PUGET SOUND
Clean Air Agency

AIR OPERATING PERMIT

Puget Sound Clean Air Agency
1904 3rd Avenue, Suite 105
Seattle, Washington 98101

Issued in accordance with the provisions of Puget Sound Clean Air Agency Regulation I, Article 7 and Chapter 173-401 WAC.

Pursuant to Puget Sound Clean Air Agency Regulation I, Article 7 and Chapter 173-401 WAC, Kenworth Truck Company Renton (the permittee) is authorized to operate subject to the terms and conditions in this permit.

PERMIT NO.: 17796	**DATE OF ISSUANCE: October 1, 2025**
ISSUED TO: Kenworth Truck Company Renton	
PERMIT EXPIRATION DATE: October 1, 2030	
PERMIT RENEWAL APPLICATION DUE DATE: April 1, 2030	

NAICS, Primary:	336120
Nature of Business:	Heavy Duty Truck Manufacturing
Mailing Address:	PO Box 9001, Renton, Washington 98057-9001
Facility Address:	1601 North 8th Street, Renton, Washington 98057
Responsible Official:	Scott Smith, Plant Manager
Telephone No.:	(425) 227-5801

Puget Sound Clean Air Agency Approval:

Blaine Nesbit, P.E.
Engineer

John Dawson, P.E.
Engineering Manager

TABLE OF CONTENTS

List of Acronyms & Abbreviations **4**

Emission Unit (EU) Descriptions **6**

Section 1: Facility-wide Applicable Requirements **8**

A. Facility-Wide Applicable Requirements **9**
Facility-Wide Compliance Methods 12

B. Facility-wide VOC and HAP Emission Limits **15**
Facility-wide VOC and HAP Compliance Methods 16

C. Facility-Wide Surface Coating Operations **17**
Facility Wide Surface-Coating Operations Compliance Methods 20

Section 2: Emission Unit Specific Applicable Requirements **22**

A. Area Specific Surface Coating Operations **23**

B. Combustion Equipment **34**

Section 3: Standard Terms and Conditions **42**

Section 4: General Permitting Requirements **44**

Section 5: General Compliance Requirements **49**

Section 6: General Applicable Requirements **61**

Section 7: Test Methods and Averaging Periods **66**

Section 8: Inapplicable Requirements **68**

Section 9: Insignificant Emission Units and Activities **72**

Attachment 1. PSCAA Method 5 for Particulate **77**

Attachment 2. Ecology Method 9A **82**

Attachment 3. 40 CFR 63 Subpart A – NESHAP General Provisions 85

List of Acronyms & Abbreviations

ASTM	American Society for Testing and Materials
CFM	Cubic Feet per Minute
CFR	Code of Federal Regulations
Ecology	Washington State Department of Ecology
EPA	Environmental Protection Agency
EU	Emission Unit
FCAA	Federal Clean Air Act
gr/dscf	Grains per dry standard cubic foot
HAP	Hazardous Air Pollutants
IEU	Insignificant Emission Unit
MMBTU	Million British Thermal Units
NESHAP	National Emission Standards for Hazardous Air Pollutants
NSPS	New Source Performance Standard
NO_x	Nitrogen Oxides
NOC	Notice of Construction
OA	Order of Approval
O&M Plan	Operation and Maintenance Plan
PM_{10}	Particulate Matter equal to or smaller than 10 micrometers
PSCAA	Puget Sound Clean Air Agency
PSD	Prevention of Significant Deterioration
Reg.	Regulation
RCW	Revised Code of Washington
SIP	State Implementation Plan
TAC	Toxic Air Contaminant

VOC	Volatile Organic Compounds
WAC	Washington Administrative Code

Emission Unit (EU) Descriptions

The table below lists the emission units regulated under this permit. The descriptions in the table are for informational purposes only.

Source	Description	Emission Control Equipment or Method	Install Date
EU 1 Assembly Operations; Highway and Off-Highway Trucks	Assembly of the trucks and components including the use of hand and aerosol can spray applied lubricants, glues, adhesives, greases, sealants, and solvents. Ventilation hoods may be included in these areas but are insignificant emission units.	None	Not applicable
EU 2 Materials Work	Truck component fabrication including: • Usage of lubricants, coolants, greases, adhesives, and cleaners. • Welding equipment and welding dust/fume collectors. • Parts cleaners using a low VOC product are considered insignificant emissions units.	• Welding dust/fume collectors	2004
EU 3 Surface Prep: Truck Components	Surface preparation of truck components including: • Two Prep Booths and a Vacuum System; • Chassis Prep Booth and Prep Seal and Wash • Bump and Grind Prep Booth; • Sand and Repair Prep; and • Cab Prime Sand/Prep Booth.	• Dust collection • Dry filter on prep seal part of booth • Dry filter • Dry filter • Dry filter	1993
EU 4 Coating Operations: Truck Components & Chassis	Cleaning and surface coating activities of truck components including: • One Truck Chassis Paint Booth with Paint Drying Oven.	• Dry filter	1993
EU 5 Coating Operations: Truck Components	Cleaning and surface coating of truck components including: • Three water wash paint booths, • One dry filter paint booth, • Two paint drying ovens; and • One paint flash tunnel.	• Water wash • Dry filters	1993

Source	Description	Emission Control Equipment or Method	Install Date
EU 6 Coating Operations: Highway and Off-Highway Trucks And Touch-Up	Cleaning, surface coating, painting, and touch-up activities of completed trucks and components in two dry filter paint booths, one of which can also function as a drying oven.	Dry filters	1993
EU 7 Coating Mix/Solvent System	Storage, thinning, tinting, and packaging of coating materials, mixing of paint, as well as solvent and activator storage and distribution systems.	None	Not applicable
EU 8 Gas Fueled Equipment	This emission unit includes air, water and other heaters that are fueled by natural gas or other petroleum based fuels and are large enough to be significant sources.	Good combustion practices	1993
EU 9 Emergency Engines	This emission unit includes equipment that is necessary for emergency situations	Good combustion practices	1994

Section 1: Facility-wide Applicable Requirements

The requirements in Section 1 apply both facility-wide and to the specific emission units and activities in Section 2. All requirements are federally enforceable unless they are identified as "State Only" in Section 5.31 Table 14 and Table 15. PSCAA Requirements and PSCAA State Implementation Plan Status. In the event of conflict or omission between the paraphrase in the table and the regulatory citation, the regulation cited is the enforceable requirement.

Table contents:

Column one is the applicable requirement number.

Column two is the regulatory citation for the enforceable applicable requirement. When or if EPA approves a "state only" requirement into the PSCAA SIP, the previous "state only" requirement will be automatically replaced and superseded by the new requirement in the PSCAA SIP.

Column three in some cases is a brief paraphrase of the applicable requirement and is not enforceable. However the cited rule is enforceable regardless if the permit language is a paraphrase.

Column four lists the permit condition number(s) of the compliance methods for that applicable requirement.

Column five lists the reference test method(s). This is the test method to be used when a compliance test is performed.

The full text of the compliance methods referenced in column four are immediately after the table(s) in this section. The test methods and averaging periods for the reference test methods in column five are included in Section 7 of this permit.

A. Facility-Wide Applicable Requirements

The requirements in Table 2 and the associated compliance methods and reference test methods apply facility-wide.

Table 2. Facility-Wide Emission Limits

Reqmt No.	Enforceable Requirement	Requirement Paraphrase (Information Only)	Compliance Method	Reference Test Method
RACT Requirement				
1.1	PSCAA Reg I, 3.04(a)	Reasonably Available Control Technology (RACT) is required for all existing sources.	No monitoring required	Not applicable
Opacity and Particulate Matter Standards				
1.2	PSCAA Reg I, 9.03, except for 9.03(d) & (e)	Shall not cause or allow the emission of any air contaminant for a period or periods aggregating more than 3 minutes in any 1 hour which is (1) Darker in shade than that designated as No. 1 (20% density) on the Ringelmann Chart, as published by the United States Bureau of Mines or (2) of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in (1) above.	Condition No. 1.14 Opacity Monitoring	Ecology Method 9A
1.3	PSCAA Reg I, 9.09	Shall not emit particulate matter in excess of 0.05 gr/dscf from equipment used in a manufacturing process	Condition 1.14 Opacity Monitoring Condition 5.11 Investigations and Testing	40 CFR 60, Appendix A, Reference Method 5 as modified by PSCAA Resolution 540 dated 8/11/1983

Table 2. Facility-Wide Emission Limits

Reqmt No.	Enforceable Requirement	Requirement Paraphrase (Information Only)	Compliance Method	Reference Test Method
1.4	PSCAA Reg I, 9.09	Shall not emit particulate matter in excess of 0.05 gr/dscf corrected to 7% O_2 from fuel burning equipment.	Condition 1.14 Opacity Monitoring Condition 5.11 Investigations and Testing	40 CFR 60, Appendix A, Reference Method 5 as modified by PSCAA Resolution 540 dated 8/11/1983
Fugitive Dust Emissions Standards				
1.5	PSCAA Reg I, 9.15	Shall not cause or allow visible emissions of fugitive dust unless reasonable precautions are employed to minimize the emissions. Reasonable precautions include but are not limited to, the following: (1) The use of control equipment, enclosures, and wet (or chemical) suppression techniques, as practical, and curtailment during high winds; (2) Surfacing roadways and parking areas with asphalt, concrete, or gravel; (3) Treating temporary, low-traffic areas (e.g., construction sites) with water or chemical stabilizers, reducing vehicle speeds, constructing pavement or rip rap exit aprons, and cleaning vehicle undercarriages before they exit to prevent the track-out of mud or dirt onto paved public roadways; or (4) Covering or wetting truck loads or allowing adequate freeboard to prevent the escape of dust-bearing materials. Compliance with the provisions of this section shall not relieve the permittee of the responsibility of complying with Reg. I, Section 9.11	Condition 1.15 Facility-wide Inspections Condition 1.16 Complaint Response	Not applicable

Table 2. Facility-Wide Emission Limits

Reqmt No.	Enforceable Requirement	Requirement Paraphrase (Information Only)	Compliance Method	Reference Test Method
1.6 -	WAC 173-400-040(4)(a)	If engaging in materials handling, construction, demolition or any other operation which is a source of fugitive emissions, shall take reasonable precautions to prevent the release of air contaminants from the operation.	Condition 1.15 Facility-wide Inspections Condition 1.16 Complaint Response	Not applicable
Other Standards				
1.7	PSCAA Reg I, 9.11(a)	Shall not cause or allow the emission of any air contaminant in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property	Condition 1.15 Facility-wide Inspections Condition 1.16 Complaint Response	Not applicable
1.8	WAC 173-400-040(5)	Shall use recognized good practice and procedures to reduce to a reasonable minimum odors which may unreasonably interfere with any other property owners' use and enjoyment of their property.	Condition 1.15 Facility-wide Inspections Condition 1.16 Complaint Response	Not applicable
1.9	WAC 173-400-040(3)	Shall not deposit particulate matter beyond the property boundary in sufficient quantity to interfere unreasonably with the use and enjoyment of the property	Condition 1.15 Facility-wide Inspections Condition 1.16 Complaint Response	Not applicable
SO_2 Standard				
1.10	PSCAA Reg I, 9.07	Shall not emit SO_2 in excess of 1,000 ppmv (dry), 1-hour average (corrected to 7% O_2 for fuel burning equipment)	Condition 5.11 Investigations and Testing	EPA Method 6C
Hydrochloric Acid Standard				
1.11	*PSCAA Reg I, 9.10(a)*	Shall not emit hydrochloric acid in excess of 100 ppm (dry), 1-hour average corrected to 7% O_2 for combustion sources	Condition 5.11 Investigations and Testing	EPA Method 26 or 26A

Table 2. Facility-Wide Emission Limits

Reqmt No.	Enforceable Requirement	Requirement Paraphrase (Information Only)	Compliance Method	Reference Test Method
Operations and Maintenance Standards				
1.12	PSCAA Reg I, 9.20(b)	Shall maintain equipment as defined in Reg. I, Section 1.07 or control equipment not subject to PSCAA Reg. I Article 6 in good working order	Condition 1.17 Maintenance and Repair of Emission Units Conditions 1.18 - 1.20 Operation & Maintenance Requirements	Not applicable
1.13	PSCAA Reg I, 7.09(b)	The permittee shall develop and implement an operation and maintenance (O&M) plan to assure continuous compliance with PSCAA Regulations I, II and III. A copy of the plan shall be filed with the Control Officer on request. The plan shall reflect good industrial practice. It shall include the elements described in Reg I, 7.09(b). The permittee shall review the O&M Plan at least annually and update it as needed to reflect any changes in good industrial practice. The specific provisions of the O&M Plan shall not be deemed part of this permit.	Condition 1.17 Maintenance and Repair of Emission Units Conditions 1.18 - 1.20 Operation & Maintenance Requirements	Not applicable

Facility-Wide Compliance Methods

Opacity Monitoring

1.14 At least once per calendar quarter that the facility operates, the permittee shall conduct inspections of the entire facility for visible emissions. Inspections are to be performed while the equipment being inspected is in operation during daylight hours. If visible emissions other than uncombined water are observed from any equipment or stack, the permittee shall initiate, as soon as possible, but no later than 24 hours after the initial observation, at least one of the following response actions:

- Take corrective action until there are no visible emissions, or
- Record the opacity using Ecology Method 9A to demonstrate compliance with the opacity standard, or
- Shut down the unit or activity until it can be repaired.

The permittee shall keep records of the inspections, including date and time of inspection, the name or employee ID of the person conducting the inspection, the results of the

inspection, the time period over which visible emissions occurred, and all corrective action conducted. For opacity monitoring using Ecology Method 9A, the permittee is not required to comply with the test notification and reporting requirements in Conditions 5.30 and 5.31.

Failure to implement at least one of the three response actions described above in this condition within 24 hours of the initial observation shall be reported as a deviation under Condition 5.5. Additionally, an exceedance of the standard as determined using Ecology Method 9A or an exceedance of the grain loading limit using PSCAA Method 5 shall be reported as a deviation under Condition 5.5.

The density or opacity of an air contaminant shall be measured at the point of its emission, except when the point of emission cannot be readily observed, it may be measured at an observable point of the plume nearest the point of emission.

[WAC 173-401-615(1)(b) and (3)(b)]
[PSCAA Reg. I, 9.03(a), (b) & (c)]

Facility-Wide Inspections

1.15 At least once per calendar quarter, the permittee shall conduct a facility-wide inspection, including the following:

a. Examine the general state of compliance with the general applicable requirements, including a check of records to determine if complaints were received and responded to as specified in Condition 1.16;

b. Inspect the facility for odor bearing contaminants and emissions of any air contaminant in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interfere with enjoyment of life and property;

c. Examine compliance with the indoor spray coating requirements in Regulation I, Section 9.16(c).

d. Inspect the facility for fugitive dust and track-out while conducting activities, such as construction, that are likely to generate fugitive dust or track-out; and

e. Evaluate the general effectiveness of the Operation & Maintenance (O&M) Plan.

Inspections of equipment and operations shall be conducted during daylight hours. The permittee shall initiate corrective action for any problems identified by these inspections as soon as possible, but no later than within 24 hours of identification or shut down the unit or activity until the problem can be corrected. The permittee shall keep records of the inspections, including date and time of inspection, the name or employee ID of the person conducting inspection, the results of the inspection, any corrective action conducted, and whether complaints had been received.

Failure to implement one of the response actions described above within 24 hours of the initial observation shall be reported as a deviation under Condition 5.5.

[WAC 173-401-615(1)(b) and (3)(b)]

Complaint Response

1.16 The permittee shall develop, maintain and follow a complaint response plan which includes the following:

a. Designation of a responsible person to respond to and record complaints regarding odor, fugitive dust or nuisance.

b. The permittee shall record and investigate complaints regarding odor, fugitive dust, or nuisance as soon as possible, but no later than 2 working days after receipt of the complaint. The investigation will include documentation of wind direction and speed during the time the complaint occurred. The permittee shall use good industrial practices to initiate corrective action for any problems identified by the complaint investigations within 24 hours after investigation of the complaint.

c. The permittee shall record and investigate complaints about any emissions that are, or likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interfere with enjoyment of life and property, or emissions from fallout, or any track-out onto paved roads open to the public, or complaints regarding other applicable requirements or emissions.

d. The permittee shall maintain records on-site of all complaints received regarding odor, fugitive dust or nuisance. The records must include the date and time of the complaint, the name of the person submitting the complaint if known, the nature of the complaint, the wind speed and wind direction at the time of the complaint, and the date, time and nature of any corrective action taken.

f. The permittee shall investigate the complaint and determine if there was noncompliance with an applicable requirement of this permit. If it is determined to be noncompliance, the permittee shall initiate corrective action for the problem as soon as possible but no later than within 24 hours of determination of noncompliance or shut down the noncompliant operation until it is repaired or corrected. Failure to implement corrective action or else shut down the unit or activity within 24 hours of initial observation of noncompliance shall be reported as a deviation under Condition 5.5.

[WAC 173-401-615(1)(b)]

Maintenance and Repair of Emission Units

1.17 The permittee shall use good industrial practices to maintain all equipment with the potential to emit air pollutants in good working order, including insignificant emission units and equipment not listed in this permit. For such equipment, the permittee shall also promptly repair defective equipment. Good industrial practices may include following the manufacturer’s operations manual or an equipment operations schedule, minimizing emissions until the repairs can be completed and taking measures to prevent recurrence of the problem.

[WAC 173-401-615(1)(b)]

Operation and Maintenance (O&M) Plan Requirements

1.18 The permittee’s O&M Plan shall include procedures specifying how the permittee will assure continuous compliance with PSCAA Regulations I, II and III. The O&M Plan shall be reviewed by the permittee at least annually and updated to reflect any changes in good industrial practice. The plan shall include, but is not limited to:

a. Periodic inspection of all equipment and control equipment;

b. Monitoring and recording of equipment and control equipment performance;

c. Prompt repair of any defective equipment or control equipment;

d. Procedures for startup, shut down, and normal operation;

e. The control measures to be employed to assure continuous compliance with requirements of this permit; and

f. A record of all actions required by the plan.

[PSCAA Reg. I, Section 7.09(b)]
[WAC 173-401-615(1)(b)]

1.19 The plan shall reflect good industrial practice. In most instances, following the manufacturer's operations manual or equipment operational schedule, minimizing emissions until repairs can be completed and taking measures to prevent a recurrence of the problem may be considered good industrial practice. Determination of whether good industrial practice is being used will be based on available information such as, but not limited to, monitoring results, opacity observations, review of operations and maintenance procedures, and inspections of the emission unit or equipment. The permittee shall use the results of the inspections required by of this permit in its annual review of the O&M Plan. The specific provisions of the O&M Plan, other than those required by this permit, shall not be deemed part of this permit.

For insignificant emission units the O&M Plan shall refer to the requirements stated in Condition 1.17 of this permit.

[PSCAA Reg. I, Section 7.09(b)]
[WAC 173-401-615(1)(b)]

1.20 The permittee shall document all inspections, tests, and other actions required by the O&M Plan, including the name or employee ID of the person who conducted the inspection, tests or other actions; and the date and the results of the inspection, tests or other actions including corrective actions. The permittee shall maintain records of all inspections, tests, and other actions required by the O&M Plan on site and available for PSCAA review.

[PSCAA Reg. I, Section 7.09(b)]
[WAC 173-401-615(1)(b)]

B. Facility-wide VOC and HAP Emission Limits

The requirements in Table 3 and the associated compliance methods apply facility wide.

Table 3. Facility-wide VOC and HAP Emission Limits

Reqmt No.	Enforceable Requirement	Requirement Paraphrase (Information Only)	Compliance Method	Reference Test Method (See Section 7)
1.21	Order of Approval No. 11587 Condition No. 1 (1/16/19)	Facility-wide emissions of VOCs as defined in 40 CFR 51.100 shall not exceed 383 tons during any consecutive 12-month period.	Condition Nos. 1.25-1.27 Monthly VOC Calculations	Not applicable

Table 3. Facility-wide VOC and HAP Emission Limits

Reqmt No.	Enforceable Requirement	Requirement Paraphrase (Information Only)	Compliance Method	Reference Test Method (See Section 7)
1.22	Order of Approval No. 11587 Condition No. 2 (1/16/19)	Facility-wide emissions of HAPs shall not exceed 9.8 tons of any single HAP or 24.5 tons of total HAP combined during any consecutive 12-month period.	Condition Nos. 1.28 – 1.30 Monthly HAP Calculations	Not applicable
1.23	Order of Approval No. 11587 Condition No. 3 (1/16/19)	Acetone and other negligibly reactive compounds may be used as substitutes for HAPs and VOCs in topcoats, primers, gun wash thinners, and other products. Negligibly reactive compounds do not need to be counted when calculating VOC content of coatings	No monitoring required	Not applicable
1.24	Order of Approval No. 11587 Condition No. 8 (1/16/19)	The permittee shall not consume more than 421 million standard cubic feet of natural gas during any consecutive 12-month period.	Condition 1.31 Fuel Combustion Monitoring Plan	Not applicable

Facility-wide VOC and HAP Compliance Methods

Monthly VOC Calculations

1.25 The permittee shall track the usage and volatile organic compound (VOC) content of all VOC-containing materials used in the manufacturing process at the facility that contribute to VOC emissions. Monthly purchase records can be used as a surrogate for monthly usage.

[PSCAA Order No. 11587, Condition 4, (1/16/19)]

1.26 No later than 60 days after the end of each month, the permittee shall calculate and record monthly emissions and emissions over the previous consecutive 12-month period of total VOC. The owner or operator may choose to subtract the amount of VOC due to disposal or recycling of material off-site if records are maintained to technically justify the calculation. Acceptable records include safety data sheets, product data sheets, invoices, shipping papers, sampling results, and hazardous waste manifests.

[PSCAA Order No. 11587, Condition 6, (1/16/19)]

1.27 The permittee shall notify the Puget Sound Clean Air Agency in writing, as specified in condition 5.8, within 60 days after the end of each consecutive 12-month period if, during that period, emissions of VOC exceed 345 tons. The report shall include emissions data for the time period for which these thresholds were exceeded.

[PSCAA Order No. 11587, Condition 11, (1/16/19)]

Monthly HAP Calculations

1.28 The permittee shall track the usage and hazardous air pollutant (HAP) content of all HAP-containing materials used in the manufacturing process at the facility that contribute to HAP emissions. Monthly purchase records can be used as a surrogate for monthly usage.

