4) AOAC Official Method 957.02 Phosphorus (Total) in Fertilizers, Preparation of Sample Solution, Sixteenth edition, 1995, IBR approved for § 63.626(d)(3)(vi).

(5) AOAC Official Method 929.01 Sampling of Solid Fertilizers, Sixteenth edition, 1995, IBR approved for § 63.626(d)(3)(vi).

(6) AOAC Official Method 929.02 Preparation of Fertilizer Sample, Sixteenth edition, 1995, IBR approved for § 63.626(d)(3)(vi).

(7) AOAC Official Method 958.01 Phosphorus (Total) in Fertilizers, Spectrophotometric Molybdovanadophosphate Method, Sixteenth edition, 1995, IBR approved for § 63.626(d)(3)(vi).

(h) The materials listed below are available for purchase from The Association of Florida Phosphate Chemists, P.O. Box 1645, Bartow, Florida, 33830, Book of Methods Used and Adopted By The Association of Florida Phosphate Chemists, Seventh Edition 1991, IBR.

(1) Section IX, Methods of Analysis for Phosphate Rock, No. 1 Preparation of Sample, IBR approved for § 63.606(c)(3)(ii) and § 63.626(c)(3)(ii).

(2) Section IX, Methods of Analysis for Phosphate Rock, No. 3 Phosphorus -- P2O5 or Ca3(PO4)2, Method A-Volumetric Method, IBR approved for § 63.606(c)(3)(ii) and § 63.626(c)(3)(ii).

(3) Section IX, Methods of Analysis for Phosphate Rock, No. 3 Phosphorus-P2O5 or Ca3(PO4)2, Method B -- Gravimetric Quimociac Method, IBR approved for § 63.606(c)(3)(ii) and § 63.626(c)(3)(ii).

(4) Section IX, Methods of Analysis For Phosphate Rock, No. 3 Phosphorus-P2O5 or Ca3(PO4)2, Method C -- Spectrophotometric Method, IBR approved for § 63.606(c)(3)(ii) and § 63.626(c)(3)(ii).

(5) Section XI, Methods of Analysis for Phosphoric Acid, Superphosphate, Triple Superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-P2O5, Method A -- Volumetric Method, IBR approved for § 63.606(c)(3)(ii), § 63.626(c)(3)(ii), and § 63.626(d)(3)(v).

(6) Section XI, Methods of Analysis for Phosphoric Acid, Superphosphate, Triple Superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-P2O5, Method B -- Gravimetric Quimociac Method, IBR approved for § 63.606(c)(3)(ii), § 63.626(c)(3)(ii), and § 63.626(d)(3)(v).

(7) Section XI, Methods of Analysis for Phosphoric Acid, Superphosphate, Triple Superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-P2O5, Method C -- Spectrophotometric Method, IBR approved for § 63.606(c)(3)(ii), § 63.626(c)(3)(ii), and § 63.626(d)(3)(v). {Note: If approved by EPA, the 2001 Eighth Edition may be used instead.}

(i) The following material is available for purchase from at least one of the following addresses: ASME International, Orders/Inquiries, P.O. Box 2300, Fairfield, NJ 07007-2300; or Global Engineering Documents, Sales Department, 15 Inverness Way East, Englewood, CO 80112: ANSI/ASME PTC 19.10-1981, "Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus]", IBR approved for §§ 63.3360(d)(1)(iii), 63.4166(a)(3), and 63.5160(d)(1)(iii).

(j) The following material is available for purchase from at least one of the following addresses: ASME International, Orders/Inquiries, P.O. Box 2300, Fairfield, NJ 07007-2300; or Global Engineering Documents, Sales Department, 15 Inverness Way East, Englewood, CO 80112: ANSI/ASME PTC 19.10-1981, Flue and Exhaust Gas Analyses, IBR approved for § 63.5160(d)(1)(iii).

§ 63.15 Availability of information and confidentiality.