[PSCAA Order No. 11587, Condition 5, (1/16/19)]

1.29 No later than 60 days after the end of each month, the permittee shall calculate and record monthly emissions and emissions over the previous consecutive 12-month period for each individual HAP and total HAP. The owner or operator may choose to subtract the amount of HAP due to disposal or recycling of material off-site if records are maintained to technically justify the calculation. Acceptable records include safety data sheets, product data sheets, invoices, shipping papers, sampling results, and hazardous waste manifests.

[PSCAA Order No. 11587, Condition 6, (1/16/19)]

1.30 The permittee shall notify the Puget Sound Clean Air Agency in writing, as specified in condition 5.8, within 60 days after the end of each consecutive 12-month period if, during that period, emissions of any single HAP exceed 9.0 tons or emissions of total HAP exceed 22.5 tons. The report shall include emissions data for the time period for which these thresholds were exceeded.

[PSCAA Order No. 11587, Condition 11, (1/16/19)]

Fuel Combustion Monitoring Plan

1.31 The permittee shall monitor and record natural gas usage on a monthly basis, and make these records available to Agency personnel upon request.

[PSCAA Order No. 11587, Condition 9, (1/16/19)]

C. Facility-Wide Surface Coating Operations

The requirements in Table 4 and the associated compliance methods apply facility-wide to surface coating operations.

Table 4. Applicable Requirements to Facility-Wide Surface Coating Operations

Reqmt No.	Enforceable Requirement	Requirement Paraphrase (Information Only)	Compliance Method	Reference Test Method (See Section 7)
General Requirements for Indoor Spray Coating Operations				
1.32	PSCAA Reg. I, 9.16(b)	The following activities are exempt from the provisions of Reg I: 9.16(c) in Section 1.33. Persons claiming any of the exemptions shall have the burden of demonstrating compliance: (1) Application of architectural or maintenance coatings to stationary structures. (2) Aerospace coating operations subject to 40 CFR Part 63 Subpart GG, including all activities and materials listed in 40 CFR 63.741(f). (3) Use of HVLP guns in certain situations described in Reg I: 9.16(b)(3)(A) through (E). (4) Use of air brush spray equipment with 0.5 to 2.0 CFM airflow and 2 fluid ounce or less cup capacity. (5) Use of hand-held aerosol spray cans with 1 quart or less capacity. Indoor application of automotive undercoating materials using organic solvents with flash points in excess of 100F.	No monitoring required	Not applicable
1.33	PSCAA Reg. I, 9.16(c)	Unlawful to allow spray-coating inside a structure, or spray-coating of any motor vehicles or components, unless the spray-coating is conducted inside an enclosed spray area employing paint arresters or water-wash curtains to control overspray. All emissions shall be vented through an unobstructed vertical exhaust vent.	Condition No. 1.15 Facility-wide Inspections	Not applicable
VOC Content Limits for Motor Vehicle and Mobile Equipment Coating Operations				

Table 4. Applicable Requirements to Facility-Wide Surface Coating Operations

Reqmt No.	Enforceable Requirement	Requirement Paraphrase (Information Only)	Compliance Method	Reference Test Method (See Section 7)
1.34	Order of Approval 11587, Condition 7	Shall not apply coatings with a VOC content (excluding water and negligibly reactive compounds) which exceed the following limits: (a) Topcoat Paints: 3.5 lb/gal (b) Primers: 3.5 lb/gal (c) Specialty Coatings: 7.0 lb/gal. The above VOC coating limits do not apply to coatings applied with hand-held aerosol spray cans with one quart or less capacity or with air brush spray equipment with 0.5 to 2.0 CFM airflow and 2 fluid ounce or less cup capacity.	Condition No. 1.38 Chemical Procurement Information Sheet (CPIS) System	EPA Method 24
1.35	PSCAA Reg. II, 3.04(a)	It shall be unlawful for original equipment manufacturers to apply any coating with a VOC content in excess of the following limits to motorized vehicles, their parts and components, or equipment designed to be pulled by motorized vehicles: (a) Pretretment Wash Primer: 780 g/L (6.5 Lbs/Gal) (b) Precoat: 780 g/L (6.5 Lbs/Gal) (c) Primer/Primer Surfacer: 720 g/L (6.0 Lbs/Gal) (d) Primer Sealer: 720 g/L (6.0 Lbs/Gal) (e) Topcoat: 720 g/L (6.0 Lbs/Gal) (f) Metallic/Iridescent Topcoat: 720 g/L (6.0 Lbs/Gal)	Condition No. 1.38 Chemical Procurement Information Sheet (CPIS) System Condition No. 1.39 Specialty Coating Tracking	EPA Method 24
1.36	PSCAA Reg. II, 3.04(b)	It shall be unlawful to apply any specialty coating with a VOC content in excess of 840 grams/liter (7.0 lb/gal), excluding water. Use of all specialty coatings except antiglare/safety coatings shall not exceed 5.0% of all coatings applied on a monthly basis. Specialty coatings are coatings that are necessary due to unusual job performance requirements and whose VOC content exceeds 630 grams/liter.	Condition No. 1.38 Chemical Procurement Information Sheet (CPIS) System Condition No. 1.39 Specialty Coating Tracking	EPA Method 24

Table 4. Applicable Requirements to Facility-Wide Surface Coating Operations

Reqmt No.	Enforceable Requirement	Requirement Paraphrase (Information Only)	Compliance Method	Reference Test Method (See Section 7)
1.37	PSCAA Reg. II, 3.04(c)	VOC content of each regulated coating must be available to Agency personnel upon request.	Condition No. 1.38 Chemical Procurement Information Sheet (CPIS) System Condition No. 1.39 Specialty Coating Tracking	EPA Method 24

Facility Wide Surface-Coating Operations Compliance Methods

Chemical Procurement Information Sheet (CPIS) System

1.38 The permittee shall screen each material purchased for use at the facility using the CPIS system. The permittee shall review the manufacturer's supplied information, such as the Safety Data Sheet or Product Data Sheet, for each material prior to receiving the material on-site to determine the legality of the VOC-content for the product use and its impact on the overall site HAP and VOC emissions. For coatings that are activated via a plural component paint mix system prior to the spray gun, the permittee shall obtain an annual certification from the vendor which may consist of a letter (sent via mail or email); or a spreadsheet of formulations; or similar information stating or showing that all the formulations supplied to the facility meet the following limits:

a. For non-specialty coatings unless applied with hand-held aerosol spray cans with one quart or less capacity or with air brush spray equipment with 0.5 to 2.0 CFM airflow and 2 fluid ounce or less cup capacity: 3.5 pounds per gallon;

b. For primer, primer surfacer, primer sealer, topcoat or metallic iridescent topcoat applied with hand-held aerosol spray cans with one quart or less capacity or with air brush spray equipment with 0.5 to 2.0 CFM airflow and 2 fluid ounce or less cup capacity: 6.0 pounds per gallon;

c. For pretreatment wash primer or precoat applied with hand-held aerosol spray cans with one quart or less capacity or with air brush spray equipment with 0.5 to 2.0 CFM airflow and 2 fluid ounce or less cup capacity: 6.0 pounds per gallon; and

d. For specialty coatings defined as coatings necessary due to unusual job performance requirements and whose VOC content exceeds 5.25 pounds per gallon: 7.0 pounds of VOC per gallon.

The permittee shall maintain CPIS System records for each material including the VOC content and applicable VOC limit. Records shall be reviewed on a monthly basis, and signed and dated by a Kenworth employee. All records shall be made available for inspection by Agency staff upon request.

[WAC 173-401-615(1)(b)]

Specialty Coating Tracking

1.39 The permittee shall record on a monthly basis the volume and VOC content of the specialty coatings applied at the facility. Within 60 days after the end of each calendar month that specialty coatings were used, with the exception of antiglare/safety coatings, the permittee shall calculate the specialty coating usage as a percentage of total coating usage for each month that it was used.

[WAC 173-401-615(1)(b)]

Section 2: Emission Unit Specific Applicable Requirements

The requirements in Section 2 apply only to the Emission Unit (EU) listed in this section. All requirements are federally enforceable unless they are identified as “State Only” in Section 5.31 Table 14. In the event of conflict or omission between the paraphrase in the table and the regulatory citation, the regulatory citation is the enforceable requirement.

Table contents:

Column one is the applicable requirement number.

Column two is the regulatory citation for the enforceable applicable requirement. When or if EPA approves a “state only” requirement into the PSCAA SIP, the previous “state only” requirement will be automatically replaced and superseded by the new requirement in the PSCAA SIP.

Column three is a brief paraphrase of the applicable requirement *and is not enforceable.*

Column four lists the permit condition number(s) of the compliance methods for that applicable requirement.

Column five lists the reference test method(s). This is the test method to be used when a compliance test is performed.

The full text of the emission unit specific compliance methods referenced in column four are immediately after the table(s) in this section. The test methods and averaging periods for the reference test methods in column five are included in Section 7 of this permit.

A. Area Specific Surface Coating Operations

1. Emission Unit No. 1: Assembly Operations: Highway and Off-Highway Trucks

The requirements in Table 5 apply to EU No. 1 – Assembly Operations: Highway and Off-Highway Trucks. This emission unit consists of activities associated with assembling the trucks and some of their components. Assembly operations currently take place inside Buildings 1 and 6. Emission units may be relocated throughout the site without modifying the operating permit. However, new source review requirements may apply if equipment is modified or reconstructed, or for the replacement or substantial alteration of control equipment (see Section 4 of this permit). The assembly operations may include the use of materials such as lubricants, glues, adhesives, greases, sealants, and solvents - both hand and spray applied with aerosol cans. Ventilation hoods with no air pollution controls may be included in these areas for worker safety and comfort but these are insignificant emission units.

Motor vehicle and mobile equipment coating operations, including spray coating, are subject to the facility-wide requirements in Table 4.

Table 5. Applicable Requirements for Assembly Operations: Highway and Off-Highway Trucks

Reqmt No.	Enforceable Requirement	Requirement Paraphrase (Information Only)	Compliance Method	Reference Test Method (See Section 7)
2.1	PSCAA Reg. II, 3.04(d)	VOC-containing material shall be applied to any motorized vehicles, their parts and components, or equipment designed to be pulled by motorized vehicles using one of the following methods: • High volume, low pressure (0.1 to 10 psig air pressure for atomization) spray equipment, • Electrostatic spray equipment, • Flow coat, • Dip coat, • Brush coat, • Hand-held aerosol cans, • Roll coat, or • Air brush.	Condition No. 2.28 Spray Coating Inspections	Not applicable
2.2	PSCAA Reg. II, 3.04(e)	Any VOC-containing material used for the cleanup of spray equipment, including paint lines, shall be contained and collected in closed containers.	Condition No. 2.29 Work Practice Monitoring Condition No. 2.30 Spray Coating Training Program	Not applicable
2.3	PSCAA Reg. II, 3.04(f)	Closed containers shall be used for storage or disposal of VOC-containing materials. Such containers and tanks shall be kept closed except when being cleaned or when materials are being added, mixed, or removed. Closed containers for solvent rag or paper disposal are required. Empty containers as defined in WAC 173-303-160 are exempt	Condition No 2.29 Work Practice Monitoring Condition No. 2.30 Spray Coating Training Program	Not applicable

Table 5. Applicable Requirements for Assembly Operations: Highway and Off-Highway Trucks

Reqmt No.	Enforceable Requirement	Requirement Paraphrase (Information Only)	Compliance Method	Reference Test Method (See Section 7)
2.4	PSCAA Reg I: 9.20 RCW 70A.15.2210(7)	All equipment must be maintained in good working order.	Condition No. 1.15 Facility-wide Inspections Condition Nos. 1.18 – 1.20 O&M Plan Requirements Condition No. 2.28 Spray Coating Inspections	Not applicable

2. Emission Unit No. 2: Materials Work

The requirements in Table 6 apply to Emission Unit No. 2. This emission unit consists of activities associated with truck component fabrication in Building 1. Motor vehicle and mobile equipment coating operations, including spray coating, are not currently included under this emission unit. Emission units may be relocated throughout the site without modifying the operating permit. However, new source review requirements may apply if equipment is modified or reconstructed, or for the replacement or substantial alteration of control equipment (see Section 4 of this permit) and approved motor vehicle and mobile equipment coating operations, including spray coating, would be subject to the facility-wide requirements in Table 4. Materials used to aid fabrication may include lubricants, coolants, greases, adhesives, and cleaners. This emission unit includes welding equipment and welding dust collectors that recirculate filtered air back into the factory. There is also one welding fume collector located in the Off-Highway area and one in the Maintenance area that are vented to the outside. Parts cleaners using a low VOC product operate within this emission unit and are considered insignificant emissions units.

Table 6. Applicable Requirements Related to Material Work

Reqmt No.	Enforceable Requirement	Requirement Paraphrase (Information Only)	Compliance Method	Reference Test Method (See Section 7)
2.5	PSCAA Reg. II, 3.04(e)	Any VOC-containing material used for the cleanup of spray equipment, including paint lines, shall be contained and collected in closed containers.	Condition No. 2.29 Work Practice Monitoring Condition No. 2.30 Spray Coating Training Program	Not applicable
2.6	PSCAA Reg. II, 3.04(f)	Closed containers shall be used for storage or disposal of VOC-containing materials. Such containers and tanks shall be kept closed except when being cleaned or when materials are being added, mixed, or removed. Closed containers for solvent rag or paper disposal are required. Empty containers as defined in WAC 173-303-160 are exempt	Condition No. 2.29 Work Practice Monitoring Condition No. 2.30 Spray Coating Training Program	Not applicable
2.7	PSCAA Reg I: 9.09	Shall not emit particulate matter in excess of 0.05 gr/dscf from equipment used in a manufacturing process	Condition No 2.31 Dust Collector Inspections	40 CFR 60, Appendix A, Reference Metho 5 as modified by PSCAA Resolutio 540 dated 8/11/1983
2.8	PSCAA Reg I: 9.20 RCW 70A.15.2210(7)	All equipment must be maintained in good working order.	Condition No. 1.15 Facility-wide Inspections Condition Nos. 1.18 – 1.20 O&M Plan Requirements	Not applicable

3. Emission Unit No. 3: Surface Preparation: Truck Components

The requirements in Table 7 apply to Emission Unit No. 3. This emission unit consists of activities associated with preparing truck components for coating operations. Motor vehicle and mobile equipment coating operations, including spray coating, are not currently included under this emission unit. Activities currently are located in Building 1. Emission units may be relocated throughout the site without modifying the operating permit. However, new source review requirements may apply if equipment is modified or reconstructed, or for the replacement or substantial alteration of control equipment (see Section 4 of this permit) and approved motor vehicle and mobile equipment coating operations, including spray coating, would be subject to the facility-wide requirements in Table 4. Activities in surface preparation include assembly, joining, filling, grinding, sanding, and washing and sealing. The Cab Washer and Cab Washer Dry-off oven are insignificant emission units. This emission unit includes:

- Two Prep Booths and a Vacuum System with Dust Collection;
- Chassis Dry Filter Prep Booth and Prep Seal and Wash Booth (dry filter on prep seal part of booth);
- Bump and Grind Prep Booth (Dry Filter);
- Sand and Repair Prep Booth (Dry Filter); and
- Cab Prime Sand/Prep Booth (Dry Filter).

Table 7. Applicable Requirements Related to Surface Preparation

Reqmt No.	Enforceable Requirement	Requirement Paraphrase (Information Only)	Compliance Method	Reference Test Method (See Section 7)
2.9	PSCAA Reg. II, 3.04(e)	Any VOC-containing material used for the cleanup of spray equipment, including paint lines, shall be contained and collected in closed containers.	Condition No. 2.29 Work Practice Monitoring Condition No. 2.30 Spray Coating Training Program	Not applicable
2.10	PSCAA Reg. II, 3.04(f)	Closed containers shall be used for storage or disposal of VOC-containing materials. Such containers and tanks shall be kept closed except when being cleaned or when materials are being added, mixed, or removed. Closed containers for solvent rag or paper disposal are required. Empty containers as defined in WAC 173-303-160 are exempt	Condition No. 2.29 Work Practice Monitoring Condition No. 2.30 Spray Coating Training Program	Not applicable
2.11	PSCAA Reg I: 9.09	Shall not emit particulate matter in excess of 0.05 gr/dscf from equipment used in a manufacturing process	Condition No 2.31 Dust Collector Inspections	40 CFR 60, Appendix A, Reference Metho 5 as modified by PSCAA Resolutio 540 dated 8/11/1983

Reqmt No.	Enforceable Requirement	Requirement Paraphrase (Information Only)	Compliance Method	Reference Test Method (See Section 7)
2.12	PSCAA Reg I: 9.20 RCW RCW 70A.15.2210(7)	All equipment must be maintained in good working order.	Condition No. 1.15 Facility-wide Inspections Condition Nos. 1.18– 1.20 O&M Plan Requirements	Not applicable

4. Emission Unit No. 4: Coating Operations: Truck Components & Chassis

The requirements in Table 8 apply to Emission Unit No. 4. This emission unit includes cleaning and surface coating activities of truck components. Currently, it is located in Building 1 and includes cleaning and surface coating of truck chassis. Emission units may be relocated throughout the site without modifying the operating permit. However, new source review requirements may apply if equipment is modified or reconstructed, or for the replacement or substantial alteration of control equipment (see Section 4 of this permit). This emission unit includes:

- One Truck Chassis Dry Filter Paint Booth with Paint Drying Oven.

Motor vehicle and mobile equipment coating operations, including spray coating, are subject to the facility-wide requirements in Table 4.

The paint solvent system delivers solvent to this emission unit area for cleaning purposes; however, it is included in its own emission unit, EU-7.

Table 8. Applicable Requirements Related to Coating Operations: Truck Components & Chassis

Reqmt No.	Enforceable Requirement	Requirement Paraphrase (Information Only)	Compliance Method	Reference Test Method (See Section 7)
2.13	PSCAA Reg. II, 3.04(d)	VOC-containing material shall be applied to any motorized vehicles, their parts and components, or equipment designed to be pulled by motorized vehicles using one of the following methods: • High volume, low pressure (0.1 to 10 psig air pressure for atomization) spray equipment, • Electrostatic spray equipment, • Flow coat, • Dip coat, • Brush coat, • Hand-held aerosol cans, • Roll coat, or • Air brush.	Condition No. 2.28 Spray Coating Inspections	Not applicable
2.14	PSCAA Reg. II, 3.04(e)	Any VOC-containing material used for the cleanup of spray equipment, including paint lines, shall be contained and collected in closed containers.	Condition No. 2.29 Work Practice Monitoring Condition No. 2.30 Spray Coating Training Program	Not applicable

Table 8. Applicable Requirements Related to Coating Operations: Truck Components & Chassis

Reqmt No.	Enforceable Requirement	Requirement Paraphrase (Information Only)	Compliance Method	Reference Test Method (See Section 7)
2.15	PSCAA Reg. II, 3.04(f)	Closed containers shall be used for storage or disposal of VOC-containing materials. Such containers and tanks shall be kept closed except when being cleaned or when materials are being added, mixed, or removed. Closed containers for solvent rag or paper disposal are required. Empty containers as defined in WAC 173-303-160 are exempt	Condition No. 2.29 Work Practice Monitoring Condition No. 2.30 Spray Coating Training Program	Not applicable
2.16	PSCAA Reg I: 9.20 RCW RCW 70A.15.2210(7)	All equipment must be maintained in good working order.	Condition No. 1.15 Facility-wide Inspections Condition Nos. 1.18– 1.20 O&M Plan Requirements Condition No. 2.28 Spray Coating Inspections	Not applicable

5. Emission Unit No. 5: Coating Operations: Truck Components

The requirements in Table 9 apply to Emission Unit No. 5. This emission unit includes cleaning and surface coating activities of truck components. Currently, it is located in Building 1 and includes cleaning and surface coating of truck components such as doors, fenders, hoods, wheels, bumpers, cabs, sleepers and integrated units. Emission units may be relocated throughout the site without modifying the operating permit. However, new source review requirements may apply if equipment is modified or reconstructed, or for the replacement or substantial alteration of control equipment (see Section 4 of this permit). The emission unit includes:

- Three water wash paint booths,
- One dry filter paint booth,
- Two paint drying ovens; and
- One paint flash tunnel.

Motor vehicle and mobile equipment coating operations, including spray coating, are subject to the facility-wide requirements in Table 4.

The paint solvent system delivers solvent to this emission unit area for cleaning purposes; however, it is included in its own emission unit (EU-7).

Table 9. Applicable Requirements Related to Coating Operations: Truck Components

Reqmt No.	Enforceable Requirement	Requirement Paraphrase (Information Only)	Compliance Method	Reference Test Method (See Section 7)
2.17	PSCAA Reg. II, 3.04(d)	VOC-containing material shall be applied to any motorized vehicles, their parts and components, or equipment designed to be pulled by motorized vehicles using one of the following methods: • High volume, low pressure (0.1 to 10 psig air pressure for atomization) spray equipment, • Electrostatic spray equipment, • Flow coat, • Dip coat, • Brush coat, • Hand-held aerosol cans, • Roll coat, or • Air brush.	Condition No. 2.28 Spray Coating Inspections	Not applicable
2.18	PSCAA Reg. II, 3.04(e)	Any VOC-containing material used for the cleanup of spray equipment, including paint lines, shall be contained and collected in closed containers.	Condition No. 2.29 Work Practice Monitoring Condition No. 2.30 Spray Coating Training Program	Not applicable
2.19	PSCAA Reg. II, 3.04(f)	Closed containers shall be used for storage or disposal of VOC-containing materials. Such containers and tanks shall be kept closed except when being cleaned or when materials are being added, mixed, or removed. Closed containers for solvent rag or paper disposal are required. Empty containers as defined in WAC 173-303-160 are exempt	Condition No. 2.29 Work Practice Monitoring Condition No. 2.30 Spray Coating Training Program	Not applicable
2.20	PSCAA Reg I: 9.20 RCW 70A.15.2210(7)	All equipment must be maintained in good working order.	Condition No. 1.15 Facility-wide Inspections Condition Nos. 1.18 – 1.20 O&M Plan Requirements Condition No. 2.28 Spray Coating Inspections	Not applicable

6. Emission Unit No. 6: Coating Operations: Highway and Off-Highway Trucks and Touch-up

The requirements in Table 10 apply to Emission Unit No. 6. This emission unit includes cleaning and surface coating activities of highway and off-highway completed trucks and truck components. Currently, it is located in Building 1 and covers painting and touch-up which includes activities such as stripping, filling, surface preparation, cleaning and surface coating of trucks, and touching up of completed highway and off-highway trucks. Emission units may be relocated throughout the site without modifying the operating permit. However, new source review requirements may apply if equipment is modified or reconstructed, or for the replacement or substantial alteration of control equipment (see Section 4 of this permit). The emission unit includes:

- Two dry filter paint booths, one of which can also function as a drying oven.