(a) *Availability of information.*

(1) With the exception of information protected through part 2 of this chapter, all reports, records, and other information collected by the Administrator under this part are available to the public. In addition, a copy of each permit application, compliance plan (including the schedule of compliance), notification of compliance status, excess emissions and continuous

monitoring systems performance report, and title V permit is available to the public, consistent with protections recognized in section 503(e) of the Act.

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

(b) *Confidentiality.*

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

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

Subsection P. Common Conditions

E.U. ID No.	Brief Description
001	Johnson Scotch Marine Type Boiler
002	"A" Sulfuric Acid Plant
003	"B" Sulfuric Acid Plant
004	"A" Phosphoric Acid Plant
007	"C" Sulfuric Acid Plant
008	"D" Sulfuric Acid Plant
009	"B" Phosphoric Acid Plant
010	"A" DAP/MAP Plant
011	"Z" DAP/MAP Plant
012	"X" DAP/MAP Plant
~~013~~	~~"Y" DAP/MAP Plant~~
015	"A" Shipping Baghouse
018	"B" Shipping Baghouse
019	"B" Truck Loading
020	"B" Railcar Loading
022	2600 Ton Storage Tank
023	Truck Pit A
024	Truck Pit B
032	Phosphoric Acid Cleanup
033	5000 Ton Storage Tank

The following conditions apply to the emissions units listed above:

General Compliance Test Requirements

{Note: The focal point of a compliance test is the stack or duct which vents process and/or combustion gases and air pollutants from an emissions unit into the ambient air.}

P.1. Required Number of Test Runs. For mass emission limitations, a compliance test shall consist of three complete and separate determinations of the total air pollutant emission rate through the test section of the stack or duct and three complete and separate determinations of any applicable process variables corresponding to the three distinct time periods during which the stack emission rate was measured; provided, however, that three complete and separate determinations shall not be required if the process variables are not subject to variation during a compliance test, or if three determinations are not necessary in order to calculate the unit's emission rate. The three required test runs shall be completed within one consecutive five-day period. In the event that a sample is lost or one of the three runs must be discontinued because of circumstances beyond the control of the owner or operator, and a valid third run cannot be obtained within the five day period allowed for the test, the Secretary or his or her designee may accept the results of the two complete runs as proof of compliance, provided that the arithmetic mean of the results of the two complete runs is at least 20% below the allowable emission limiting standard.

[Rule 62-297.310(1), F.A.C.]

{Note: For emissions units 003 (for acid mist), 004, 007, and 008, see related applicable NSPS requirements in 40 CFR 60.8(f) found in the Attached 60-H, 40 CFR 60 Subpart A – General Provisions.}

P.2. Operating Rate During Testing. Unless otherwise stated in the applicable emission limiting standard rule, testing of emissions shall be conducted with the emissions unit operating at permitted capacity as defined below. If it is impracticable to test at permitted capacity, an emissions unit may be tested at less than the maximum permitted capacity; in this case, subsequent emissions unit operation is limited to 110 percent of the test rate until a new test is conducted. Once the unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity. Permitted capacity is defined as 90 to 100 percent of the maximum operation rate allowed by the permit.
[Rule 62-297.310(2), F.A.C.]
{Notes: For emissions units 003 (for acid mist), 004, 007, and 008, see related applicable NSPS requirements in 40 CFR 60.8(c) found in the Attached 60-H, 40 CFR 60 Subpart A – General Provisions.
For emissions units 004, 009, 010, 011, 012, and 013, see related applicable NESHAP requirements in 40 CFR 63.7(e)(1) found in Subsection O. NESHAP Common Conditions.}

P.3. Calculation of Emission Rate. The indicated emission rate or concentration shall be the arithmetic average of the emission rate or concentration determined by each of the three separate test runs unless otherwise specified in a particular test method or applicable rule.
[Rule 62-297.310(3), F.A.C.]
{Note: For emissions units 003 (for acid mist), 004, 007, and 008, see related applicable NSPS requirements in 40 CFR 60.8(f) found in the Attached 60-H, 40 CFR 60 Subpart A – General Provisions.}

P.4. Applicable Test Procedures.
(a) Required Sampling Time.