Motor vehicle and mobile equipment coating operations, including spray coating, are subject to the facility-wide requirements in Table 4. The paint solvent system delivers solvent to this emission unit area for cleaning purposes; however, it is included in its own emission unit, EU-7.

Table 10. Applicable Requirements Related to Coating Operations: Highway and Off-Highway Trucks and Touch-up

Reqmt No.	Enforceable Requirement	Requirement Paraphrase (Information Only)	Compliance Method	Reference Test Method (See Section 7)
2.21	PSCAA Reg. II, 3.04(d)	VOC-containing material shall be applied to any motorized vehicles, their parts and components, or equipment designed to be pulled by motorized vehicles using one of the following methods: • High volume, low pressure (0.1 to 10 psig air pressure for atomization) spray equipment, • Electrostatic spray equipment, • Flow coat, • Dip coat, • Brush coat, • Hand-held aerosol cans, • Roll coat, or • Air brush.	Condition No. 2.28 Spray Coating Inspections	Not applicable
2.22	PSCAA Reg. II, 3.04(e)	Any VOC-containing material used for the cleanup of spray equipment, including paint lines, shall be contained and collected in closed containers.	Condition No. 2.29 Work Practice Monitoring Condition No. 2.30 Spray Coating Training Program	Not applicable
2.23	PSCAA Reg. II, 3.04(f)	Closed containers shall be used for storage or disposal of VOC-containing materials. Such containers and tanks shall be kept closed except when being cleaned or when materials are being added, mixed, or removed. Closed containers for solvent rag or paper disposal are required. Empty containers as defined in WAC 173-303-160 are exempt	Condition No 2.29 Work Practice Monitoring Condition No. 2.30 Spray Coating Training Program	Not applicable

Table 10. Applicable Requirements Related to Coating Operations: Highway and Off-Highway Trucks and Touch-up

Reqmt No.	Enforceable Requirement	Requirement Paraphrase (Information Only)	Compliance Method	Reference Test Method (See Section 7)
2.24	PSCAA Reg I: 9.20 RCW 70A.15.2210(7)	All equipment must be maintained in good working order.	Condition No. 1.15 Facility-wide Inspections Condition Nos. 1.18 – 1.20 O&M Plan Requirements Condition No. 2.28 Spray Coating Inspections	Not applicable

7. Emission Unit No. 7: Coating Mix/Solvent System

The requirements in Table 11 apply to Emission Unit No. 7. This emission unit includes the storage, thinning, tinting, and packaging of coating materials for application on truck components, completed trucks and other maintenance coating needs, as well as the solvent and activator storage and distribution systems. The paint mix room is located in Building 1 and includes ventilation with no pollution control equipment. Solvent is delivered by piping system from the storage tank in Building 2 to the paint mix room in Building 1, then distributed to each of the coating operations emission units. At each solvent delivery station, used solvent is collected and piped to the waste solvent tank located in Building 2. In Building 2, in the waste processing area, clean solvent is reclaimed from the waste stream and reused. Paint components and activator are received in various size containers up to bulk storage totes and are transferred to use containers and storage tanks of variable size, then distributed to each of the coating operations emission units.

Motor vehicle and mobile equipment coating operations, including spray coating, are subject to the facility-wide requirements in Table 4.

Table 11. Applicable Requirements Related to Coating Mix/Solvent Systems

Reqmt No.	Enforceable Requirement	Requirement Paraphrase (Information Only)	Compliance Method	Reference Test Method (See Section 7)
2.25	PSCAA Reg. II, 3.04(e)	Any VOC-containing material used for the cleanup of spray equipment, including paint lines, shall be contained and collected in closed containers.	Condition No. 2.29 Work Practice Monitoring Condition No. 2.30 Spray Coating Training Program	Not applicable
2.26	PSCAA Reg. II, 3.04(f)	Closed containers shall be used for storage or disposal of VOC-containing materials. Such containers and tanks shall be kept closed except when being cleaned or when materials are being added, mixed, or removed. Closed containers for solvent rag or paper disposal are required. Empty containers as defined in WAC 173-303-160 are exempt	Condition No. 2.29 Work Practice Monitoring Condition No. 2.30 Spray Coating Training Program	Not applicable
2.27	PSCAA Reg I: 9.20(a) RCW 70A.15.2210(7)	All equipment must be maintained in good working order.	Condition No. 1.15 Facility-wide Inspections Condition Nos. 1.18 – 1.20 O&M Plan Requirements	Not applicable

8. Compliance Methods for Area Specific Surface Coating Operations (EU-1 Through EU-7)

Spray Coating Inspections

2.28 The permittee shall inspect the spray coating lines, booths and filter systems at least once each week that each booth operates for the following:

a. Check the primary dry filter system, where visible, for proper seating and complete coverage over the exhaust plenum;

b. For downdraft water filtration systems check for a complete water blanket and for side-draft water filtration systems check for a complete water curtain;

c. Check and record the pressure drop across the dry filter system and verify within acceptable limits. The acceptable limits shall be established using either manufacturer's recommendations, specification, or instruction, or shall be based on providing adequate air flow while maintaining filter integrity based on the specific design of the system; and

d. Evidence of abnormal odor or paint emissions.

The permittee shall initiate corrective action for any problems identified by these inspections as soon as possible but no later than 24 hours after identification or shut down the unit or activity until it can be repaired. The permittee shall keep records of the inspections, including date and time of inspection, the name or ID of the person conducting inspection, the results of the inspection, and any corrective action conducted. Failure to implement corrective action or else shut down the unit/activity within 24 hours of initial observation of noncompliance shall be reported as a deviation under Condition 5.5.

[WAC 173-401-615(1)(b)]

Work Practice Monitoring

2.29 At least once per calendar quarter, the permittee shall conduct a facility-wide inspection to verify that VOC-containing materials are stored and disposed of in closed containers. The permittee shall initiate corrective action for any problems identified by these inspections as soon as possible but no later than 1 hour after identification. The permittee shall keep records of the inspections, including date and time of inspection, the name or ID of the person conducting inspection, the results of the inspection, and any corrective action conducted. Failure to implement corrective action within 1 hour of initial observation of noncompliance shall be reported as a deviation under Condition 5.5.

[WAC 173-401-615(1)(b)]

Spray Coating Training Program

2.30 Employees conducting surface coating or cleaning activities shall be initially trained and annually refreshed on the following activities:

a. Proper operation of spray coating equipment;

b. Use of closed containers for storage and disposal of VOC-containing materials, including material used for equipment cleanup.

All training and refresher courses shall include an attendance record with signature of attendees and date of training. Failure to conduct training or maintain required records shall be reported as a deviation under Condition 5.5.

[WAC 173-401-615(1)(b)]

Dust Collector Inspections

2.31 At least once per calendar quarter, the permittee shall conduct an inspection of each dust collector or baghouse for visible emissions and evidence of visible dust or fallout. Inspections are to be performed while the equipment is in operation during daylight hours. If, during the scheduled inspection or at any other time, visible emissions other than uncombined water are observed, Kenworth shall, as soon as possible, but no later than within 24 hours of the initial observation, initiate corrective action until there are no visible emissions or, alternatively, record the opacity using the reference test method or shut down the unit or activity that is generating the emissions until the related dust collector can be repaired. The permittee shall keep records of the inspections, including date and time of inspection, the name or ID of the person conducting inspection, the results of the inspection, and any corrective action conducted. Failure to implement corrective action or else shut down the unit/activity within 24 hours of initial observation of noncompliance shall be reported as a deviation under Condition 5.5.

[WAC 173-401-615(1)(b)]

B. Combustion Equipment

1. Emission Unit No. 8: Gas Fueled Equipment

The requirements in Table 12 apply to Emission Unit No. 8. This emission unit includes all air, water and other medium heaters that are fueled by natural gas and are larger than applicable size thresholds making them significant sources. This includes makeup air units (MAUs) and air supply houses (ASHs) larger than 5 MMBtu/hr including the following:

18 MMBTU/hr Basecoat Paint ASH

10 MMBTU/hr Prep & Clean ASH

12 MMBTU/hr Chasis Paint ASH

9.2 MMBTU/hr Touch-up Spraybooth #1 ASH

7.9 MMBTU/hr Touch-up Spraybooth #2 ASH

6.8 MMBTU/hr Cab Manual Spraybooth ASH

6.6 MMBTU/hr Cab Washer Stage 1 and Stage 2

5.9 MMBTU/hr Cab Primer Spraybooth ASH

Currently, natural gas is the primary fuel; however, other petroleum-based fuels may be used including propane, butane, and liquid natural gas.

Table 12. Applicable Requirements Related to Gas Fueled Equipment

Reqmt No.	Enforceable Requirement	Requirement Paraphrase (Information Only)	Compliance Method	Reference Test Method (See Section 7)
2.32	PSCAA Reg I: 9.03, except for 9.03(e)	Shall not emit air contaminants which exhibit greater than 20% opacity for a period or periods aggregating more than 3 minutes in any hour	Condition No. 2.35 Gas Fueled Equipment Inspections	Ecology Method 9A
2.33	PSCAA Reg I: 9.09	Shall not emit particulate matter in excess of 0.05 gr/dscf corrected to 7% O_2 from fuel burning equipment	Condition No. 2.35 Gas Fueled Equipment Inspections	40 CFR 60, Appendix A, Reference Metho 5 as modified by PSCAA Resolutio 540 dated 8/11/1983
2.34	PSCAA Reg I: 9.20 RCW 70A.15.2210(7))	All equipment must be maintained in good working order.	Condition No. 1.15 Facility-wide Inspections Condition Nos. 1.18 – 1.20 O&M Plan Requirements Condition No. 2.35 Gas Fueled Equipment Inspections	Not applicable

2. Compliance Methods for Combustion Equipment (EU No. 8)

Gas Fueled Equipment Inspections

2.35 At least once per calendar quarter, the permittee shall conduct an inspection of each unit larger than 5 MMBtu/hr that exhausts to the outside of the building for visible emissions. Inspections are to be performed while the equipment is in operation during daylight hours. If, during the scheduled inspection or at any other time, visible emissions other than uncombined water are observed, the permittee shall, as soon as possible, but no later than within 24 hours of the initial observation, initiate corrective action until there are no visible emissions or, alternatively, record the opacity using the reference test method or shut down the unit or activity that is generating the emissions until the related dust collector can be repaired. The permittee shall keep records of the inspections, including date and time of inspection, the name or ID of the person conducting inspection, the results of the inspection, and any corrective action conducted. Failure to implement corrective action or else shut down the unit/activity within 24 hours of initial observation of noncompliance shall be reported as a deviation under Condition 5.5.

[WAC 173-401-615(1)(b)]

3. Emission Unit No. 9: Emergency Engines

The requirements in Table 13 apply to Emission Unit No. 9. This emission unit includes equipment that is necessary for emergency situations and includes an existing Cummins 200DFAA 6-cylinder 380 HP emergency electrical generator with a total displacement of 10L, and an existing Detroit Diesel DDFP-04AT 4-cylinder 235 HP emergency fire pump with a total displacement of 4.65L. Both engines installed prior to 1994 and are diesel fired. Currently diesel is the primary fuel; however other fuels meeting the definition of “diesel fuel” in 40 CFR 63.6675 may be used.

Both compression ignition (CI) engines are regulated under 40 CFR 63, Subpart ZZZZ - National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE). This permit section addresses “existing” stationary emergency CI RICE that are located at an area source of HAP and that commenced construction before 6/12/2006. If either RICE is modified or reconstructed after 7/11/2005, the NSPS 40 CFR 60, Subpart IIII, will then apply. As an emergency engine, electrical power from the attached generator may not be supplied to the grid.

NOTE: 40 CFR 63.6640(f)(2)(ii)&(iii) (1/30/13) have been vacated per Delaware v. EPA 785 F.3d 1 (D.C. Cir 2015). An emergency stationary RICE may not be operated for the purposes specified in 40 CFR 63.6640(f)(2)(ii)&(iii) (1/30/13) unless it meets the applicable requirements for a non-emergency engine.

Table 13. Applicable Requirements Related to Emergency Engines

Reqmt No.	Enforceable Requirement	Requirement Paraphrase (Information Only)	Compliance Method	Reference Test Method (See Section 7)
2.36	40 CFR 63.1(c)(1) (1/7/25) PSCAA Reg. III, Section 2.02 PSCAA Reg. I, Section 3.25	The permittee shall comply with any relevant standards established under 40 CFR 63, Subparts A and ZZZZ.	No monitoring required	Not applicable
2.37	40 CFR 63.6595(c) (1/30/13) 40 CFR 63.4(a)(2) (4/5/02) PSCAA Reg. III, Section 2.02 PSCAA Reg. I, Section 3.25	The permittee must meet the applicable notification requirements in 40 CFR 63.6645 and in 40 CFR 63, Subpart A.	No monitoring required	Not applicable
2.38	40 CFR 63.4(b) (4/5/02) PSCAA Reg. III, Section 2.02 PSCAA Reg. I, Section 3.25	The permittee shall not operate any affected source in violation of the requirements of 40 CFR 63 and shall not build, erect, install, or use any article, machine, equipment, or process to conceal an emission that would otherwise constitute noncompliance with a relevant standard	No monitoring required	Not applicable
2.39	40 CFR 63.6603(a) (8/30/24) 40 CFR 63 Subpart ZZZZ Table 2d (8/30/2024) 40 CFR 63.6605(a) (1/30/2013) 40 CFR 63.6625(i) (8/30/24) 40 CFR 63.4(a)(1) (4/5/02) PSCAA Reg. III, Section 2.02 PSCAA Reg. I, Section 3.25	For an existing emergency stationary compression ignition RICE located at an area source of HAP emissions, the permittee must comply with the requirements in Table 2d of the subpart: • Change oil and filter every 500 hours of operation or within 1 year + 30 days of the previous change, whichever comes first; • Inspect air cleaner every 1,000 hours of operation or within 1 year + 30 days of the previous inspection, whichever comes first, and replace as necessary; and • Inspect all hoses and belts every 500 hours of operation or within 1 year + 30 days of the previous inspection, whichever comes first, and replace as necessary. The permittee has the option of utilizing an oil analysis program in order to extend the specified oil and filter change requirement based on the procedures in 40 CFR 63.6625(i).	2.47 –2.53 RICE Compliance Methods	Not applicable

Table 13. Applicable Requirements Related to Emergency Engines

2.40	40 CFR 63.6605(b) (1/30/13) 40 CFR 63.4(a)(1) (4/5/02) PSCAA Reg. III, Section 2.02 PSCAA Reg. I, Section 3.25	At all times, the permittee must operate and maintain the existing stationary RICE in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require you to make any further efforts to reduce emissions if levels required by this standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Agency which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.	2.47 –2.53 RICE Compliance Methods	Not applicable
2.41	40 CFR 63.6625(e) (8/30/2024) 40 CFR 63.4(a)(1) (4/5/02) PSCAA Reg. III, Section 2.02 PSCAA Reg. I, Section 3.25	The permittee must operate and maintain the existing emergency stationary RICE according to the manufacturer's emission-related written instructions or develop its own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions	2.47 –2.53 RICE Compliance Methods	Not applicable
2.42	40 CFR 63.6625(f) (8/30/2024) 40 CFR 63.4(a)(1) (4/5/02) PSCAA Reg. III, Section 2.02 PSCAA Reg. I, Section 3.25	The permittee must install and operate a non-resettable hour meter	2.47 –2.53 RICE Compliance Methods	Not applicable
2.43	40 CFR 63.6625(h) (8/30/24) 40 CFR 63.4(a)(1) (4/5/02) PSCAA Reg. III, Section 2.02 PSCAA Reg. I, Section 3.25	The permittee must minimize the engine's time spent at idle during startup and minimize startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes.	2.47 –2.53 RICE Compliance Methods	Not applicable

Table 13. Applicable Requirements Related to Emergency Engines

2.44	40 CFR 63.6640(f) (8/10/2022) 40 CFR 63.4(a)(1) (4/5/02) PSCAA Reg. III, Section 2.02 PSCAA Reg. I, Section 3.25	For an emergency stationary RICE, the permittee must operate the emergency stationary RICE according to the requirements in 40 CFR 63.6640(f)(1) through (4). In order for the engine to be considered an emergency stationary RICE under this subpart, any operation other than emergency operation, maintenance and testing, emergency demand response, and operation in non-emergency situations for 50 hours per year is prohibited. If you do not operate the engine according to these requirements, the engine will not be considered an emergency engine and must meet all requirements for non-emergency engines. There is no time limit on the use of emergency stationary RICE in emergency situations.	2.47 –2.53 RICE Compliance Methods	Not applicable
2.45	40 CFR 63.9(j) (9/10/2024) PSCAA Reg. III, Section 2.02 PSCAA Reg. I, Section 3.25	Any change in information already provided under 40 CFR Part 63 shall be provided to the Agency in writing within 15 calendar days after the change.	No monitoring required	Not applicable
2.46	PSCAA Reg I: 9.08(a) RCW 70A.15.4510	It shall be unlawful for any person to cause or allow combustion of oil that exceeds any of the following limits unless allowed by a PSCAA OA issued under Reg I: Article 6. All limits are the maximum allowed except flash point, which is the minimum allowed. • Ash 0.1% • Sulfur, used oil 1.0% • Sulfur, fuel oil 2.00% • Lead 100 ppm • Arsenic 5 ppm • Cadmium 2 ppm • Chromium 10 ppm • Total halogens 1,000 ppm • PCBs 2 ppm • Flash point 100 °F	The fuel oil contract for delivery of oil burned in emergency generators shall specify fuel must meet the specifications listed.	Not applicable

4. Compliance Methods for Emergency Engines (EU No. 9)

RICE Compliance Methods

2.47 The permittee shall maintain the following records to demonstrate compliance with the requirement:

a. Records of maintenance conducted on each engine in order to demonstrate that it was operated and maintained according to the facility maintenance plan and requirements of

the rule. 40 CFR 63.6655(e).

b. If the engine does not meet the standards applicable to non-emergency engines, records of the hours of operation of the engine that is recorded through the non-resettable hour meter. The permittee must document how many hours are spent for emergency operation, including what classified the operation as emergency and how many hours are spent for non-emergency operation.

c. Records of the occurrence and duration of each malfunction of operation (*i.e.,* process equipment) or the air pollution control and monitoring equipment.

d. Records of actions taken during periods of malfunction to minimize emissions in accordance with §63.6605(b), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.

[40 CFR 63.6655]

2.48 If the permittee chooses to utilize an oil analysis program in order to extend the specified oil change requirement, the oil analysis must be every 500 hours of operation, or annually, whichever comes first. The analysis program must at a minimum follow the requirements in 40 CFR 63.6625(j) for determining if an oil change is required. The permittee must maintain records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program must be part of the maintenance plan for the engine.

[40 CFR 63.6625(i)]

2.49 The Agency will determine compliance with design, equipment, work practice, or operational emission standards in the NESHAP by review of records, inspection of the source, and other procedures specified in the NESHAP. The Agency will make a finding concerning compliance with a non-opacity standard upon obtaining all the compliance information required by the standard.

[40 CFR 63.6(f)(2)(v) and (3)]

2.50 Records must be in a form suitable and readily available for expeditious review. Each record must be kept and readily accessible in hard copy or electronic format for at least 5 years following the date of each occurrence, measurement, maintenance, corrective action, report or record.

[40 CFR 63.6660]
[40 CFR 63.10(b)(1)]

2.51 The permittee must report each instance in which the operating limitation in Table 2.d of the subpart that applied (Condition 2.39) was not met, each instance in which the requirements in Table 8 of 40 CFR Part 63, Subpart ZZZZ (Applicability of General Provisions) was not met, and any other deviation of the requirements in the NESHAP in accordance with the operating permit deviation reporting requirement in Condition 5.5.

[40 CFR 63.6640(b) and (e)]
[40 CFR 63.6650(f)]
[40 CFR 63.4(a)(2)]

2.52 If an emergency engine is operating during an emergency and it is not possible to shut down the engine in order to perform the management practice requirements on the schedule required in Condition 2.39, or if performing the management practice on the required schedule would otherwise pose an unacceptable risk under Federal, state, or local law, the management practice can be delayed until the emergency is over or the unacceptable risk under Federal, state, or local law has abated. The management practice should be performed as soon as practicable after the emergency has ended or the unacceptable risk under Federal, state, or local law has abated. Sources must report any failure to perform the management practice on the schedule required and the Federal, state or local law under which the risk was deemed unacceptable.

[40 CFR 63, Subpart ZZZZ, Table 2d, footnote 2]

2.53 These engines shall comply with the following applicable requirements of 40 CFR 63 Subpart A, General Provisions, which have been adopted by reference in PSCAA Regulation I, Section 3.25 (See attachment 3 NESHAP Subpart A – General Provisions.)

General Provisions Citation	Subject of Citation
§63.1	General applicability of the General Provisions
§63.2	Definitions (Additional terms defined in §63.6675)
§63.3	Units and abbreviations
§63.4	Prohibited activities and circumvention
§63.5	Construction and reconstruction
§63.6(a)	Applicability
§63.6(b)(1)–(4)	Compliance dates for new and reconstructed sources
§63.6(b)(5)	Notification
§63.6(b)(7)	Compliance dates for new and reconstructed area sources that become major sources
§63.6(c)(1)–(2)	Compliance dates for existing sources
§63.6(c)(5)	Compliance dates for existing area sources that become major sources
§ 63.7(a)(3)	CAA section 114 authority
§63.9(a)	Applicability and State delegation of notification requirements
§63.9(b)(1)–(5)	Initial notifications Except that §63.9(b)(3) is reserved. Except that §63.9(b) only applies as specified in §63.6645.
§63.9(i)	Adjustment of submittal deadlines
§63.9(j)	Change in previous information
§63.10(a)	Administrative provisions for recordkeeping/reporting
§63.10(b)(1)	Record retention
§63.10(b)(2)(vi)–(xi)	Records
§63.10(b)(2)(xii)	Record when under waiver
§63.10(b)(2)(xiv)	Records of supporting documentation
§63.10(b)(3)	Records of applicability determination
§63.10(d)(1)	General reporting requirements
§63.10(f)	Waiver for recordkeeping/reporting
§63.12	State authority and delegations

General Provisions Citation	Subject of Citation
§63.13	Addresses
§63.14	Incorporation by reference
§63.15	Availability of information

[40 CFR 63.6665 & Table 8 to Subpart ZZZZ of Part 63]

Section 3: Standard Terms and Conditions

Duty to Comply

3.1 The permittee must comply with all conditions of this chapter 401 permit. Any permit noncompliance constitutes a violation of chapter 70A.15 RCW and, for federally enforceable provisions, a violation of the FCAA. Such violations are grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

[WAC 173-401-620(2)(a)]

3.2 It shall be unlawful for any person to cause or allow the operation of any source subject to the requirements of WAC 173-401 without complying with the provisions of WAC 173-401 and any permit issued under its authority.

[PSCAA Reg. I, Section 7.05]

3.3 All sources and emission units are required to meet the emission standards of WAC 173-400 except as provided in WAC 173-400-020(1).

[WAC 173-400-040(1)(a)]

Need to Halt or Reduce Activity not a Defense

3.4 It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

[WAC 173-401-620(2)(b)]

Permit Actions

3.5 This permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

[WAC 173-401-620(2)(c)]

Property Rights

3.6 This permit does not convey any property rights of any sort, or any exclusive privilege.

[WAC 173-401-620(2)(d)]

Duty to Provide Information

3.7 The permittee shall furnish to PSCAA, within a reasonable time, any information that the permitting authority may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to PSCAA copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to PSCAA along with a claim of confidentiality. PSCAA shall maintain confidentiality of such information in accordance with RCW 70A.15.2510

[WAC 173-401-620(2)(e)]

[RCW 70A.15.2510]

Permit Fees

3.8 The permittee shall pay fees as a condition of this permit in accordance with PSCAA's fee schedule in accordance with PSCAA's Reg. I, Section 7.07. Failure to pay fees in a timely fashion shall subject the permittee to civil and criminal penalties as prescribed in chapter 70A.15 RCW.

[WAC 173-401-620(2)(f) and PSCAA Reg. I, Section 7.07]
[RCW 70A.15]

Emissions Trading

3.9 No permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in this permit.

[WAC 173-401-620(2)(g)]

Severability

3.10 If any provision of this permit is held to be invalid, all unaffected provisions of the permit shall remain in effect and be enforceable.

[WAC 173-401-620(2)(h)]

Permit Appeals

3.11 This permit or any conditions in it may be appealed only by filing an appeal with the Pollution Control Hearings Board and serving it on PSCAA within thirty days of receipt pursuant to RCW 43.21B.310. This provision for appeal in this section is separate from and additional to any federal rights to petition and review under §505(b) of the FCAA.

[WAC 173-401-620(2)(i)]

Permit Continuation

3.12 This permit and all terms and conditions contained therein, including any permit shield provided under WAC 173-401-640, shall not expire until the renewal permit has been issued or denied if a timely and complete application has been submitted. An application shield granted pursuant to WAC 173-401-705(2) shall remain in effect until the renewal permit has been issued or denied if a timely and complete application has been submitted.

[WAC 173-401-620(2)(j)]

Section 4: General Permitting Requirements

Permit Renewal

4.2 The permittee shall submit a timely and complete Title V permit renewal application to PSCAA no later than 180 days prior to the expiration of this permit.

[WAC 173-401-710(1)]
[WAC 173-401-500(3)(d)]

Expired Permits

4.3 Permit expiration terminates the permittee's right to operate unless a timely and complete renewal application has been submitted consistent with Condition 4.1 of this permit and WAC 173-401-500. All terms and conditions of the permit shall remain in effect after the permit itself expires if a timely and complete permit application has been submitted.

[WAC 173-401-710(3)]

Revocation of Permits

4.4 PSCAA may revoke a permit only upon the request of the permittee or for cause. PSCAA shall provide at least thirty days written notice to the holder of a current operating permit prior to revocation of the permit or denial of a permit renewal application. Such notice shall include an explanation of the basis for the proposed action and afford the permittee/applicant an opportunity to meet with PSCAA prior to the authority's final decision. A revocation issued may be issued conditionally with a future effective date and may specify that the revocation will not take effect if the permittee satisfies the specified conditions before the effective date. Nothing in this condition shall limit PSCAA's authority to issue emergency orders.

[WAC 173-401-710(4)]

Reopening for Cause

4.5 This permit shall be reopened and revised under any of the circumstances described in WAC 173-401-730(1). Proceedings to reopen and issue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable.

[WAC 173-401-730]

Administrative Permit Amendments

4.6 The permittee may file for an administrative permit amendment in accordance with WAC 173-401-720(3). The permittee may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request. An “administrative permit amendment” is a permit revision that:

a. Corrects typographical errors;

b. Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;

c. Requires more frequent monitoring or reporting by the permittee;

d. Allows for a change in ownership or operational control of a source where PSCAA

determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to PSCAA;

e. Incorporates into the permit the terms, conditions, and provisions from orders approving notice of construction applications processed under an EPA-approved program, provided that such a program meets procedural requirements substantially equivalent to the requirements of WAC 173-401-700, 173-401-725, and 173-401-800 that would be applicable to the change if it were subject to review as a permit modification, and compliance requirements substantially equivalent to those contained in WAC 173-401-600 through 173-401-650.

[WAC 173-401-720]

Permit Shield

4.6 PSCAA shall, upon taking final action granting a request for an administrative permit amendment, allow coverage by the permit shield in WAC 173-401-640 for administrative permit amendments made pursuant to Condition 4.5(e).

[WAC 173-401-720]

Minor Permit Modifications

4.7 For minor permit modifications that meet the following criteria, the permittee shall submit an application as described in WAC 173-401-725(2)(b):

a. Do not violate any applicable requirement;

b. Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;

c. Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;

d. Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid any applicable requirement to which the source would otherwise be subject. Such terms and conditions include a federally enforceable emissions cap assumed to avoid classification as a modification under any provision of Title I of the FCAA and an alternative emissions limit approved pursuant to regulations promulgated under section 112(i)(5) of the FCAA; and

e. Are not modifications under any provision of the Title I of the FCAA.

4.8 The permit modification shall be accomplished in accordance with the criteria and procedures as described in WAC 173-401-725(2)(c) through (2)(e).

4.9 For group processing of modifications that meet the following criteria, the permittee shall submit an application as described in WAC 173-401-725(3)(b):

a. Meets the criteria for minor permit modification procedures in Condition 4.7; and

b. Collectively are below ten percent of the emissions allowed by the permit for the emissions unit for which the change is requested, twenty percent of the applicable definition of major source in WAC 173-401-200, or five tons per year, whichever is least.

4.10 The permit modification shall be accomplished in accordance with the criteria and procedures as described in WAC 173-401-725(3)(c) through (3)(e).

4.11 The permittee may make the change(s) proposed in its minor permit modification application immediately after it files such as application provided that those changes requiring the submissions of a notice of construction application have been reviewed and approved by PSCAA. After the permittee makes the change allowed by the preceding sentence, and until the permitting authority takes any of the actions specified in WAC 173-401-725(2)(d), the permittee must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the permittee need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

4.12 The permit shield under WAC 173-401-640 shall not extend to minor permit modifications.

[WAC 173-401-725(2) and (3)]

Significant Permit Modifications

4.13 For significant permit modifications that meet the following criteria, the modification shall meet all requirements of Chapter 173-401 WAC, including those for applications, public participation, review by affected states, and review by EPA, as they apply to permit issuance and permit renewal:

a. Permit modifications that do not qualify as minor permit modifications or as administrative amendments;

b. Every significant change in existing monitoring permit terms or conditions and every relaxation of reporting or recordkeeping permit terms or conditions.

Nothing herein shall be construed to preclude the permittee from making changes consistent with Chapter 173-401 WAC that would render existing permit compliance terms and conditions irrelevant.

[WAC 173-401-725(4)]
[WAC 173-401-500 (3)(c)]

Changes Not Requiring Permit Revisions

4.14 The permittee is authorized to make the changes described in WAC 173-401-722 without a permit revision, provided the following conditions are met:

a. The proposed changes are not Title I modifications;

b. The proposed changes do not result in emissions which exceed those allowable under the permit, whether expressed as a rate of emissions, or in total emissions;

c. The proposed changes do not alter permit terms that are necessary to enforce limitations on emissions from the units covered by the permit; and

d. The facility provides the administrator and PSCAA with written notification at least seven days prior to making the proposed changes except that written notification of a change made in response to an emergency shall be provided as soon as possible after the event.

Changes described in WAC 173-401-722 include Section 502(b)(10) changes (changes that contravene an express permit term, but do not included changes that would violate applicable requirements or contravene enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements), PSCAA SIP authorized emission trading, and emission caps. Requirements for notification are included in WAC 173-401-722(2), (3) and (4)

4.15 The permit shield does not apply to any 502(b)(10) change or PSCAA SIP authorized emission trading but does extend to terms and conditions that allow for the trading of emissions increases or decreases for the purpose of complying with a federally enforceable emissions cap.

4.16 The permittee shall comply with applicable preconstruction review requirements.

4.17 The permittee and PSCAA shall attach each notice to their copy of the relevant permit.

[WAC 173-401-722]

Off Permit Changes

4.18 The permittee is allowed to make changes not specifically addressed or prohibited by the permit terms and conditions without requiring a permit revision, provided that the proposed changes do not weaken the enforceability of existing permit conditions. Any change that is a Title I modification must be submitted as a permit revision. Each change shall meet all applicable requirements and shall not violate any existing permit term or condition.

4.19 The permittee shall provide contemporaneous written notice to PSCAA and EPA of such change, except for changes that qualify as insignificant under WAC 173-401-530. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.

Mailing addresses for the Agency and EPA are in Conditions 5.7 and 5.8. The permittee shall also submit the notice to PSCAA in electronic format as an attachment to an e-mail message [facilitysubmittal@pscleanair.gov or any other email address identified by the Agency]. The date the document is received by the Agency e-mail system is considered the submitted date of the report.

4.20 The change shall not qualify for the permit shield.

4.21 The permittee shall comply with applicable preconstruction review requirements.

4.22 The permittee shall keep a record describing changes made that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under this permit, and the emissions resulting from those changes.

[WAC 173-401-724]

Permit Applications

4.23 Any modified chapter 401 source shall file a complete application to obtain the chapter 401 permit revision within twelve months after commencing operation of the modified source. Where an existing chapter 401 permit would prohibit such construction or change in operation, the modified source must obtain a permit revision before commencing operation. The applicant may elect to integrate procedures for new source review and operating permit issuance. This does not apply to off-permit changes.

[WAC 173-401-500(3)(c)]

4.24 Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a draft permit.

[WAC 173-401-500(6)]

Notice of Construction

4.25 Except for the exemptions provided in PSCAA Reg. I, Sections 6.03(b) and (c), it shall be unlawful for any person to cause or allow the establishment of a new source, or the replacement or substantial alteration of control equipment installed on an existing source, unless a "Notice of Construction application" has been filed and an "Order of Approval" has been issued by PSCAA. For exemptions included in PSCAA Reg. I, 6.03(c), the permittee must keep sufficient records to document the applicability of the exemption being relied on.

The exemptions in PSCAA Reg. I, 6.03(b) and (c) do not apply to projects or sources identified in PSCAA Reg. I, 6.03(a)(1) – (5).

[PSCAA Reg. I, Section 6.03(a) & (c)]
[PSCAA Reg. I, Section 6.01(a)]
[WAC 173-400-114]

4.26 Where work for which an Order of Approval is required is commenced or performed prior to making application and receiving approval, the Control Officer may conduct an investigation as part of the Notice of Construction review. In such a case, an investigation fee, in addition to the fees of Section 6.04, shall be assessed in an amount equal to 3 times the fees of Section 6.04. Payment of the fees does not relieve any person from the requirement to comply with the regulations nor from any penalties for failure to comply.

[PSCAA Reg. I, Section 6.10]

New Source Notification

4.27 Except for projects or sources identified in PSCAA Reg. I, 6.03(a)(1) – (5), a Notice of Construction application and Order of Approval are not required for the new sources identified in PSCAA's Reg. I, Section 6.03(b), provided that a complete notification is filed with PSCAA.

[PSCAA Reg. I, Section 6.03(b)(1)-(9) and (11)]
[PSCAA Reg. I, Section 6.03(b)(10)]

Prevention of Significant Deterioration (PSD)

4.28 For a major modification to an existing major stationary source, as defined in WAC 173-400-720, no major modification is authorized to begin actual construction without having received a PSD permit from Ecology. Ecology is the permitting agency for the PSD program in WAC 173-400-700 through -750.

[PSCAA Reg. I, Section 6.01]

Notice of Completion

4.29 Within 30 days of completion of the installation or modification of a stationary source subject to the Condition 4.25 of this section, the permittee shall file a Notice of Completion with PSCAA. Each Notice of Completion shall be submitted on a form provided by PSCAA and shall specify the date upon which operation of the stationary source has commenced or will commence.

[PSCAA Reg. I, Section 6.09]

Section 5: General Compliance Requirements

Schedule of Compliance

5.1 For applicable requirements with which the source is in compliance, the permittee will continue to comply with such requirements.

For applicable requirements that will become effective during the permit term, the permittee shall meet such requirements on a timely basis.

[WAC 173-401-630(3)]
[WAC 173-401-510(2)(h)(iii)]

Responsible Official Certification

5.2 Except as provided for in Condition 5.6 Certification Upon Submittal, any application form, report, or compliance certification submitted pursuant to this permit shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required by a responsible official under this permit shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

[WAC 173-401-520]
[WAC 173-401-630(1)]

Compliance Certification

5.3 The permittee shall submit a certification of compliance with the terms and conditions contained in the permit, including emission limitations, standards, or work practices. The certification of compliance shall be submitted to PSCAA in electronic format as an attachment to an e-mail message addressed to facilitysubmittal@pscleanair.gov (or any other email address identified by the Agency) by February 28th of each calendar year for the previous calendar year. The date the document is received by the Agency e-mail system is considered the submitted date of the report. An email message to the Agency with a link to a file-sharing or folder-sharing site requiring a document download by the Agency will not meet the requirement in this section. The permittee shall also submit the compliance certification to EPA Region 10 as specified in condition 5.7by February 28th of each calendar year for the previous calendar year.

Each certification shall include the following:

a. The identification of each term or condition of the permit that is the basis of the certification;

b. The compliance status;

c. Whether compliance was continuous or intermittent; and

d. The method(s) used for determining the compliance status of the source, currently and over the reporting period consistent with WAC 173-401-615 (3)(a).

As directed in condition 5.8 the permittee shall submit the compliance certification to PSCAA in electronic format as an attachment to an e-mail message to facilitysubmittal@pscleanair.gov (or any other email address identified by the Agency) by February 28 for the previous year (January – December). The date the document is received by the Agency e-mail system is considered the submitted date of the report.

Where an applicable requirement requires reporting more frequently than once every six months, the responsible official's certification need only to be submitted once every six months, covering all required reporting since the date of the last certification, provided that the certification specifically identifies all documents subject to the certification. The certification of compliance shall be submitted to PSCAA in electronic format as an attachment to an e-mail message addressed to facilitysubmittal@pscleanair.gov (or any other email address identified by the Agency)

The semiannual certifications shall cover the calendar months of January through June and July through December.

[WAC 173-401-630(5)]
[PSCAA Reg. I, Section 7.09(c)]

Semiannual Report

5.4 The permittee shall submit the reports of any required reportable monitoring at least once every six months. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with WAC 173-401-520. The report periods and submittal due dates are as shown below.

a. Reporting period covering January 1 – June 30. Report submittal due date is July 30.

b. Reporting period covering July 1 – December 31. Report submittal due date is January 30.

The permittee shall submit all semiannual reports to PSCAA in electronic format as an attachment to an e-mail message to facilitysubmittal@pscleanair.gov (or any other email address identified by the Agency. The date the document is received by the Agency e-mail system is considered the submitted date of the report.

[WAC 173-401-615(3)(a)]
[PSCAA Reg. I, Section 7.09(c)]

Deviation Report

5.5 The permittee shall promptly report all deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken.

a. For deviations which represent a potential threat to human health or safety, "prompt" means as soon as possible. The permittee shall report these deviations by e-mail to facilitysubmittal@pscleanair.gov (or any other email address identified by the Agency) as soon as possible but in no case later than twelve hours after the deviation is discovered. The date and time the document is received by the Agency e-mail system is considered the submitted date of the report.

b. All other deviations shall be reported by email no later than thirty days after the end of the month during which the deviation is discovered. The report must be submitted to the Agency in electronic format as an attachment to an e-mail message to facilitysubmittal@pscleanair.gov (or any other email address identified by the Agency). The date the document is received by the Agency e-mail system is considered the submitted date of the report.

The permittee shall maintain a contemporaneous record of all deviations.

A Deviation Report may be certified by a responsible official at the time of submittal as provided in Condition 5.2 (Responsible Official Certification); however it is not required to be certified at the time of submittal. Any Deviation Report not certified at the time of submittal must be certified in the Semiannual report as per Condition 5.6 (Certification upon Submittal).

[WAC 173-401-615(3)(b)]
[PSCAA Reg. I, Section 7.09(c)]

Certification upon Submittal

5.6 For the purpose of this permit, the following application forms, reports, and compliance certifications must be certified by the responsible official upon submittal:

- Annual Air Operating Permit Compliance Certification (WAC 173-401-630(5))
- Semiannual Air Operating Permit Report (WAC 173-401-615(3)(a))
- Permit Modification Application (WAC 173-401-725)
- Renewal of Permit (WAC 173-401-710) (WAC 173-401-500(4))

For all other application forms, reports, and compliance certifications, the responsible official's certification needs only to be submitted once every six months in the semiannual report, covering all required reporting since the date of the last certification, provided that the certification specifically identifies all documents.

[PSCAA Reg. I, Section 7.09(c)]
[WAC 173-401-630(5)]
[WAC 173-401-615(3)(a)]

US EPA Mailing Address

5.7 For all compliance certifications, test reports and monitoring reports required to be submitted to the US Environmental Protection Agency, a hard copy must be sent to the Clean Air Act Compliance Manager at the address below unless the document is required by regulation to be submitted via a Cross-Media Electronic Reporting Regulation (CROMERR) compliant system. If the document(s) must be submitted via CROMERR, it must be submitted electronically via the Compliance and Emissions Data Reporting Interface (CEDRI) section of the Central Data Exchange (CDX).

Clean Air Act Compliance Manager
US EPA Region 10, Mail Stop: 20-C04
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101

Compliance Reports-Electronic Submittal

5.8 The permittee shall submit complete copies of all required compliance reports to PSCAA in electronic format as an attachment to an e-mail message to facilitysubmittal@pscleanair.gov (or any other email address identified by the Agency). The date the document is received by the Agency e-mail system shall be considered the submitted date of the report. Nothing in this condition waives or modifies any requirements established under other applicable regulations.

[PSCAA Reg. I, Section 7.09(c)]

Data Recovery

5.9 The permittee shall recover valid monitoring and recordkeeping data for each parameter according to any specific monitoring and recordkeeping requirements identified in Section 2 of this permit. If the specific monitoring and recordkeeping requirements in Section 2 of this permit do not address data recovery provisions, then the required data recovery is assumed to be 100% except as described in this section. However, no data need be collected during any period that the monitored process does not operate.

The Deviation Reports required by Condition 5.5 shall include an explanation for any instance in which the permittee failed to meet the data recovery requirements of this condition for any monitored process or parameter and any instances of reconstructing lost data. The explanation shall include the reason that the data was not collected and any actions that the permittee will take to ensure collection of such data in the future.

[WAC 173-401-615(1)(b)]

Inspection and Entry

5.10 Upon presentation of credentials and other documents as may be required by law, the permittee shall allow the permitting authority or an authorized representative to perform the following:

a. Enter upon the permittee's premises where a Title V source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

c. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and

d. As authorized by WAC 173-400-105 and the FCAA, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

[WAC 173-401-630(2)]
[PSCAA Reg. I, Section 3.05(b)]
[WAC 173-400-105(3)]

Investigations and Testing

5.11 For the purpose of determining compliance with an emission standard, PSCAA or Ecology shall have the authority to conduct testing of a source or to order the permittee to have it tested and to report the results to the Agency or Ecology. In the event the Agency or

Ecology conducts the test, the Agency or Ecology shall provide the permittee an opportunity to observe the sampling and to obtain a sample at the same time. Testing shall follow the requirements in sections 5.28 to 5.30 of this permit. If testing is to show compliance with New Source Performance Standards, testing shall follow the requirements in sections 5.28 to 5.30 of this permit as well as 40 CFR Subpart A and all requirements for testing under the applicable Subpart(s).

[PSCAA Reg. I, Section 3.05(b)]
[WAC 173-400-105(2)]
[WAC 173-400-105(4)]
[WAC 173-401-630(1)]

Credible Evidence

5.12 For the purpose of establishing whether or not a person has violated or is in violation of any provision of chapter 70A.15 RCW, or any rule enacted pursuant to that chapter, or any permit or order issued thereunder, nothing in these regulations shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test procedures or methods had been performed.

[PSCAA Reg. I, Section 3.06]
[RCW 70A.15]

Excess Emissions

This section is in effect until the effective date of EPA's removal of the September 20, 1993, version of this section from the PSCAA SIP. This section is not effective starting on that date.

5.13 The permittee shall have the burden of proving to PSCAA in an enforcement action that excess emissions were unavoidable. Excess emissions which represent a potential threat to human health or safety or which the permittee believes to be unavoidable shall be reported to PSCAA as soon as possible. Other excess emissions shall be reported within thirty days after the end of the month during which the event occurred or as part of the routine emission monitoring reports. Upon request by PSCAA, the permittee shall submit a full written report including the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence.

[WAC 173-400-107(1) & (3)]

5.14 Excess emissions determined to be unavoidable under Conditions 5.15, 5.16 or 5.17 of this permit shall be excused and not subject to penalty.