1. Unless otherwise specified in the applicable rule, the required sampling time for each test run shall be no less than one hour and no greater than four hours, and the sampling time at each sampling point shall be of equal intervals of at least two minutes.

2. Opacity Compliance Tests. When either EPA Method 9 or DEP Method 9 is specified as the applicable opacity test method, the required minimum period of observation for a compliance test shall be sixty (60) minutes for emissions units which emit or have the potential to emit 100 tons per year or more of particulate matter, and thirty (30) minutes for emissions units which have potential emissions less than 100 tons per year of particulate matter and are not subject to a multiple-valued opacity standard. The opacity test observation period shall include the period during which the highest opacity emissions can reasonably be expected to occur. Exceptions to these requirements are as follows:

a. For batch, cyclical processes, or other operations which are normally completed within less than the minimum observation period and do not recur within that time, the period of observation shall be equal to the duration of the batch cycle or operation completion time.

b. The observation period for special opacity tests that are conducted to provide data to establish a surrogate standard pursuant to Rule 62-297.310(5)(k), F.A.C., Waiver of Compliance Test Requirements, shall be established as necessary to properly establish the relationship between a proposed surrogate standard and an existing mass emission limiting standard.

c. The minimum observation period for opacity tests conducted by employees or agents of the Department to verify the day-to-day continuing compliance of a unit or activity with an applicable opacity standard shall be twelve minutes.

(b) Minimum Sample Volume. Unless otherwise specified in the applicable rule, the minimum sample volume per run shall be 25 dry standard cubic feet.

(c) Required Flow Rate Range. For EPA Method 5 particulate sampling, acid mist/sulfur dioxide, and fluoride sampling which uses Greenburg Smith type impingers, the sampling nozzle and sampling time shall be selected such that the average sampling rate will be between 0.5 and 1.0 actual cubic feet per minute, and the required minimum sampling volume will be obtained.
(d) Calibration of Sampling Equipment. Calibration of the sampling train equipment shall be conducted in accordance with the schedule shown in **Attached Table 297.310-1**.
(e) Allowed Modification to EPA Method 5. When EPA Method 5 is required, the following modification is allowed: the heated filter may be separated from the impingers by a flexible tube.
[Rule 62-297.310(4), F.A.C.]

P.5. Determination of Process Variables.
(a) Required Equipment. The owner or operator of an emissions unit for which compliance tests are required shall install, operate, and maintain equipment or instruments necessary to determine process variables, such as process weight input or heat input, when such data are needed in conjunction with emissions data to determine the compliance of the emissions unit with applicable emission limiting standards.
(b) Accuracy of Equipment. Equipment or instruments used to directly or indirectly determine process variables, including devices such as belt scales, weight hoppers, flow meters, and tank scales, shall be calibrated and adjusted to indicate the true value of the parameter being measured with sufficient accuracy to allow the applicable process variable to be determined within 10% of its true value.
[Rule 62-297.310(5), F.A.C.]

P.6. [Reserved.]

P.7. Frequency of Compliance Tests. The following provisions apply only to those emissions units that are subject to an emissions limiting standard for which compliance testing is required.
(a) General Compliance Testing.

1. The owner or operator of a new or modified emissions unit that is subject to an emission limiting standard shall conduct a compliance test that demonstrates compliance with the applicable emission limiting standard prior to obtaining an operation permit for such emissions unit.

2. [Reserved.]

3. The owner or operator of an emissions unit that is subject to any emission limiting standard shall conduct a compliance test that demonstrates compliance with the applicable emission limiting standard prior to obtaining a renewed operation permit. Emissions units that are required to conduct an annual compliance test may submit the most recent annual compliance test to satisfy the requirements of this provision. In renewing an air operation permit pursuant to sub-subparagraph 62-210.300(2)(a)3.b., c., or d., F.A.C., the Department shall not require submission of emission compliance test results for any emissions unit that, during the year prior to renewal:

a. Did not operate; or

b. In the case of a fuel burning emissions unit, burned liquid and/or solid fuel for a total of no more than 400 hours,

4. During each federal fiscal year (October 1 – September 30), unless otherwise specified by rule, order, or permit, the owner or operator of each emissions unit shall have a formal compliance test conducted for:

a. Visible emissions, if there is an applicable standard;

b. Each of the following pollutants, if there is an applicable standard, and if the emissions unit emits or has the potential to emit: 5 tons per year or more of lead or lead compounds measured as elemental lead; 30 tons per year or more of acrylonitrile; or 100 tons per year or more of any other regulated air pollutant; and

c. Each NESHAP pollutant, if there is an applicable emission standard.

5. An annual compliance test for particulate matter emissions shall not be required for any fuel burning emissions unit that, in a federal fiscal year, does not burn liquid and/or solid fuel, other than during startup, for a total of more than 400 hours.

6. [Reserved.]

7. For emissions units electing to conduct particulate matter emission compliance testing quarterly pursuant to paragraph 62-296.405(2)(a), F.A.C., a compliance test shall not be required for any quarter in which liquid and/or solid fuel is not burned for more than 100 hours other than during startup.

8. [Reserved.]

9. The owner or operator shall notify the Department, at least 15 days prior to the date on which each formal compliance test is to begin, of the date, time, and place of each such test, and the test contact person who will be responsible for coordinating and having such test conducted for the owner or operator.

{Notes: For emissions units 003 (for acid mist), 004, 007, and 008, see related applicable NSPS requirements (30 days prior notice) in 40 CFR 60.8(d) found in the Attached 60-H, 40 CFR 60 Subpart A – General Provisions. For emissions units 004, 009, 010, 011, 012, and 013, see related applicable NESHAP requirements (60 days prior notice) in 40 CFR 63.7(b) found in Subsection O. NESHAP Common Conditions.}

10. An annual compliance test conducted for visible emissions shall not be required for units exempted from air permitting pursuant to subsection 62-210.300(3), F.A.C.; units determined to be insignificant pursuant to subparagraph 62-213.300(2)(a)1., F.A.C., or paragraph 62-213.430(6)(b), F.A.C.; or units permitted under the General Permit provisions in paragraph 62-210.300(4)(a) or Rule 62-213.300, F.A.C., unless the general permit specifically requires such testing.

(b) Special Compliance Tests. When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in a Department rule or in a permit issued pursuant to those rules is being violated, it shall require the owner or operator of the emissions unit to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions unit and to provide a report on the results of said tests to the Department.

(c) Waiver of Compliance Test Requirements. If the owner or operator of an emissions unit that is subject to a compliance test requirement demonstrates to the Department, pursuant to the procedure established in Rule 62-297.620, F.A.C., that the compliance of the emissions unit with an applicable weight emission limiting standard can be adequately determined by means other than the designated test procedure, such as specifying a surrogate standard of no visible emissions for particulate matter sources equipped with a bag house or specifying a fuel analysis for sulfur dioxide emissions, the Department shall waive the compliance test requirements for such emissions units and order that the alternate means of determining compliance be used, provided, however, the provisions of paragraph 62-297.310(7)(b), F.A.C., shall apply.

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

P.8. Test Reports.

(a) The owner or operator of an emissions unit for which a compliance test is required shall file a report with the Department on the results of each such test.

(b) The required test report shall be filed with the EPCHC and Department as soon as practical but no later than 45 days after the last sampling run of each test is completed.