[WAC 173-400-107(2)]

5.15 Excess emissions due to startup or shutdown conditions shall be considered unavoidable provided the permittee reports as required under Condition 5.13 of this permit and adequately demonstrates that the excess emissions could not have been prevented through careful planning and design and if a bypass of control equipment occurs, that such bypass is necessary to prevent loss of life, personal injury, or severe property damage.

[WAC 173-400-107(4)]

5.16 Excess emissions due to scheduled maintenance shall be considered unavoidable if the permittee reports as required under Condition 5.13 of this permit and adequately

demonstrates that the excess emissions could not have been avoided through reasonable design, better scheduling for maintenance or through better operation and maintenance practices.

[WAC 173-400-107(5)]

5.17 Excess emissions due to upsets shall be considered unavoidable provided the permittee reports as required under Condition 5.13 of this permit and adequately demonstrates that:

a. The event was not caused by poor or inadequate design, operation, maintenance, or any other reasonably preventable condition;

b. The event was not of a recurring pattern indicative of inadequate design, operation, or maintenance; and

c. The operator took immediate and appropriate corrective action in a manner consistent with good air pollution control practice for minimizing emissions during the event, taking into account the total emissions impact of the corrective action, including slowing or shutting down the emission unit as necessary to minimize emissions, when the operator knew or should have known that an emission standard or permit condition was being exceeded.

[WAC 173-400-107(6)]

Excess Emissions Reporting

This section takes effect on the effective date of EPA's removal of the September 20, 1993, version of WAC 173-400-107 from the PSCAA SIP. Until that occurs this section is "State Only" as shown in Section 5.31 Table 14.

5.18 Notify the permitting authority:

a. When excess emissions represent a potential threat to human health or safety, the owner or operator must notify the permitting authority by phone or electronic means as soon as possible, but not later than twelve hours after the excess emissions were discovered.

b. For all other excess emissions, the owner or operator must notify the permitting authority in a report as provided in Condition 5.19.

[WAC 173-400-108(1)]

5.19 Report. The owner or operator must report all excess emissions to the permitting authority:

a. To claim emissions as unavoidable under WAC 173-400-109, the report must contain the information in Condition 5.20.

b. As provided in Condition 5.5 and Condition 5.20.

[WAC 173-400-108(2)]

5.20 For an excess emission event that the owner or operator claims was unavoidable under WAC 173-400-109, the report must include the following information:

a. Properly signed contemporaneous records or other relevant evidence documenting the owner or operator's actions in response to the excess emissions event.

b. Information on whether installed emission monitoring and pollution control systems were operating at the time of the exceedance. If either or both systems were not operating, information on the cause and duration of the outage; and

c. All additional information required under Condition 5.26 supporting the claim that the excess emissions were unavoidable.

[WAC 173-400-108(4)]

Unavoidable Excess Emissions

This section takes effect on the effective date of EPA's removal of the September 20, 1993, version of WAC 173-400-107 from the PSCAA SIP. Until that occurs this section is "State Only" as shown in Section 5.31 Table 14.

5.21 Excess emissions determined to be unavoidable under the procedures and criteria in this section are violations of the applicable statute, rule, permit, or regulatory order.

a. The permitting authority determines whether excess emissions are unavoidable based on the information supplied by the source and the criteria in Condition 5.25.

b. Excess emissions determined by the permitting authority to be unavoidable are:

i. A violation subject to WAC 173-400-230(3), (4), and (6); but

ii. Not subject to civil penalty under WAC 173-400-230(2).

[WAC 173-400-109(1)]

5.22 The owner or operator of a source shall have the burden of proving to the permitting authority in an enforcement action that excess emissions were unavoidable. This demonstration shall be a condition to obtaining relief under Condition 5.25.

[WAC 173-400-109(2)]

5.23 Condition 5.21 does not apply to an exceedance of an emission standard in 40 CFR Parts 60, 61, 62, 63, and 72, or a permitting authority's adoption by reference of these federal standards.

[WAC 173-400-109(3)]

5.24 Excess emissions that occur due to an upset or malfunction during a startup or shutdown event are treated as an upset or malfunction under Condition 5.25.

[WAC 173-400-109(4)]

5.25 Excess emissions due to an upset or malfunction will be considered unavoidable provided the source reports as required by Condition 5.19 and adequately demonstrates to the permitting authority that:

a. The event was not caused by poor or inadequate design, operation, maintenance, or any other reasonably preventable condition;

b. The event was not of a recurring pattern indicative of inadequate design, operation, or maintenance;

c. When the operator knew or should have known that an emission standard or other permit condition was being exceeded, the operator took immediate and appropriate corrective action in a manner consistent with safety and good air pollution control practice for minimizing emissions during the event, taking into account the total emissions impact of the corrective action. Actions taken could include slowing or shutting down the emission unit as necessary to minimize emissions;

d. If the emitting equipment could not be shut down during the malfunction or upset to prevent the loss of life, prevent personal injury or severe property damage, or to minimize overall emissions, repairs were made in an expeditious fashion;

e. All emission monitoring systems and pollution control systems were kept operating to the extent possible unless their shutdown was necessary to prevent loss of life, personal injury, or severe property damage;

f. The amount and duration of the excess emissions (including any bypass) were minimized to the maximum extent possible; and

g. All practicable steps were taken to minimize the impact of the excess emissions on ambient air quality.

[WAC 173-400-109(5)]

Permit Shield

5.26 Compliance with the conditions of this permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided such applicable requirements are included and are specifically identified in this permit. The permit shield does not apply to any insignificant emissions unit or activity so designated under WAC 173-401-530.

[WAC 173-401-640(1)]
[WAC 173-401-530(3)]

Permit Shield Exclusions

5.27 Nothing in WAC 173-401-640 or in this permit shall alter or affect the following:

a. The provisions of Section 303 of the FCAA (emergency orders), including the authority of the administrator under that section;

b. The liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance;

c. The applicable requirements of the acid rain program, consistent with section 408(a) of the FCAA;

d. The ability of EPA to obtain information from a source pursuant to section 114 of the FCAA; or

e. The ability of PSCAA to establish or revise requirements for the use of reasonably available control technology (RACT) as provided in chapter 252, Laws of 1993.

[WAC 173-401-640(4)]

Compliance Test Methods

5.28 Testing of sources for compliance with emission standards shall be performed in accordance with current U.S. Environmental Protection Agency approved methods unless other methods have been identified in this permit.

[PSCAA Reg. I, Section 3.07(a)]

Compliance Test Notification

5.29 The permittee shall notify PSCAA in writing at least 21 days prior to any compliance test. Notification of a compliance test shall be submitted on forms provided by the Agency. Test

notifications using the Agency forms do not constitute test plans. Compliance with this notification provision does not satisfy any obligation found in an order or other regulatory requirement to submit a test plan for Agency review. This notification requirement does not waive or modify test notification requirements found in other applicable regulations.

[PSCAA Reg. I, Section 3.07(b)]

Compliance Test Report Submittal

5.30 For any required compliance test, the permittee shall submit the compliance test report to PSCAA no later than 60 days after the test. The report shall include:

a. A description of the source and the sampling location;

b. The time and date of the test;

c. A summary of results, reported in units and for averaging periods consistent with the applicable emission standard;

d. A description of the test methods and quality assurance procedures employed;

e. The amount of fuel burned or raw material processed by the source during the test;

f. The operating parameters of the source and control equipment during the test;

g. Field data and example calculations; and

h. A statement signed by the senior management official of the testing firm certifying the validity of the source test report.

[PSCAA Reg. I, Section 3.07(c)]

Federal Enforceability

5.31 All terms and conditions in this permit, including any provisions designed to limit a source's potential to emit, are enforceable by the US EPA and citizens under the FCAA, except for those requirements designated as “State Only” in the tables below.

[WAC 173-401-625]

Note: In some cases, there are two effective dates for the same state and local regulations. One of the dates reflects the “federally enforceable” regulation that has been approved by the EPA and is part of the current federally-approved, PSCAA state implementation plan (SIP). A more current version of the regulation may have been adopted by the Agency, but was either not submitted to EPA for approval into the PSCAA SIP, or it has been submitted and EPA has not approved it yet. The table below lists state and local regulations that apply to the permittee. There are additional requirements in the WAC that may apply to other air operating permit sources, but do not apply to this permittee based on the information submitted by the permittee in their application. These rules are not included in this table. The “Rule Description” column includes the effective date of the version of the regulation that is approved in the PSCAA SIP. This version of the rule is identified as “Federally Enforceable” in the third column of the table. The version of a rule that is not currently approved in the PSCAA SIP is identified as “State Only” in the 3rd column and its date is also included in the “Rule Description” column. If and when EPA approves a new version of the regulation into the PSCAA SIP, the old version of the regulation will be replaced and superseded by the new version automatically. This table includes the federally enforceable requirements of the PSCAA SIP that are incorporated by reference into the Agency’s Reg. I, Section 6.01. The entirety of Reg. I, Section 6.01.applies to the permittee.

Table 14. WAC Requirements and PSCAA State Implementation Plan Status

Regulation	Rule Description (Effective Date)	Federal Enforceability
WAC 173-400-020	Applicability of WAC 173-400 (12/19/12)	Federally Enforceable
WAC 173-400-030	Definitions	Federally Enforceable
WAC 173-400-040	General Standards for Maximum Emissions (9/16/18)	Federally Enforceable, sections (1)(a) & (b); (4); and (9)(b) only
WAC 173-400-040	General Standards for Maximum Emissions (9/16/18)	State Only, not in SIP, sections (3) and (5)
WAC 173-400-070	Emission Standards for Certain Source Categories (3/22/91	Federally Enforceable, Except (7)
WAC 173-400-081	Startup and shutdown (4/1/11)	Federally Enforceable
WAC 173-400-091	Voluntary Limits on Emissions (9/20/93)	Federally Enforceable with respect to Section 112 hazardous air pollutants
WAC 173-400-091	Voluntary Limits on Emissions (4/1/11)	Federally Enforceable
WAC 173-400-105	Records, monitoring, and reporting (11/25/18)	Federally Enforceable, except for section 173-400-105(7)
WAC 173-400-107	Excess Emissions (9/20/93)	Federally Enforceable
WAC 173-400-107	Excess Emissions (9/16/18)	State Only, not in SIP
WAC 173-400-108	Excess Emissions Reporting (9/16/18)	State Only, not in SIP
WAC 173-400-109	Unavoidable Excess Emissions (9/16/18)	State Only, not in SIP
WAC 173-400-110	New Source Review (NSR) (12/29/12)	Federally Enforceable, sections (1)(c)(i) & (1)(d) only
WAC 173-400-111	Processing Notice of Construction Applications for Sources, Stationary Sources and Portable Sources	Federally Enforceable Except: 173-400-111(3)(h);—The part of 173-400-111(8)(a)(v) that says, “and 173-460-040,”; 173-400-111(9).
WAC 173-400-113	Requirements for New Sources in Attainment or Unclassified Areas (12/29/12)	Federally enforceable, except section (3), second sentence
WAC 173-400-114	Replacement or substantial alteration of emission control technology (12/29/12)	State Only, not in SIP
WAC 173-400-151	Retrofit Requirements for Visibility Protection	Federally Enforceable
WAC 173-400-161	Compliance Schedules	Federally Enforceable
WAC 173-400-171	Public notice and Opportunity for Public Comment (7/1/16)	Federally Enforceable, except the part of section (3)(b) that says, “or any increase in emission of a toxic air pollutant above the acceptable source impact level for that toxic air pollutant as regulated under chapter 173-460 WAC”. 173-400-171(12)
WAC 173-400-200	Creditable stack height and dispersion techniques (2/10/05)	Federally Enforceable

Table 14. WAC Requirements and PSCAA State Implementation Plan Status

Regulation	Rule Description (Effective Date)	Federal Enforceability
WAC 173-400-205	Adjustment for Atmospheric Conditions (3/22/91)	Federally Enforceable
WAC 173-441	Reporting of Emissions of Greenhouse Gases (various dates)	State Only, not in SIP
RCW 70A.60 , recodified from 70.94.970 in 2020 and again in 2021	Hydrofluorocarbons – Emissions Reductions	State Only, not in SIP

Table 15. PSCAA Requirements and PSCAA State Implementation Plan Status

Regulation	Rule Description (Effective Date)	Federally Enforceability
Reg I, Section 3.04	Reasonably Available Control Technology (7/1/12)	Federally Enforceable, except (e)
Reg I, Section 3.05	Investigations by the Control Officer (3/17/94)	State Only, not in SIP
Reg I, Section 3.06	Credible Evidence (9/28/23)	Federally Enforceable
Reg I, Section 3.07	Compliance Tests (5/1/06)	State Only, not in SIP
Reg I, Section 3.23	Alternative Means of Compliance (11/1/96)	State Only, not in SIP
Reg I, Section 3.25	Federal Regulation Reference Date	Federally Enforceable
Reg I, Section 6.01	Components of New Source Review Program (7/23/20)	Federally Enforceable, except the parenthetical in 6.01(b) which states ‘‘as delegated by agreement with the US Environmental Protection Agency, Region 10.’’
Reg I, Section 6.03	New Source Review (11/1/15)	Federally Enforceable, except section (b)(10)
Reg I, Section 6.09	Notice of Completion (5/1/04)	Federally Enforceable
Reg I, Section 6.10	Work Done without an Approval (9/1/01)	Federally Enforceable
Reg I, Section 7.09	General Reporting Requirements for Operating Permits (10/26/23)	Federally Enforceable, excluding toxic air pollutants
Reg I, Section 8.04	General Conditions for Outdoor Burning (1/1/01)	Federally Enforceable
Reg I, Section 8.04	General Conditions for Outdoor Burning (11/1/08)	State Only, not in SIP
Reg I, Section 8.07	Fire Extinguisher Training (11/1/99)	State Only, not in SIP
Reg I, Section 9.03	Visual Standard (5/1/04)	Federally Enforceable, except (e)
Reg I, Section 9.04	Opacity Standards for Equipment with COM (5/1/04)	Federally Enforceable, except (d)(2) & (f)
Reg I, Section 9.05	Refuse Burning (1/13/94)	Federally Enforceable
Reg I, Section 9.07	Sulfur Dioxide Emission Standard (5/19/94)	Federally Enforceable

Table 15. PSCAA Requirements and PSCAA State Implementation Plan Status

Regulation	Rule Description (Effective Date)	Federally Enforceability
Reg I, Section 9.08	Fuel Oil Standards (5/1/04)	Federally Enforceable, only as it applies to the regulation of criteria pollutants
Reg I, Section 9.09	Particulate Matter Emission Standards (4/9/98)	Federally Enforceable
Reg I, Section 9.10	Emission of HCl (6/9/88)	State Only, not in SIP
Reg I, Section 9.11(a)	Detriment to Person or Property (4/17/99)	Federally Enforceable
Reg I, Section 9.13	Concealment and Masking Restricted (6/9/88)	Federally Enforceable
Reg I, Section 9.15	Fugitive Dust Control Measures (4/17/99)	Federally Enforceable
Reg I, Section 9.16	Spray Coating Operations (10/28/10)	Federally Enforceable
Reg I, Section 9.18	Crushing Operations (3/2/12)	Federally Enforceable
Reg I, Section 9.20	Maintenance of Equipment (6/9/88)	Federally Enforceable
Reg I, Section 15	Nonroad Engines (2/1/12)	State Only, not in SIP
Reg. II, Section 1.04	General Definitions (12/11/80)	Federally Enforceable
Reg. II, Section 1.05	Specialty Definitions (9/1/03)	Federally Enforceable
Reg. II, Section 3.04	Motor Vehicle and Mobile Equipment Coating Operations (9/1/03)	Federally Enforceable
Reg III, Section 1.11	Reporting Requirements	State Only, not in SIP
Reg III, Section 2.02	National Emission Standards for Hazardous Air Pollutants (04/23/15)	State Only, not in SIP
Reg. III. Section 4.01	Asbestos Definitions (3/26/09)	State Only, not in SIP
Reg III, Section 4.02	Asbestos Survey Requirements (7/31/95)	State Only, not in SIP
Reg III, Section 4.03	Asbestos Notification Requirements (7/1/11)	State Only, not in SIP
Reg III, Section 4.04	Asbestos Removal Requirements (9/1/00)	State Only, not in SIP
Reg III, Section 4.05	Procedures for Asbestos Project (4/3/03)	State Only, not in SIP
Reg III, Section 4.07	Disposal of Asbestos Material (7/31/95)	State Only, not in SIP

Section 6: General Applicable Requirements

Definitions

6.1 Unless otherwise defined in this permit, the terms used in this permit shall have the same meaning ascribed to them in the referenced regulation.

[WAC 173-401-200]

General Recordkeeping Requirements

6.2 The permittee, when applicable, shall keep records of required monitoring information that include the following:
a. The date, place as defined in the permit, and time of sampling or measurements;
b. The date(s) analyses were performed;
c. The company or entity that performed the analyses;
d. The analytical techniques or methods used;
e. The results of such analyses; and
f. The operating conditions existing at the time of sampling or measurement.

[WAC 173-401-615(2)(a)]

6.3 Upon notification by the Agency, the permittee shall maintain records on the type and quantity of emissions from the source and other information deemed necessary by the Agency to determine whether the source is subject to rules and regulations and whether the source is in compliance with applicable emissions limitations and control measures.

The permittee must keep a record describing changes made at the source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under this permit, and the emissions resulting from those changes.

[WAC 173-400-105]
[WAC 173-401-615(2)(b)]

Retention of Records

6.4 Except for records required to comply with the Washington state program for reporting of emissions of greenhouse gases (GHG), condition 6.21 of this permit, the permittee shall retain records of all required monitoring data and support information for a period of five years from the date of the monitoring sample, measurement, report, or application. Records required to comply with condition 6.21 of this permit shall be retained by the permittee for ten years. In addition to the support information for all monitoring samples, measurements, reports and applications, support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

[WAC 173-401-615(2)(c)]
[WAC 173-401-615(1)(b)]

Asbestos

6.5 The permittee shall comply with 40 CFR Sections 61.145, 61.148 and 61.150 when conducting any renovation or demolition at the facility.

[40 CFR 61.145 and 150]
[PSCAA Reg. I, Section 3.25]

6.6 The permittee shall comply with PSCAA Reg. III, Article 4 when conducting any asbestos project, renovation or demolition activities at the facility.

[PSCAA Reg. III, Article 4]

Open Burning

6.7 It shall be unlawful for any person to cause or allow any outdoor burning unless the burning is in compliance with WAC 173-425.

[PSCAA Reg. I, Section 8.04, dated 1/1/01]
[PSCAA Reg. I, Section 8.04, dated 11/1/08]

6.8 No person shall conduct outdoor burning during an air pollution episode or a declared period of impaired air quality.

[WAC 173-425-050(3)]

6.9 Hand-held fire extinguishers training shall be conducted in accordance with PSCAA's Reg. I, Section 8.07.

[PSCAA Reg. I, Section 8.07]

Stratospheric Ozone and Climate Protection

6.10 The permittee shall comply with the following standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVACs) in Subpart B:

a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to 40 CFR 82.156;

b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 CFR 82.158;

c. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.

6.11 The permittee may switch from any ozone-depleting substance to any alternative approved pursuant to the Significant New Alternatives Program (SNAP), 40 CFR Part 82, Subpart G, without a permit revision but shall not switch to a substitute listed as unacceptable pursuant to such program.

[40 CFR 82.174]

6.12 Any certified technician employed by the permittee shall keep a copy of their certification at their place of employment.

[40 CFR 82.166(1)

6.13 The permittee shall not willfully release any regulated refrigerants and substitutes and shall use refrigerant extraction equipment to recover regulated refrigerants and substitutes when servicing, repairing or disposing of commercial or industrial air conditioning, heating, or refrigeration systems.

[RCW 70A.60.070(1) and (3)]

Concealment or Masking

6.14 It shall be unlawful for any person to cause or allow the installation or use of any device or use of any means which, without resulting in a reduction in the total amount of air contaminant emitted, conceals an emission of air contaminant which would otherwise violate this article.

[PSCAA Reg. I, Section 9.13(a)]

6.15 It shall be unlawful for any person to cause or allow the installation or use of any device or use of any means designed to mask the emission of an air contaminant which causes detriment to health, safety or welfare of any person.

[PSCAA Reg. I, Section 9.13(b)]

False Statement

6.16 No person shall make any false material statement, representation or certification in any form, notice or report required under chapter 70A.15 or 70A.25 RCW, or any ordinance, resolution, regulation, permit or order in force pursuant thereto.

[WAC 173-400-105(6)]
[RCW 70A.15 and 70A.25]

Tampering

6.17 No person shall render inaccurate any monitoring device or method required under chapter 70A.15 or 70A.25 RCW, or any ordinance, resolution, regulation, permit, or order in force pursuant thereto.

[WAC 173-400-105(8)]
[RCW 70A.15 and 70A.25]

Adjustment for Atmospheric Conditions

6.18 The permittee shall not vary the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant except as directed according to air pollution episode regulations.

[WAC 173-400-205]

Reasonably Available Control Technology (RACT)

6.19 Emission standards and other requirements contained in rules or regulatory orders in effect at the time of operating permit issuance or renewal shall be considered RACT for purposes of permit issuance or renewal.

[WAC 173-401-605(3)]

Annual Emission Report

6.20 The permittee shall report annually to PSCAA listing those air contaminants listed below emitted during the previous calendar year that equal or exceed the following in tons per year:

Carbon monoxide (CO)	25
Facility combined total of all toxic air contaminants (TAC)	6
Any single TAC listed in WAC 173-460-150 (TAC)	2
Nitrogen oxide (NOX)	25
Particulate matter (PM10)	25
Particulate matter (PM2.5)	25
Sulfur oxide (SOX)	25
Volatile organic compounds (VOC)	25
Lead	0.5

Annual emission rates shall be reported to the nearest whole ton per year for only those air contaminants that equal or exceed the thresholds above, except lead which must be reported to the nearest tenth of a ton. The permittee shall maintain records of information necessary to document any reported emissions or demonstrate that the emissions were less than the above amounts. The permittee shall submit to PSCAA any additional information required by WAC 173-400-105(1) and PSCAA Reg. III, Section 1.11.

The permittee shall report to the Agency the amount of each TAC listed in WAC 173-460-150 that the facility emitted during the previous calendar year even if the emissions are below the reporting thresholds in this Section 6.20. The report shall also include all information needed to calculate these emissions.

The permittee shall, upon request of the Agency, provide such existing or reasonably available information as necessary to assist the Agency to determine if the emissions of TACs from the source may result in the exceedance of an ASIL contained in WAC 173-460-150.

[PSCAA Reg. I, Section 7.09(a)]
[WAC 173-400-105(1)]
[PSCAA Reg. III, Section 1.11 (a),(b) & (c)]

Washington State Program for Reporting of Emissions of Greenhouse Gases (GHG)

6.21 If the facility covered by this permit emits 10,000 metric tons of CO2e (carbon dioxide equivalents) or more per calendar year from this facility, as calculated according to WAC 173-441-030(1)(b), GHG reporting is mandatory. The permittee may voluntarily choose to report to Ecology but must use the methods established in WAC 173-441-120(3) to calculate any voluntary reported GHG emissions. Once the permittee is subject to the reporting requirement, the permittee must continue for each year thereafter to comply with all requirements of WAC 173-441, including the requirement to submit annual GHG reports,

even if the facility covered by this permit does not meet the applicability requirements in WAC 173-441-030(1), except as provided in WAC 173-441-030(6)(a)-(c). Reporters with a compliance obligation under Chapter 70A.65 RCW, as described in WAC 173-446, must continue to report for any year with a compliance obligation.

[WAC 173-441-030(1), (5) and (6), 3/12/22]

6.22 For GHG reporting, the permittee shall follow the procedures for emission calculation, monitoring, quality assurance, missing data, recordkeeping, and reporting that are specified in each relevant section of WAC 173-441. The annual GHG report shall contain the information required by WAC 173-441-050(3) and (4), and be submitted to Ecology following the schedule in WAC 173-441-050(2). For required reporting, the permittee must retain all required records as specified in WAC 173-441-050(6) for at least 10 years from the date of submission of the annual GHG report for the reporting year in which the record was generated in a form that is suitable for expeditious inspection and review in accordance with WAC 173-441-050(6).

[WAC 173-441-050, 3/12/22]

6.23 For GHG reporting, each submission shall be signed by a representative designated in accordance with WAC 173-441-060 and include the signed certification statement in WAC 173-441-060(5)(a). Each GHG report and certification must be submitted electronically in accordance with the requirements in WAC 173-4410050 and 173-441-060 and in a format specified by Ecology.

[WAC 173-441-060 and -070, 3/12/22]

6.24 All requests, notifications, and communications to Ecology pursuant to WAC 173-441, must be submitted in a format as specified by Ecology to either of the following;

- For U.S. mail: Greenhouse Gas Reporting, Air Quality Program, Department of Ecology, PO Box 47600, Olympia, WA 98504-7600.
- For email: ghgreporting@ecy.wa.gov

[WAC 173-441-100, WAC, 3/12/22]

Non-road Engines

6.25 The permittee shall file a Notice of Intent to Operate for non-road engine(s) that are subject to the requirements of PSCAA Reg. I, Article 15.

a. For nonroad engine with cumulative maximum rated brake horsepower > 2000 BHP, the notification of intent to operate and approval is required before operations begin.

b. For nonroad engine with cumulative maximum rated brake horsepower > 500 and ≤ 2000 BHP, the notification of intent to operate is required before operations begin.

[PSCAA Reg. I, Section 15.03 (b)(1) & (c)(1)]

6.26 The permittee must record the following information for each nonroad engine:

a. Site address or location;

b. Date of equipment arrival at the site;

c. Date of equipment departure from the site;

d. Engine function or purpose;

e. Identification of each component as follows:

i. Equipment manufacturer, model number and its unique serial number;

ii. Engine model year;

iii. Type of fuel used with fuel specifications (sulfur content, cetane number, etc.).

The permittee must keep the records of the current engine and equipment activity in hard copy or electronic form. These records can be maintained on-site or off-site for at least five years and must be readily available to PSCAA on request.

[PSCAA Reg. I, Section 15.03 (b)(2), (b)(3) & (c)(3)]

6.27 All nonroad engines must use ultra-low sulfur diesel or ultra-low sulfur bio-diesel (a sulfur content of 15 ppm or 0.0015% sulfur by weight or less), gasoline, natural gas, propane, liquefied petroleum gas (LPG), hydrogen, ethanol, methanol, or liquefied/compressed natural gas (LNG/CNG). A facility that receives deliveries of only ultra-low sulfur diesel or ultra-low sulfur bio-diesel is deemed to be compliant with this fuel standard.

[PSCAA Reg. I, Section 15.05(a)]

6.28 The permittee, when requested in writing by the Director of Ecology, shall prepare, in consultation with the department, a source emission reduction plan (SERP). This SERP shall be consistent with good industrial practice and safe operating procedures for reducing the emissions of air contaminants into the ambient air during periods of air pollution alert, warning, and emergency.

[WAC 173-435-050]

Chemical Accident Prevention Program

6.29 In accordance with 40 CFR Part 68.10, if the permittee has more than a threshold quantity of a regulated substance in a process, as determined under 40 CFR 68.115, the permittee shall comply with the requirements of the Chemical Accident Prevention Provisions in 40 CFR Part 68 no later than the following dates:

a. Three years after the date on which a regulated substance is first listed under 40 CFR § 68.130; or

b. The date on which a regulated substance is first present above a threshold quantity in a process.

[40 CFR 68.10]

Section 7: Test Methods and Averaging Periods

Unless otherwise specified in the rules or approval conditions, compliance shall be determined based on the averaging periods as described in the table below. In the event that a sample is accidentally lost or conditions occur in which one of the runs must be discontinued because of circumstances beyond the operator's control, compliance may, upon EPA or PSCAA approval, be determined from the arithmetic average of the two other runs.

Table 16. Summary of Test Methods

Test Method	Title	Averaging Period
PSCAA Method 5 PSCAA Board Resolution 540, August 11, 1983	Determination of Particulate Emissions from Stationary Sources	The test shall consist of 3 runs and at least 1-hour per run. Determine the PM emission from the arithmetic average of the three runs.
EPA Method 5 40 CFR 60, Appendix A PSCAA Reg. I, Section 3.25	Determination of Particulate Emissions from Stationary Sources	The test shall consist of 3 runs and at least 1-hour per run. Determine the PM emission from the arithmetic average of the three runs.
EPA Method 6C 40 CFR 60, Appendix A PSCAA Reg. I, Section 3.25	Determination of Sulfur Dioxide Emissions from Stationary Sources	The test shall consist of 3 runs and at least 1-hour per run.
EPA Method 7E 40 CFR 60, Appendix A PSCAA Reg. I, Section 3.25	Determination of Nitrogen Oxide Emissions from Stationary Sources	The test shall consist of 3 runs and at least 1-hour per run. Determine the NOx emission from the arithmetic average of the three runs.
EPA Method 10 40 CFR 60, Appendix A PSCAA Reg. I, Section 3.25	Determination of Carbon Monoxide	The test shall consist of 3 runs and at least 1-hour per run. Determine the CO emission from the arithmetic average of the three runs.
EPA Method 19 40 CFR 60, Appendix A PSCAA Reg. I, Section 3.25	Determination of sulfur dioxide removal efficiency and particulate matter, sulfur dioxide, and nitrogen oxide emission rates	The test shall consist of 3 runs and at least 1-hour per run. Determine the emissions and removal efficiencies from the arithmetic average of the three runs.
Ecology Method 9A, "Source Test Manual – Procedures for Compliance Testing"	Visual Determination of the Opacity of Emissions from Stationary Sources - for State and PSCAA requirements	Any 13 opacity readings above standard in one hour, opacity readings taken in 15-second intervals.
EPA Method 24 40 CFR 60, Appendix A	Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings	For water-based and water reducible coatings, vendor certification or data will be used for determining compliance. For other VOC containing materials, vendor certification or data will be the primary means for determining compliance. If Method 24 is used for coatings, grab samples will be taken and the average of all of a single type of coating (e.g., primer or topcoat), mixed and ready for application within the same coating operation, will be used for determining compliance.
EPA Method 26A	Determinations of HCl	The test shall consist of 3 runs and at least 1-hour per run.

Table 16. Summary of Test Methods

Test Method	Title	Averaging Period
40 CFR 75.22	Reference Test Methods	The test shall consist of 3 runs and at least 1-hour per run. Determine the emission from the arithmetic average of the three runs.
Ash-ASTM D482 Sulfur –ASTM D3120 Halogens – EPA SW846,9076 PCB – EPA SW846, 8080 Lead – EPA 600/4-81-045,200.7 Flash Point – EPA SW846, 1020	Fuel Oil Analysis	None applicable

Section 8: Inapplicable Requirements

Pursuant to WAC 173-401-640(2), PSCAA has determined that the requirements listed in the table do not apply to the facility, as of the date of permit issuance, for the reasons specified. The permit shield applies to all requirements so identified.

Table 17. Inapplicable Requirements

Regulation	Description	Basis for Inapplicability
40 CFR Part 60 Subpart MM	Performance standards for automobile and light duty truck surface coating operations.	No surface coating of automobiles or light duty trucks occurs at its facility and Kenworth would need to modify this permit to do so.
40 CFR Part 60: Subpart K Subpart Ka Subpart Kb Subpart Kc	Standards of Performance for VOC Storage Vessels	Does not apply since Kenworth does not have any storage tanks with a storage capacity of greater than 40 m^3 (10,568 gal) and will need approval to install any such vessels.
40 CFR Part 63 Subpart MMMM	Miscellaneous Metal Parts and Products Surface Coating NESHAP.	Kenworth is subject to a federally enforceable order, PSCAA Regulatory Order 11587 (1/16/19) that limits its emissions of hazardous air pollutants (HAPs). The order limits HAP emissions to less than major source thresholds.
40 CFR Part 63 Subpart PPPP	Plastic Parts Surface Coating NESHAP.	Kenworth is subject to a federally enforceable order, PSCAA Regulatory Order 11587 (1/16/19) that limits its emissions of hazardous air pollutants (HAPs). The order limits HAP emissions to less than major source thresholds.
40 CFR Part 63 Subpart DDDDD	Industrial, Commercial, and Institutional Boilers and Process Heaters NESHAP.	Kenworth is subject to a federally enforceable order, PSCAA Regulatory Order 11587 (1/16/19) that limits its emissions of hazardous air pollutants (HAPs). The order limits HAP emissions to less than major source thresholds.

Table 17. Inapplicable Requirements

Regulation	Description	Basis for Inapplicability
40 CFR Part 63 Subpart IIII	Auto and Light Duty Trucks Surface Coating NESHAP	No surface coating of automobiles or light duty trucks occurs at its facility and Kenworth would need to modify this permit to do so. Kenworth is subject to a federally enforceable order, PSCAA Regulatory Order 11587 (1/16/19) that limits its emissions of hazardous air pollutants (HAPs). The order limits HAP emissions to less than major source thresholds.
40 CFR Part 63 Subpart CCCCCC	Gasoline Dispensing Facilities (Area Source) NESHAP	Kenworth does not dispense gasoline
40 CFR Part 63 Subpart XXXXXX	Metal Fabrication and Finishing (Area Source) NESHAP	Per the 63.11522 definition of "*primarily engaged*" (e.g. "where this production represents at least 50% of the production at a facility") and according to 63.11514, Kenworth is not subject to this subpart because Kenworth is not *primarily engaged* in any of the applicable source categories. The applicable source categories are: the operation of metal fabrication and finishing of Electrical and Electronic Equipment; Metal Products; Plate Work (Boilers); Structural Metal Manufacturing; Heating Equipment; Industrial Machinery and Equipment; Iron and Steel Forging; Primary Metal Products; and Valves & Pipe Fittings.
40 CFR Part 63 Subpart HHHHHH	Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources NESHAP	Kenworth is not involved in the activities listed in 63.11169 and does not perform the activities listed in 63.11170. • Kenworth does not perform paint stripping operations that involve the use of chemical strippers that contain MeCl. • Kenworth does not perform autobody refinishing operations. Kenworth is an Original Equipment Manufacturer and a vehicle assembly plant. Per the 63.11180 definition of "*Motor vehicle and mobile equipment surface coating*," spray coating operations at Kenworth are not included in the Subpart because Kenworth is a vehicle assembly plant. Kenworth does not spray apply coatings containing the target HAPs to parts that are not motor vehicles or mobile equipment.
40 CFR 82, Subpart A		Controls on production and consumption of ozone-depleting substances. Kenworth does not produce or consume ozone depleting substances and would need approval to do so.
40 CFR 82, Subpart B		Motor vehicle air conditioners are serviced by trained and certified technicians using approved refrigerant recycling equipment. Kenworth does not service or repair motor vehicle air conditioners. Trucks on the assembly line are excluded from the definition of "motor vehicle" in 40 CFR 82.32(c).
40 CFR 82, Subpart D		Federal procurement requirements. Kenworth is not a federal agency.

Table 17. Inapplicable Requirements

Regulation	Description	Basis for Inapplicability
40 CFR 82, Subpart E		Labeling required for containers of products containing certain ozone-depleting substances. Kenworth does not use Class I substances directly in manufacturing processes or does not manufacture products containing Class I substances and would have to apply for approval before using a Class I CFC.
WAC 173-400-105(5)	Continuous Emission Monitoring System requirements	Continuous Emission Monitoring System requirements are inapplicable since Kenworth is not required to use continuous emission monitors to assure compliance.
WAC 173-490-030	Registration requirements	The facility is not located in a designated ozone nonattainment area.
Puget Sound Clean Air Agency Reg. I: 5.03	Registration Requirements	Kenworth specifically requested that Puget Sound Clean Air Agency determine that Section 5.03 does not apply to welding operations. Puget Sound Clean Air Agency concurs, and also notes that welding operations are exempt from the new source requirements of Puget Sound Clean air Agency Regulation I, Article 6.
Puget Sound Clean Air Agency Reg. I: 9.04	Continuous Opacity Monitoring systems requirements	Does not apply since Kenworth is not required to use a continuous opacity monitoring system to assure compliance.
Puget Sound Clean Air Agency Reg. I: 9.16(e)		No mobile spray-coating operations conducted at the facility.
Puget Sound Clean Air Agency Reg. I, Article 12	Continuous Emission Monitoring System requirements	Continuous Emission Monitoring System requirements are inapplicable since Kenworth is not required to use continuous emission monitors to assure compliance.
Order of Approval No. 6074 (8/16/95)		Cancelled and superseded by Order of Approval 6074, 8/8/03
Order of Approval No. 6977 (10/21/97)		Cancelled and superseded by Order of Approval 6074, 8/8/03
General Regulatory Order No. 6654 (4/10/97)		Cancelled and superseded by Order of Approval 6074, 8/8/03
Order of Approval No. 6074, Condition 5 (8/8/03)	Annual status report for VOC limits	On August 15, 2001 Kenworth Renton submitted a letter to PSCAA stating that according to Section V.Q.4 of the (August 24, 2000) permit, primers had achieved 3.5 lbs/gal VOC content, and chassis primer with 2.7 lbs/gal VOC content was acceptable for use. Therefore continued annual status reporting was no longer required.
Order of Approval No. 6074 (8/8/03)		Cancelled and superseded by Regulatory Order 11587 (1/16/19)
Order of Approval No. 8884 (7/24/03)		Cancelled and superseded by Regulatory Order 11587 (1/16/19)
Order of Approval No. 8344 (7/24/03)		Cancelled and superseded by Regulatory Order 11587 (1/16/19)

Section 9: Insignificant Emission Units and Activities

General

9.1 For the purpose of this permit, an emission unit or activity is insignificant based on one or more of the following:

a. Actual emissions of all regulated air pollutants from a unit or activity are less than the emission thresholds established in WAC 173-401-530(4).

b. The emission unit or activity is listed in WAC 173-401-532 as categorically exempt.

c. The emission unit or activity is listed in WAC 173-401-533 and is considered insignificant if its size or production rate based on maximum rated capacity is below the specified level.

d. The emission unit or activity generates only fugitive emissions as defined in WAC 173-400-030(41).

[WAC 173-401-530(1)]

9.2 No emissions unit or activity subject to a federally enforceable applicable requirement (other than generally applicable requirements of the state implementation plan) shall qualify as an insignificant emissions unit or activity. Generally applicable requirements of the state implementation plan are those federally enforceable requirements that apply universally to all emission units or activities without reference to specific types of emission units or activities.

[WAC 173-401-530(2)(a)]

9.3 This permit does not require testing, monitoring, recordkeeping or reporting for insignificant emission units or activities, except as required by PSCAA Reg. I, Sections 7.09(b) and 9.20 and their incorporation into this permit. Compliance with PSCAA Reg. I, Sections 7.09(b) and 9.20 as defined in the terms of this permit, shall be deemed to satisfy the requirements of WAC 173-401-615 and 173-401-630(1).

[WAC 173-401-530(2)(c)]

9.4 Insignificant emission units and activities are subject to all General Applicable Requirements set forth in Section 6 of this permit. Where this permit does not require testing, monitoring, recordkeeping and reporting for insignificant emissions units or activities, the permittee may certify continuous compliance if there were no observed, documented, or known instances of noncompliance during the reporting period. Where this permit requires testing, monitoring, recordkeeping and reporting for insignificant emission units or activities, the permittee may certify continuous compliance when the testing, monitoring, and recordkeeping required by the permit revealed no violations during the period, and there were no observed, documented, or known instances of noncompliance during the reporting period.

[WAC 173-401-530(2)(d)]

Documentation

9.5 Upon request from PSCAA the permittee must provide sufficient documentation to enable PSCAA to determine that the emission unit or activity has been appropriately listed as insignificant.

[WAC 173-401-530(5)(a)]

a. Upon request from PSCAA, at any time during the term of the permit, if the permittee lists an activity or emissions unit as insignificant under Condition 9.1(a) of this section then upon request from PSCAA the permittee shall demonstrate to PSCAA that the actual emissions of the unit or activity are below the emission thresholds listed in WAC 173-401-530(4).

[WAC 173-401-530(5)(b)]

Permit Revision

9.6 An activity or emissions unit that qualifies as insignificant solely on the basis of Condition 9.1(a) of this section shall not exceed the emissions thresholds specified in WAC 173-401-530(4), until the permit is modified pursuant to WAC 173-401-725.

[WAC 173-401-530(6)]

Table 18. Insignificant Emission Units Based on Maximum Rated Capacity

The following units and activities are listed as insignificant based on maximum rated capacity per WAC 173-401-533.	
Description	**Regulation**
Make-Up Air Units (MAU): natural gas fired and less than five million Btu/hr.	WAC 173-401-533(2)(e)
Air Supply Houses (ASH): natural gas fired and less than five million Btu/hr.	WAC 173-401-533(2)(e)
Cab Washer Burners: natural gas fired and less than five million Btu/hr.	WAC 173-401-533(2)(r)
Hot Water Heaters: 2 @ 85 gallons each. Natural gas fired, each at less than five million Btu/hr.	WAC 173-401-533(2)(r)
Portable Pressure Washer: propane fired and less than five million Btu/hr.	WAC 173-401-533(2)(r)
Pressure Washers: 2 (paint booth & cleaning pit), natural gas fired. Each at less than five million Btu/hr.	WAC 173-401-533(2)(r)
Welding equipment: Less than 1 ton per day of welding rod is used.	WAC 173-401-533(2)(i)
Two Diesel Fuel Aboveground Storage Tanks, 1 @ 5,000 gallons and 1 @ 7,500 gallons: Tank capacity is less than ten thousand gallons and stores a VOC with a vapor pressure less than 80mm Hg at 21C.	WAC 173-401-533(2)(c)
Fire Pump Diesel Tank, 320 gallons: Tank capacity is less than ten thousand gallons and stores a VOC with a vapor pressure less than 80mm Hg @ 21C.	WAC 173-401-533(2)(c)
Emergency Generator Diesel Fuel Tank, 210 gallons: Tank capacity is less than 260 gallons.	WAC 173-401-533(2)(a)
Propane Tank, 1,000 gallons.	WAC 173-401-533(2)(d)
Antifreeze Aboveground Storage Tank, 5,000 gallons: Tank capacity is less than ten thousand gallons and stores a VOC with a vapor pressure less than 80mm Hg at 21C.	WAC 173-401-533(2)(c)

Table 18. Insignificant Emission Units Based on Maximum Rated Capacity

The following units and activities are listed as insignificant based on maximum rated capacity per WAC 173-401-533.	
Description	**Regulation**
Auto Transmission Fluid Aboveground Storage Tank, 1,000 gallons: Contains lubricating oil. Tank capacity is less than ten thousand gallons and stores a VOC with a vapor pressure less than 80mm Hg at 21C.	WAC 173-401-533(2)(c)
Solvent Recovery Unit, 200 gallons	WAC 173-401-533(2)(a)
Recovered Solvent Tank, 500 gallons HAP-free solvent with vapor pressure ≤ 550 mm Hg	WAC 173-401-533(2)(b)
Waste Solvent Tank, 500 gallons HAP-free solvent with vapor pressure ≤ 550 mm Hg	WAC 173-401-533(2)(b)
Solvent Mixing/Storage Tank, 1,000 gallons HAP-free solvent with vapor pressure ≤ 550 mm Hg	WAC 173-401-533(2)(b)
Paint Mix Room Thinner Tank, 1,000 gallons HAP-free solvent with vapor pressure ≤ 550 mm Hg	WAC 173-401-533(2)(b)
Chassis Black Tank, 750 gallons HAP-free paint with vapor pressure ≤ 80 mm Hg	WAC 173-401-533(2)(b) WAC 173-401-533(2)(c)
Paint Activator Tank, 350 gallons, Vapor pressure ≤ 80 mm Hg	WAC 173-401-533(2)(c)
Paint Tanks, 7 @ 80 gallons each	WAC 173-401-533(2)(a)
Off-Highway Axle Weld Fume Collector	WAC 173-401-533(2)(i)
Small Electrical Power Generators: gasoline fired.	WAC 173-401-533(2)(f)
Small Parts Cleaner Tanks	WAC 173-401-533(2)(a) and WAC 173-401-533(2)(z)