{Note: For emissions units 004, 009, 010, 011, 012, and 013, see related applicable NESHAP requirements (report no later than 60 days after) in 40 CFR 63.10(d)(2) found in Subsection O. NESHAP Common Conditions.}

(c) The test report shall provide sufficient detail on the emissions unit tested and the test procedures used to allow the Department to determine if the test was properly conducted and the test results properly computed. As a minimum, the test report, other than for an EPA or DEP Method 9 test, shall provide the following information:

1. The type, location, and designation of the emissions unit tested.
2. The facility at which the emissions unit is located.
3. The owner or operator of the emissions unit.
4. The normal type and amount of fuels used and materials processed, and the types and amounts of fuels used and material processed during each test run.
5. The means, raw data and computations used to determine the amount of fuels used and materials processed, if necessary to determine compliance with an applicable emission limiting standard.
6. The type of air pollution control devices installed on the emissions unit, their general condition, their normal operating parameters (pressure drops, total operating current and GPM scrubber water), and their operating parameters during each test run.
7. A sketch of the duct within 8 stack diameters upstream and 2 stack diameters downstream of the sampling ports, including the distance to any upstream and downstream bends or other flow disturbances.
8. The date, starting time and duration of each sampling run.
9. The test procedures used, including any alternative procedures authorized pursuant to Rule 62-297.620, F.A.C. Where optional procedures are authorized in this chapter, indicate which option was used.
10. The number of points sampled and configuration and location of the sampling plane.
11. For each sampling point for each run, the dry gas meter reading, velocity head, pressure drop across the stack, temperatures, average meter temperatures and sample time per point.
12. The type, manufacturer and configuration of the sampling equipment used.
13. Data related to the required calibration of the test equipment.
14. Data on the identification, processing and weights of all filters used.
15. Data on the types and amounts of any chemical solutions used.
16. Data on the amount of pollutant collected from each sampling probe, the filters, and the impingers, are reported separately for the compliance test.
17. The names of individuals who furnished the process variable data, conducted the test, analyzed the samples and prepared the report.
18. All measured and calculated data required to be determined by each applicable test procedure for each run.
19. The detailed calculations for one run that relate the collected data to the calculated emission rate.
20. The applicable emission standard, and the resulting maximum allowable emission rate for the emissions unit, plus the test result in the same form and unit of measure.
21. A certification that, to the knowledge of the owner or his authorized agent, all data submitted are true and correct. When a compliance test is conducted for the Department or its agent, the person who conducts the test shall provide the certification with respect to the test procedures used. The owner or his authorized agent shall certify that all data required and provided to the person conducting the test are true and correct to his knowledge.

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

P.9. The terms "stack" and "duct" are used interchangeably in specific conditions **P.1** through **P.8.** [Rule 62-297.310(9), F.A.C.]

Excess Emissions

P.10. Excess emissions resulting from startup, shutdown or malfunction of any emissions unit shall be permitted providing (1) best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized but in no case exceed two hours in any 24 hour period unless specifically authorized by the Department for longer duration. (Sulfuric acid plants are authorized by the Department to emit excess emissions from start-up for a period of three consecutive hours provided best operational practices to minimize emissions are followed, in accordance with Attachment A-*Memorandum of Understanding Regarding Best Operational Start-up Practices for Sulfuric Acid Plants.*)
[Rule 62-210.700(1), F.A.C.]

P.11. Excess emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during startup, shutdown, or malfunction shall be prohibited.
[Rule 62-210.700(4), F.A.C.]

P.12. Considering operational variations in types of industrial equipment operations affected by this rule, the Department may adjust maximum and minimum factors to provide reasonable and practical regulatory controls consistent with the public interest.
[Rule 62-210.700(5), F.A.C.]

P.13. In case of excess emissions resulting from malfunctions, each owner or operator shall notify the Department or the appropriate Local Program in accordance with Rule 62-4.130, F.A.C. [See TV-5.9.] A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department. [Rule 62-210.700(6), F.A.C.]

Friday, Barbara

To: 'dbuff@golder.com'; 'tedwards@cfifl.com'; jmessina@cfifl.com; campbell@epchc.org; Nasca, Mara

Cc: Phillips, Cindy

Subject: FINAL Title V Permit Renewal No.: 0570005-017-AV - CF Industries, Inc. - Plant city Phosphate Complex

Attachments: 0570005.017.AV.F[1].zip

Attached for your records is a zip file for the subject FINAL Title V Permit Renewal.

If I may be of further assistance, please feel free to contact me.

Barbara J. Friday
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