Table 19. Categorically Exempt Insignificant Emission Units

The following units and activities are listed as categorically exempt insignificant emission units per WAC 173-401-532.	
Description	**Regulation**
Cab Washer Dry-off Oven: Vent is located in building that contains permitted emissions units and activities from which local ventilation, controls and separate exhaust are provided.	WAC 173-401-532(9)
Lab Fume Hoods: Hood vents are located in building that contains permitted emissions units and activities from which local ventilation, controls and separate exhaust are provided.	WAC 173-401-532(9)
Motor Oil Aboveground Storage Tank: Contains lubricating oil.	WAC 173-401-532(3)

Table 19. Categorically Exempt Insignificant Emission Units

The following units and activities are listed as categorically exempt insignificant emission units per WAC 173-401-532.	
Description	**Regulation**
Gear Oil Aboveground Storage Tank: Contains lubricating oil.	WAC 173-401-532(3)
Axle Oil Aboveground Storage Tank: Contains lubricating oil.	WAC 173-401-532(3)
Frame Rail Washer Tank: 200 gallons, water, closed.	WAC 173-401-532(4)
Pressure Washer tanks: 2 @ 50 gallons each, water.	WAC 173-401-532(4)
Fire Protection Water Tank: 300,000 gallons, water	WAC 173-401-532(52) and WAC 173-401-532(4)
Welding Exhaust Dust Collectors: Collect particulate emissions from welding of metal. Activity is performed indoors with particulate emission control. The exhaust is within the building housing the activity and no fugitive particulate emissions enter the environment.	WAC 173-401-532(55)
Small Parts Blast Booth: Sanding, buffing, blasting of metals and plastics. Activity is performed indoors with particulate emission control. The exhaust is within the building housing the activity and no fugitive particulate emissions enter the environment.	WAC 173-401-532(55)
Paint Exhaust (Paint Mix Room, Paint Storage Room, Paint Day Room, Thinner Recycling Room, Hazardous Waste Room, Hazardous Materials Storage Room): Vents are located in building that contains permitted emissions units and activities from which local ventilation, controls and separate exhaust are provided.	WAC 173-401-532(9)
Thinner Sink Exhaust: Vent is located in building that contains permitted emissions units and activities from which local ventilation, controls and separate exhaust are provided.	WAC 173-401-532(9)
Vehicle exhaust from exhaust hoods and fume extractors at engine start-up, end-of-line, final assembly, test department, and dynamometer: Exhaust is from a mobile source powered by an internal combustion engine	WAC 173-401-532(10)
Paint Activator Totes: 259 gallons each, portable.	WAC 173-401-532(42)
Chassis Black Totes: 500 gallons each, portable.	WAC 173-401-532(42)
Battery Wash Tank, contaminated water, closed, 125 gallons.	WAC 173-401-532(4)
Moly Grease Tote, 379 gallons, portable.	WAC 173-401-532 (4), (42), and (69).
Antifreeze Totes, (ethylene glycol), 275 gallons, portable.	WAC 173-401-532 (42)
Antifreeze Tank, (ethylene glycol), closed, 100 gallons.	WAC 173-401-532 (4)
Refrigerant Tanks, (R-134a): 2,000 pounds each, portable.	WAC 173-401-532 (42)
Nitrogen Tank, pressurized, 200 gallons.	WAC 173-401-532 (5)

Table 19. Categorically Exempt Insignificant Emission Units

The following units and activities are listed as categorically exempt insignificant emission units per WAC 173-401-532.	
Description	**Regulation**
Paint Booth Maskant Tank, closed, 200 gallons.	WAC 173-401-532 (4)
Waterwash Paint Booth Sump, contaminated water, sludge collection, 12,500 gallons	WAC 173-401-532(114)
Stormwater Storage Tank, closed, 15,000 gallons.	WAC 173-401-532 (4)
Wastewater Effluent Tank, closed, treated wastewater, 3,000 gallons.	WAC 173-401-532 (94)
Wastewater Batch Tanks (2), closed, contaminated wastewater, 65,000 gallons each.	WAC 173-401-532 (94)
Sand Filter, treated wastewater, 4,500 gallons.	WAC 173-401-532(114)
Gravity Settler, treated wastewater, 15,000 gallons.	WAC 173-401-532(114)
Oil/Water Decant Tank, closed, contaminated wastewater, 3,000 gallons.	WAC 173-401-532 (94)
Oil/Water Separator, closed, contaminated wastewater, 1,000 gallons.	WAC 173-401-532 (94)
Oil/Water Separator Filtrate Tank, contaminated wastewater, 90 gallons.	WAC 173-401-532 (94)
Wastewater Chemical Treatment Tank, contaminated wastewater, 3,000 gallons.	WAC 173-401-532 (94) and (114)
Filter Press Tank, wastewater treatment sludge, 150 gallons.	WAC 173-401-532 (94) and (114)
Sludge Tank, wastewater treatment sludge, 5,000 gallons.	WAC 173-401-532 (94) and (114)
Coagulant Drum, wastewater treatment chemical, 55 gallons, portable	WAC 173-401-532 (42)
Lime Slurry Tank, closed, wastewater treatment chemical, 90 gallons.	WAC 173-401-532 (4)
Polymer Tank, closed, wastewater treatment chemical, 90 gallons.	WAC 173-401-532 (4)
Coagulant Drum, wastewater treatment chemical, 55 gallons, portable.	WAC 173-401-532 (42)
Sodium Hydroxide Tote, closed, wastewater treatment chemical.	WAC 173-401-532 (4)
Sulfuric Acid Tote, closed, wastewater treatment chemical.	WAC 173-401-532 (4)
Reverse Osmosis Water Tank, closed, 3,297 gallons.	WAC 173-401-532 (94)
5% Sulfuric Acid Tank, closed, wastewater treatment chemical, 50 gallons.	WAC 173-401-532 (4)
Cooling Water Pumping Unit, non-contact cooling water, 2,230 gallons.	WAC 173-401-532 (121)
Cooling Tower, non-contact cooling water, 3,000 gallons.	WAC 173-401-532 (121)
Truck Leak Test Water Tank, closed, wastewater, 800 gallons.	WAC 173-401-532 (94)
Waste Antifreeze Tank: closed, 200 gallons.	WAC 173-401-532 (4)

Attachment 1. PSCAA Method 5 for Particulate

RESOLUTION NO. 540

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE PUGET SOUND AIR POLLUTION
CONTROL AGENCY ADOPTING MODIFIED
PARTICULATE SOURCE TEST PROCEDURES

WHEREAS, Regulation I Section 9.09(f) requires procedures for source sampling performed in connection with standards of Regulation I and II for particulate and gases to be done using current Environmental Protection Agency requirements or procedures and definitions adopted by the Board; and

WHEREAS, to conform to current safe and less toxic chemical storage, the particulate measurement procedures currently used by the Agency have been proposed for modification; and

WHEREAS, the Expanded Advisory Council reviewed and approved said source test laboratory procedure modifications; and

WHEREAS, a public hearing was held by the Puget Sound Air Pollution Control Agency Board of Directors on August 11, 1983, to allow public input and critique on the proposal; and

WHEREAS, the Board deems it necessary to adopt said modification to source test procedures; now therefore,

BE IT RESOLVED BY THE BOARD OF PUGET SOUND AIR POLLUTION CONTROL AGENCY:

The Board of Directors does hereby adopt the modifications to the source test procedures, a copy of which is attached hereto and made a part hereof.

PASSED AND APPROVED by the Board of Directors of the Puget Sound Air Pollution Control Agency held this 11th day of August, 1983.

PUGET SOUND AIR POLLUTION CONTROL AGENCY

By _____
Chairman

Attest:

_____
Air Pollution Control Officer

Approved as to form:

_____
Agency Attorney

Proposed Revised PSAPCA
Particulate Source Test Procedures

Engineering Division
Puget Sound Air Pollution Control Agency
200 West Mercer Street, Room 205
P.O. Box 9863
Seattle, Washington 98109

June 9, 1983

I. Procedures for Particulate Source Sampling

Unless otherwise authorized by the Control Officer, all particulate source sampling performed to demonstrate compliance with the emission standards of Regulation I shall be done using current Environmental Protection Agency Methods 1-5 contained in 40 CFR Part 60, Appendix A, as modified in Section II of this document.

II. Procedure for Determining Particulate Matter in the Impinger Catch (Back Half)

The analysis and calculations for Method 5 shall conform to that described by EPA in the current 40 CFR Part 60, Appendix A, except that the back half catch shall be included as particulate matter. The back half weight is the sum of the impinger catch (organic and inorganic) and the back half acetone rinse weights.

A. Sample Recovery of the Back Half

1. Purging

Whenever SO_2 interference is suspected, purge the impingers immediately after the test run is complete with N_2 or clean air for a minimum of one-half the sample volume.

2. Impinger Liquid

Measure the volume of water collected in all impingers and place the water from the first three impingers in a container. Thoroughly rinse all sample-exposed surfaces between the filter and fourth impinger with water and place in above container.

3. Acetone Rinse

Thoroughly rinse all sample-exposed surfaces between the filter and the fourth impinger with acetone and place the washings in a tared beaker to dry.

B. Analysis of the Back Half

1. Impinger Liquid Extraction

a. Add 50-100 mℓ of dichloromethane to the impinger liquid.

b. Spin for at least ten minutes.

c. Pour the liquid into a separatory funnel and drain the organic phase into a tared beaker (organic fraction).

d. Drain the remaining liquid into a beaker and repeat Steps a, b, and c. Perform the extraction several times with fresh dichloromethane until the organic fraction is clear. Keep each organic extraction in a separate beaker.

e. Following the last extraction, drain the remaining liquid from the separatory funnel into a tared beaker (inorganic fraction).

f. Allow the organic fraction beakers to dry under a hood at room temperature.

g. Evaporate the inorganic fraction in such a manner that the beaker contents do not become exposed to temperatures greater then 212°F.

h. Dry weighed beakers containing a sample of the acetone, dichloromethane and a sample of distilled deionized water to check for blank weight.

i. Desiccate organic, inorganic and blank beakers for at least 24 hours at room temperature in a disiccator containing silica gel. Weigh to a constant weight and report the results to the nearest 0.1 mg. Constant weight is defined in Section 4.3 of Method 5.

2. Back Half Acetone Rinse

a. Dry the acetone rinse in a hood at room temperature.

b. Desiccate and weigh the beaker to constant weight and record.

C. Reagents

1. Water

Use distilled deionized water in the impingers and to rinse all glassware.

2. Acetone

Use reagent grade, $\leq$ 0.001 percent residue in glass bottles.

3. Dichloromethane

Use reagent grade, $\leq$ 0.001 percent residue in glass bottles.

Attachment 2. Ecology Method 9A

STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

SOURCE TEST METHOD 9A.

VISUAL DETERMINATION OF OPACITY FOR A THREE MINUTE STANDARD

1. Principle

The opacity of emissions from stationary sources is determined visually by a qualified observer.

2. Procedure

The observer must be certified in accordance with the provisions of Section 3 of 40 CFR Part 60, Appendix A, Method 9, as in effect on July 1, 1990, which are hereby adopted by reference.

The qualified observer shall stand at a distance sufficient to provide a clear view of the emissions with the sun oriented in the 140° sector to his back. Consistent with maintaining the above requirement, the observer shall, as much as possible, make his observations from a position such that his line of vision is approximately perpendicular to the plume direction, and when observing opacity of emissions from rectangular outlets (e.g., roof monitors, open baghouses, non-circular stacks), approximately perpendicular to the longer axis of the outlet. The observer's line of site should not include should not include more than one plume at a time when multiple stacks are involved, and in any case, the observer should make his observations with his line of sight perpendicular to the longer axis of such a set of multiple stacks (e.g., stub stacks on baghouses).

The observer shall record the name of the plant, emission location, type of facility, observer's name and affiliation, and the date on a field data sheet. The time, estimated distance to the emission location, approximate wind direction, estimated wind speed, description of the sky condition (presence and color of clouds), and plume background are recorded on a filed data sheet at the time opacity readings are initiated and completed.

The observer shall make a note of the ambient relative humidity, ambient temperature, the point in the plume the observations were made, the estimated depth of the plume at the point of observation, and the color and condition of the plume. It is also helpful if pictures of the plume are taken.

Opacity observations shall be made at the point of greatest opacity in the portion of the plume where condensed water vapor is not present. The observer shall not look continuously at the plume, but instead shall observe the plume at 15-second intervals.

When condensed water vapor is present within the plume as it emerges from the emission outlet, opacity observations shall be made beyond the point in the plume at which water vapor is no longer visible

When water vapor in the plume condenses and becomes visible at a distinct distance from the emission outlet, the opacity of emissions should be evaluated at the emission outlet prior to the condensation of water vapor and the formation of the steam plume.

Opacity observations shall be recorded to the nearest 5 percent at 15-second intervals on an observational record sheet. Each momentary observation recorded shall be deemed to represent the average opacity for a 15-second period.

3. Analysis

The opacity of the plume is determined by individual visual observations. Opacity shall be reported as the range of values observed during a specified time period, not to exceed 60 consecutive minutes. The opacity standard is exceeded if there are more than 12 observations, during any consecutive 60-minute period, for which an opacity greater than the standard is recorded.

4. References

Federal Register, Vol. 36, No. 247, page 24895, Dec. 23, 1971.

“Criteria for Smoke and Opacity Training School 1970-1971” Oregon-Washington Air Quality Committee.

“Guidelines for Evaluation of Visible Emissions” EPA 340/1-75-007.

Attachment 3. 40 CFR 63 Subpart A – NESHAP General Provisions

Title 40: Protection of Environment

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

Subpart A—General Provisions

Contents

§63.1 Applicability.
§63.2 Definitions.
§63.3 Units and abbreviations.
§63.4 Prohibited activities and circumvention.
§63.5 Preconstruction review and notification requirements.
§63.6 Compliance with standards and maintenance requirements.
§63.7 Performance testing requirements.
§63.8 Monitoring requirements.
§63.9 Notification requirements.
§63.10 Recordkeeping and reporting requirements.
§63.11 Control device and work practice requirements.
§63.12 State authority and delegations.
§63.13 Addresses of State air pollution control agencies and EPA Regional Offices.
§63.14 Incorporations by reference.
§63.15 Availability of information and confidentiality.
§63.16 Performance Track Provisions.
Table 1 to Subpart A of Part 63—Detection Sensitivity Levels (grams per hour)

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

§63.1 Applicability.

(a) *General.*

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

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

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

under this part that facilities subject to other provisions under the Act need only comply with the provisions of that standard.

(4)

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

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

(iii) The General Provisions in this subpart A do not apply to regulations developed pursuant to section 112(r) of the amended Act, unless otherwise specified in those regulations.

(5) [Reserved]

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

(7) -(9) [Reserved]

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

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

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

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

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

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

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

(2) [Reserved]

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

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

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

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

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

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

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

(3) -(4) [Reserved]

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

(6) A major source may become an area source at any time upon reducing its emissions of and potential to emit hazardous air pollutants, as defined in this subpart, to below the major source thresholds established in § 63.2, subject to the provisions in paragraphs (c)(6)(i) and (ii) of this section.

(i) A major source reclassifying to area source status is subject to the applicability of standards, compliance dates and notification requirements specified in (c)(6)(i)(A) of this section. An area source that previously was a major source and becomes a major source again is subject to the applicability of standards, compliance dates, and notification requirements specified in (c)(6)(i)(B) of this section:

(A) A major source reclassifying to area source status under this part remains subject to any applicable major source requirements established under this part until the reclassification becomes effective. After the reclassification becomes effective, the source is subject to any applicable area source requirements established under this part immediately, provided the compliance date for the area source requirements has passed. The owner or operator of a major source that becomes an area source subject to newly applicable area source requirements under this part must comply

with the initial notification requirements pursuant to § 63.9(b). The owner or operator of a major source that becomes an area source must also provide to the Administrator any change in the information already provided under § 63.9(b) per § 63.9(j).

(B) An area source that previously was a major source under this part and that becomes a major source again is subject to the applicable major source requirements established under this part immediately upon becoming a major source again, provided the compliance date for the major source requirements has passed, notwithstanding any provision within the applicable subparts. The owner or operator of an area source that becomes a major source again must comply with the initial notification pursuant to § 63.9(b). The owner or operator must also provide to the Administrator any change in the information already provided under § 63.9(b) per § 63.9(j).

(ii) Becoming an area source does not absolve a source subject to an enforcement action or investigation for major source violations or infractions from the consequences of any actions occurring when the source was major. Becoming a major source does not absolve a source subject to an enforcement action or investigation for area source violations or infractions from the consequences of any actions occurring when the source was an area source.

(iii) After September 10, 2024, affected sources subject to the following 40 CFR part 63 subparts on September 10, 2024, must remain subject to those subparts, and any modifications thereafter, even if the source becomes an area source by reducing both its actual emissions and potential to emit hazardous air pollutants to below major source thresholds: F, G, H, I, L, R, X, CC, GG, II, JJ, KK, LL, MM, EEE, JJJ, LLL, MMM, RRR, UUU, FFFF, JJJJ, MMMM, PPPP, ZZZZ, CCCCC, DDDDD, FFFFF, IIIII, LLLLL, YYYYY, JJJJJJ, EEEEEEE.

(d) [Reserved]

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

[59 FR 12430, Mar. 16, 1994, as amended at 67 FR 16595, Apr. 5, 200; 85 FR 73885, Nov. 19, 2020; 89 FR 73307, Sept. 10, 2024; 90 FR 1041, Jan. 7, 20252]

Back to Top

§63.2 Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

Compliance schedule means:

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

(2) In the case of an affected source that is required to comply with applicable requirements by a future date, a statement that the source will meet such requirements on a timely basis

and, if required by an applicable requirement, a detailed schedule of the dates by which each step toward compliance will be reached; or

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

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

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

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

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

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

Effective date means:

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

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

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

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

EPA means the United States Environmental Protection Agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Measurement techniques—the means by which you gather and record information of or about the indicators of performance. The components of the measurement technique include the detector type, location and installation specifications, inspection procedures, and quality assurance and quality control measures. Examples of measurement techniques include continuous emission monitoring systems, continuous opacity monitoring systems, continuous parametric monitoring systems, and manual inspections that include making records of process conditions or work practices.
(3) Monitoring frequency—the number of times you obtain and record monitoring data over a specified time interval. Examples of monitoring frequencies include at least four points equally spaced for each hour for continuous emissions or parametric monitoring systems, at least every 10 seconds for continuous opacity monitoring systems, and at least once per operating day (or week, month, etc.) for work practice or design inspections.
(4) Averaging time—the period over which you average and use data to verify proper operation of the pollution control approach or compliance with the emissions limitation or standard. Examples of averaging time include a 3-hour average in units of the emissions limitation, a 30-day rolling average emissions value, a daily average of a control device operational parametric range, and an instantaneous alarm.

New affected source means the collection of equipment, activities, or both within a single contiguous area and under common control that is included in a section 112(c) source category or subcategory that is subject to a section 112(d) or other relevant standard for new sources. This definition of “new affected source,” and the criteria to be utilized in implementing it, shall apply to each section 112(d) standard for which the initial proposed rule is signed by the Administrator after June 30, 2002. Each relevant standard will define the term “new affected source,” which will be the same as the “affected source” unless a different collection is warranted based on consideration of factors including:
(1) Emission reduction impacts of controlling individual sources versus groups of sources;
(2) Cost effectiveness of controlling individual equipment;
(3) Flexibility to accommodate common control strategies;
(4) Cost/benefits of emissions averaging;
(5) Incentives for pollution prevention;
(6) Feasibility and cost of controlling processes that share common equipment (e.g., product recovery devices);
(7) Feasibility and cost of monitoring; and
(8) Other relevant factors.

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

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

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

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

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

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

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

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

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

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

Permitting authority means:

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

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

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

(1) *Source reduction* is any practice that:

(i) Reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal; and

(ii) Reduces the hazards to public health and the environment associated with the release of such substances, pollutants, or contaminants.

(2) The term *source reduction* includes equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control.

(3) The term *source reduction* does not include any practice that alters the physical, chemical, or biological characteristics or the volume of a hazardous substance, pollutant, or contaminant through a process or activity which itself is not integral to and necessary for the production of a product or the providing of a service.

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

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

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

(2) It is technologically and economically feasible for the reconstructed source to meet the relevant standard(s) established by the Administrator (or a State) pursuant to section 112 of

the Act. Upon reconstruction, an affected source, or a stationary source that becomes an affected source, is subject to relevant standards for new sources, including compliance dates, irrespective of any change in emissions of hazardous air pollutants from that source.

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

Relevant standard means:

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

Responsible official means one of the following:

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

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

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

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

Source at a Performance Track member facility means a major or area source located at a facility which has been accepted by EPA for membership in the Performance Track Program (as

described at *www.epa.gov/PerformanceTrack*) and is still a member of the Program. The Performance Track Program is a voluntary program that encourages continuous environmental improvement through the use of environmental management systems, local community outreach, and measurable results.

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

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

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

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

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

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

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

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

[59 FR 12430, Mar. 16, 1994, as amended at 67 FR 16596, Apr. 5, 2002; 68 FR 32600, May 30, 2003; 69 FR 21752, Apr. 22, 2004; 72 FR 27443, May 16, 2007; 85 FR 63418, Oct. 7, 2020; 85 FR 73885, Nov. 19, 2020]

Back to Top

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

Back to Top

§63.4 Prohibited activities and circumvention.

(a) *Prohibited activities.*
(1) No owner or operator subject to the provisions of this part must operate any affected source in violation of the requirements of this part. Affected sources subject to and in compliance with either an extension of compliance or an exemption from compliance are not in violation of the requirements of this part. An extension of compliance can be granted by the Administrator under this part; by a State with an approved permit program; or by the President under section 112(i)(4) of the Act.
(2) No owner or operator subject to the provisions of this part shall fail to keep records, notify, report, or revise reports as required under this part.
(3) -(5) [Reserved]

(b) *Circumvention.* No owner or operator subject to the provisions of this part shall build, erect, install, or use any article, machine, equipment, or process to conceal an emission that would otherwise constitute noncompliance with a relevant standard. Such concealment includes, but is not limited to—
(1) The use of diluents to achieve compliance with a relevant standard based on the concentration of a pollutant in the effluent discharged to the atmosphere;
(2) The use of gaseous diluents to achieve compliance with a relevant standard for visible emissions; and

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

for purposes of avoiding new source requirements) to avoid becoming subject to new source requirements.

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

Back to Top

§63.5 Preconstruction review and notification requirements.

(a) *Applicability.*

(1) This section implements the preconstruction review requirements of section 112(i)(1). After the effective date of a relevant standard, promulgated pursuant to section 112(d), (f), or (h) of the Act, under this part, the preconstruction review requirements in this section apply to the owner or operator of new affected sources and reconstructed affected sources that are major-emitting as specified in this section. New and reconstructed affected sources that commence construction or reconstruction before the effective date of a relevant standard are not subject to the preconstruction review requirements specified in paragraphs (b)(3), (d), and (e) of this section.

(2) This section includes notification requirements for new affected sources and reconstructed affected sources that are not major-emitting affected sources and that are or become subject to a relevant promulgated emission standard after the effective date of a relevant standard promulgated under this part.

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

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

(2) [Reserved]

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

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

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

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

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

(5) [Reserved]

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

(c) [Reserved]

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

(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 replacements compared to the life of a comparable entirely new source;

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

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

(2)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Back to Top

§63.6 Compliance with standards and maintenance requirements.

(a) *Applicability.*

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

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

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

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

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

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

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

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

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

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

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

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

(6) [Reserved]

(7) When an area source increases its emissions of (or its potential to emit) hazardous air pollutants such that the source becomes a major source, the portion of the facility that meets the definition of a new affected source must comply with all requirements of that standard applicable to new sources. The source owner or operator must comply with the relevant standard upon startup.

(c) *Compliance dates for existing sources.*

(1) After the effective date of a relevant standard established under this part pursuant to section 112(d) or 112(h) of the Act, the owner or operator of an existing source shall comply with such standard by the compliance date established by the Administrator in the applicable subpart(s) of this part, except as provided in § 63.1(c)(6)(i). 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 and meets the definition of an existing source in the applicable major source standard shall be subject to relevant standards for existing sources. Except as provided in paragraph § 63.1(c)(6)(i)(B), such sources must comply by the date specified in the standards for existing area sources that become major sources. If no such compliance date is specified in the standards, the source shall have a period of time to comply with the relevant emission standard that is equivalent to the compliance

period specified in the relevant standard for existing sources in existence at the time the standard becomes effective.

(d) [Reserved]

(e) *Operation and maintenance requirements.*

(1)

(i) At all times, including periods of startup, shutdown, and malfunction, the owner or operator must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. During a period of startup, shutdown, or malfunction, this general duty to minimize emissions requires that the owner or operator reduce emissions from the affected source to the greatest extent which is consistent with safety and good air pollution control practices. The general duty to minimize emissions during a period of startup, shutdown, or malfunction does not require the owner or operator to achieve emission levels that would be required by the applicable standard at other times if this is not consistent with safety and good air pollution control practices, nor does it require the owner or operator to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures (including the startup, shutdown, and malfunction plan required in paragraph (e)(3) of this section), review of operation and maintenance records, and inspection of the source.

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

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

(2) [Reserved]

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

(i) The owner or operator of an affected source must develop a written startup, shutdown, and malfunction plan that describes, in detail, procedures for operating and maintaining the source during periods of startup, shutdown, and malfunction; and a program of corrective action for malfunctioning process, air pollution control, and monitoring equipment used to comply with the relevant standard. The startup, shutdown, and malfunction plan does not need to address any scenario that would not cause the source to exceed an applicable emission limitation in the relevant standard. This plan must be developed by the owner or operator by the source's compliance date for that relevant standard. The purpose of the startup, shutdown, and malfunction plan is to—

(A) Ensure that, at all times, the owner or operator operates and maintains each affected source, including associated air pollution control and monitoring equipment, in a manner which satisfies the general duty to minimize emissions established by paragraph (e)(1)(i) of this section;

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

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

(ii) [Reserved]

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

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

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

and copying by the Administrator. The Administrator may at any time request in writing that the owner or operator submit a copy of any startup, shutdown, and malfunction plan (or a portion thereof) which is maintained at the affected source or in the possession of the owner or operator. Upon receipt of such a request, the owner or operator must promptly submit a copy of the requested plan (or a portion thereof) to the Administrator. The owner or operator may elect to submit the required copy of any startup, shutdown, and malfunction plan to the Administrator in an electronic format. If the owner or operator claims that any portion of such a startup, shutdown, and malfunction plan is confidential business information entitled to protection from disclosure under section 114(c) of the Act or 40 CFR 2.301, the material which is claimed as confidential must be clearly designated in the submission.

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

(vii) Based on the results of a determination made under paragraph (e)(1)(i) of this section, the Administrator may require that an owner or operator of an affected source make changes to the startup, shutdown, and malfunction plan for that source. The Administrator must require appropriate revisions to a startup, shutdown, and malfunction plan, if the Administrator finds that the plan:

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

(B) Fails to provide for the operation of the source (including associated air pollution control and monitoring equipment) during a startup, shutdown, or malfunction event in a manner consistent with the general duty to minimize emissions established by paragraph (e)(1)(i) of this section;

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

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

(viii) The owner or operator may periodically revise the startup, shutdown, and malfunction plan for the affected source as necessary to satisfy the requirements of this part or to reflect changes in equipment or procedures at the affected source. Unless the permitting authority provides otherwise, the owner or operator may make such revisions to the startup, shutdown, and malfunction plan without prior approval by the Administrator or the permitting authority. However, each such revision to a startup, shutdown, and malfunction plan must be reported in the semiannual report required by §63.10(d)(5). If the startup, shutdown, and malfunction plan fails to address or inadequately addresses an event that meets the characteristics of a malfunction but was not included in the startup, shutdown, and malfunction plan at the time the owner or operator developed the plan, the owner or operator must revise the startup, shutdown, and malfunction plan within 45 days after the event to include detailed procedures for operating and maintaining the source during similar malfunction events and a program of corrective action for similar malfunctions of process or air pollution control and monitoring equipment. In the event that the owner or operator makes any revision to the

startup, shutdown, and malfunction plan which alters the scope of the activities at the source which are deemed to be a startup, shutdown, or malfunction, or otherwise modifies the applicability of any emission limit, work practice requirement, or other requirement in a standard established under this part, the revised plan shall not take effect until after the owner or operator has provided a written notice describing the revision to the permitting authority.

(ix) The title V permit for an affected source must require that the owner or operator develop a startup, shutdown, and malfunction plan which conforms to the provisions of this part, but may do so by citing to the relevant subpart or subparagraphs of paragraph (e) of this section. However, any revisions made to the startup, shutdown, and malfunction plan in accordance with the procedures established by this part shall not be deemed to constitute permit revisions under part 70 or part 71 of this chapter and the elements of the startup, shutdown, and malfunction plan shall not be considered an applicable requirement as defined in §70.2 and §71.2 of this chapter. Moreover, none of the procedures specified by the startup, shutdown, and malfunction plan for an affected source shall be deemed to fall within the permit shield provision in section 504(f) of the Act.

(f) *Compliance with nonopacity emission standards*—

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

(2) *Methods for determining compliance.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) *Methods for determining compliance.*

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

(ii) [Reserved]

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

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

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

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

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

(3) [Reserved]

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

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

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

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

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

(ii) For the purpose of demonstrating initial compliance, the minimum total time of opacity observations shall be 3 hours (30 6-minute averages) for the performance test or other required set of observations (e.g., for fugitive-type emission sources subject only to an opacity emission standard).

(iii) The owner or operator of an affected source to which an opacity or visible emission standard in this part applies shall conduct opacity or visible emission observations in accordance with the provisions of this section, record the results of the evaluation of emissions, and report to the Administrator the opacity or visible emission results in accordance with the provisions of §63.10(d).

(iv) [Reserved]

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

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

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

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

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

owner or operator notifies the Administrator in writing to the contrary not later than with the notification under §63.7(b) of the date the subsequent performance test is scheduled to begin.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4)

(i)

(A) The owner or operator of an existing source who is unable to comply with a relevant standard established under this part pursuant to section 112(d) of the Act may request that the Administrator (or a State, when the State has an approved part 70 permit program and the source is required to obtain a part 70 permit under that program, or a State, when the State has been delegated the authority to implement and enforce the emission standard for that source) grant an extension allowing the source up to 1 additional year to comply with the standard, if such additional period is necessary for the installation of controls. An additional extension of up to 3 years may be added for mining waste operations, if the 1-year

extension of compliance is insufficient to dry and cover mining waste in order to reduce emissions of any hazardous air pollutant. The owner or operator of an affected source who has requested an extension of compliance under this paragraph and who is otherwise required to obtain a title V permit shall apply for such permit or apply to have the source's title V permit revised to incorporate the conditions of the extension of compliance. The conditions of an extension of compliance granted under this paragraph will be incorporated into the affected source's title V permit according to the provisions of part 70 or Federal title V regulations in this chapter (42 U.S.C. 7661), whichever are applicable.

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

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

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

(5) The owner or operator of an existing source that has installed BACT or technology required to meet LAER [as specified in paragraph (i)(2)(ii) of this section] prior to the promulgation of a relevant emission standard in this part may request that the Administrator grant an extension allowing the source 5 years from the date on which such installation was achieved, as determined by the Administrator, to comply with the standard. Any request for an extension of compliance with a relevant standard under this paragraph shall be

submitted in writing to the Administrator not later than 120 days after the promulgation date of the standard. The Administrator may grant such an extension if he or she finds that the installation of BACT or technology to meet LAER controls the same pollutant (or stream of pollutants) that would be controlled at that source by the relevant emission standard.

(6)

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

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

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

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

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

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

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

(C) -(D)

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

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

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

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

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

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

(ii) Specify the termination date of the extension;

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

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

(v)

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

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

(11) The owner or operator of an existing source that has been granted an extension of compliance under paragraph (i)(10) of this section may be required to submit to the

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

(12)

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

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

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

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

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

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

(13)

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

(ii) When notifying the owner or operator that his/her application is not complete, the Administrator will specify the information needed to complete the application and

provide notice of opportunity for the applicant to present, in writing, within 15 calendar days after he/she is notified of the incomplete application, additional information or arguments to the Administrator to enable further action on the application.

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

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

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

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

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

(i) Notice of the reason for termination; and

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

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

(15) [Reserved]

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

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

[59 FR 12430, Mar. 16, 1994, as amended at 67 FR 16599, Apr. 5, 2002; 68 FR 32600, May 30, 2003; 71 FR 20454, Apr. 20, 2006; 85 FR 73885, Nov. 19, 2020; 86 FR 13821, Mar. 11, 2021]

Back to Top

§63.7 Performance testing requirements.

(a) *Applicability and performance test dates.*

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

(2) Except as provided in paragraph (a)(4) of this section, if required to do performance testing by a relevant standard, and unless a waiver of performance testing is obtained under this

section or the conditions of paragraph (c)(3)(ii)(B) of this section apply, the owner or operator of the affected source must perform such tests within 180 days of the compliance date for such source.

(i) -(viii) [Reserved]

(ix) Except as provided in paragraph (a)(4) of this section, when an emission standard promulgated under this part is more stringent than the standard proposed (see §63.6(b)(3)), the owner or operator of a new or reconstructed source subject to that standard for which construction or reconstruction is commenced between the proposal and promulgation dates of the standard shall comply with performance testing requirements within 180 days after the standard's effective date, or within 180 days after startup of the source, whichever is later. If the promulgated standard is more stringent than the proposed standard, the owner or operator may choose to demonstrate compliance with either the proposed or the promulgated standard. If the owner or operator chooses to comply with the proposed standard initially, the owner or operator shall conduct a second performance test within 3 years and 180 days after the effective date of the standard, or after startup of the source, whichever is later, to demonstrate compliance with the promulgated standard.

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

(4) If a force majeure is about to occur, occurs, or has occurred for which the affected owner or operator intends to assert a claim of force majeure:

(i) The owner or operator shall notify the Administrator, in writing as soon as practicable following the date the owner or operator first knew, or through due diligence should have known that the event may cause or caused a delay in testing beyond the regulatory deadline specified in paragraph (a)(2) or (a)(3) of this section, or elsewhere in this part, but the notification must occur before the performance test deadline unless the initial force majeure or a subsequent force majeure event delays the notice, and in such cases, the notification shall occur as soon as practicable.

(ii) The owner or operator shall provide to the Administrator a written description of the force majeure event and a rationale for attributing the delay in testing beyond the regulatory deadline to the force majeure; describe the measures taken or to be taken to minimize the delay; and identify a date by which the owner or operator proposes to conduct the performance test. The performance test shall be conducted as soon as practicable after the force majeure occurs.

(iii) The decision as to whether or not to grant an extension to the performance test deadline is solely within the discretion of the Administrator. The Administrator will notify the owner or operator in writing of approval or disapproval of the request for an extension as soon as practicable.

(iv) Until an extension of the performance test deadline has been approved by the Administrator under paragraphs (a)(4)(i), (a)(4)(ii), and (a)(4)(iii) of this section, the owner or operator of the affected facility remains strictly subject to the requirements of this part.

(b) *Notification of performance test.*

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

to review 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 performance testing shall include a test method performance audit (PA) during the performance test. The PAs consist of blind audit samples supplied by an accredited audit sample provider and analyzed during the performance test in order to provide a measure of test data bias. Gaseous audit samples are designed to audit the performance of the sampling system as well as the analytical system and must be collected by the sampling system during the compliance test just as the compliance samples are collected. If a liquid or solid audit sample is designed to audit the sampling system, it must also be collected by the sampling system during the compliance test. If multiple sampling systems or sampling trains are used during the compliance test for any of the test methods, the tester is only required to use one of the sampling systems per method to collect the audit sample. The audit sample must be analyzed by the same analyst using the same analytical reagents and analytical system and at the same time as the compliance samples. Retests are required when there is a failure to produce acceptable results for an audit sample. However, if the audit results do not affect the compliance or noncompliance status of the affected facility, the compliance authority may waive the reanalysis requirement, further audits, or retests and accept the results of the compliance test. Acceptance of the test results shall constitute a waiver of the reanalysis requirement, further audits, or retests. The compliance authority may also use the audit sample failure and the compliance test results as evidence to determine the compliance or noncompliance status of the affected facility. A blind audit sample is a

sample whose value is known only to the sample provider and is not revealed to the tested facility until after they report the measured value of the audit sample. For pollutants that exist in the gas phase at ambient temperature, the audit sample shall consist of an appropriate concentration of the pollutant in air or nitrogen that can be introduced into the sampling system of the test method at or near the same entry point as a sample from the emission source. If no gas phase audit samples are available, an acceptable alternative is a sample of the pollutant in the same matrix that would be produced when the sample is recovered from the sampling system as required by the test method. For samples that exist only in a liquid or solid form at ambient temperature, the audit sample shall consist of an appropriate concentration of the pollutant in the same matrix that would be produced when the sample is recovered from the sampling system as required by the test method. An accredited audit sample provider (AASP) is an organization that has been accredited to prepare audit samples by an independent, third party accrediting body.

(A) The source owner, operator, or representative of the tested facility shall obtain an audit sample, if commercially available, from an AASP for each test method used for regulatory compliance purposes. No audit samples are required for the following test methods: Methods 3A and 3C of appendix A-3 of part 60 of this chapter; Methods 6C, 7E, 9, and 10 of appendix A-4 of part 60; Methods 18 and 19 of appendix A-6 of part 60; Methods 20, 22, and 25A of appendix A-7 of part 60; Methods 30A and 30B of appendix A-8 of part 60; and Methods 303, 318, 320, and 321 of appendix A of this part. If multiple sources at a single facility are tested during a compliance test event, only one audit sample is required for each method used during a compliance test. The compliance authority responsible for the compliance test may waive the requirement to include an audit sample if they believe that an audit sample is not necessary. “Commercially available” means that two or more independent AASPs have blind audit samples available for purchase. If the source owner, operator, or representative cannot find an audit sample for a specific method, the owner, operator, or representative shall consult the EPA Web site at the following URL, *www.epa.gov/ttn/emc,* to confirm whether there is a source that can supply an audit sample for that method. If the EPA Web site does not list an available audit sample at least 60 days prior to the beginning of the compliance test, the source owner, operator, or representative shall not be required to include an audit sample as part of the quality assurance program for the compliance test. When ordering an audit sample, the source owner, operator, or representative shall give the sample provider an estimate for the concentration of each pollutant that is emitted by the source or the estimated concentration of each pollutant based on the permitted level and the name, address, and phone number of the compliance authority. The source owner, operator, or representative shall report the results for the audit sample along with a summary of the emission test results for the audited pollutant to the compliance authority and shall report the results of the audit sample to the AASP. The source owner, operator, or representative shall make both reports at the same time and in the same manner or shall report to the compliance authority first and then report to the AASP. If the method being audited is a method that allows the samples to be analyzed in the field and the tester plans to analyze the samples in the field, the tester may analyze the audit samples prior to collecting the emission samples

provided a representative of the compliance authority is present at the testing site. The tester may request, and the compliance authority may grant, a waiver to the requirement that a representative of the compliance authority must be present at the testing site during the field analysis of an audit sample. The source owner, operator, or representative may report the results of the audit sample to the compliance authority and then report the results of the audit sample to the AASP prior to collecting any emission samples. The test protocol and final test report shall document whether an audit sample was ordered and utilized and the pass/fail results as applicable.

(B) An AASP shall have and shall prepare, analyze, and report the true value of audit samples in accordance with a written technical criteria document that describes how audit samples will be prepared and distributed in a manner that will ensure the integrity of the audit sample program. An acceptable technical criteria document shall contain standard operating procedures for all of the following operations:

(1) Preparing the sample;

(2) Confirming the true concentration of the sample;

(3) Defining the acceptance limits for the results from a well qualified tester. This procedure must use well established statistical methods to analyze historical results from well qualified testers. The acceptance limits shall be set so that there is 95 percent confidence that 90 percent of well qualified labs will produce future results that are within the acceptance limit range;

(4) Providing the opportunity for the compliance authority to comment on the selected concentration level for an audit sample;

(5) Distributing the sample to the user in a manner that guarantees that the true value of the sample is unknown to the user;

(6) Recording the measured concentration reported by the user and determining if the measured value is within acceptable limits;

(7) Reporting the results from each audit sample in a timely manner to the compliance authority and to the source owner, operator, or representative by the AASP. The AASP shall make both reports at the same time and in the same manner or shall report to the compliance authority first and then report to the source owner, operator, or representative. The results shall include the name of the facility tested, the date on which the compliance test was conducted, the name of the company performing the sample collection, the name of the company that analyzed the compliance samples including the audit sample, the measured result for the audit sample, and whether the testing company passed or failed the audit. The AASP shall report the true value of the audit sample to the compliance authority. The AASP may report the true value to the source owner, operator, or representative if the AASP's operating plan ensures that no laboratory will receive the same audit sample twice.

(8) Evaluating the acceptance limits of samples at least once every two years to determine in consultation with the voluntary consensus standard body if they should be changed.

(9) Maintaining a database, accessible to the compliance authorities, of results from the audit that shall include the name of the facility tested, the date on which the compliance test was conducted, the name of the company performing the

sample collection, the name of the company that analyzed the compliance samples including the audit sample, the measured result for the audit sample, the true value of the audit sample, the acceptance range for the measured value, and whether the testing company passed or failed the audit.

(C) The accrediting body shall have a written technical criteria document that describes how it will ensure that the AASP is operating in accordance with the AASP technical criteria document that describes how audit samples are to be prepared and distributed. This document shall contain standard operating procedures for all of the following operations:

(1) Checking audit samples to confirm their true value as reported by the AASP.

(2) Performing technical systems audits of the AASP's facilities and operating procedures at least once every two years.

(3) Providing standards for use by the voluntary consensus standard body to approve the accrediting body that will accredit the audit sample providers.

(D) The technical criteria documents for the accredited sample providers and the accrediting body shall be developed through a public process guided by a voluntary consensus standards body (VCSB). The VCSB shall operate in accordance with the procedures and requirements in the Office of Management and Budget *Circular A-119.* A copy of Circular A-119 is available upon request by writing the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, by calling (202) 395-6880 or downloading online at *http://standards.gov/standards_gov/a119.cfm.* The VCSB shall approve all accrediting bodies. The Administrator will review all technical criteria documents. If the technical criteria documents do not meet the minimum technical requirements in paragraphs (c)(2)(iii)(B) through (C) of this section, the technical criteria documents are not acceptable and the proposed audit sample program is not capable of producing audit samples of sufficient quality to be used in a compliance test. All acceptable technical criteria documents shall be posted on the EPA Web site at the following URL, *http://www.epa.gov/ttn/emc.*

(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.

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

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

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

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

(2) Safe sampling platform(s);

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

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

(e) *Conduct of performance tests.*
(1) Performance tests shall be conducted under such conditions as the Administrator specifies to the owner or operator based on representative performance (i.e., performance based on normal operating conditions) of the affected source. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test, nor shall emissions in excess of the level of the relevant standard during periods of startup, shutdown, and malfunction be considered a violation of the relevant standard unless otherwise specified in the relevant standard or a determination of noncompliance is made under §63.6(e). Upon request, the owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of performance tests.
(2) Performance tests shall be conducted and data shall be reduced in accordance with the test methods and procedures set forth in this section, in each relevant standard, and, if required, in applicable appendices of parts 51, 60, 61, and 63 of this chapter unless the Administrator—
(i) Specifies or approves, in specific cases, the use of a test method with minor changes in methodology (see definition in §63.90(a)). Such changes may be approved in conjunction with approval of the site-specific test plan (see paragraph (c) of this section); or
(ii) Approves the use of an intermediate or major change or alternative to a test method (see definitions in §63.90(a)), the results of which the Administrator has determined to be adequate for indicating whether a specific affected source is in compliance; or
(iii) Approves shorter sampling times or smaller sample volumes when necessitated by process variables or other factors; or
(iv) Waives the requirement for performance tests because the owner or operator of an affected source has demonstrated by other means to the Administrator's satisfaction that the affected source is in compliance with the relevant standard.
(3) Unless otherwise specified in a relevant standard or test method, each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the relevant standard. For the purpose of determining compliance with a relevant standard, the arithmetic mean of the results of the three runs shall apply. Upon receiving approval from the Administrator, results of a test run may be replaced with results of an additional test run in the event that—
(i) A sample is accidentally lost after the testing team leaves the site; or
(ii) Conditions occur in which one of the three runs must be discontinued because of forced shutdown; or
(iii) Extreme meteorological conditions occur; or
(iv) Other circumstances occur that are beyond the owner or operator's control.
(4) Nothing in paragraphs (e)(1) through (e)(3) of this section shall be construed to abrogate the Administrator's authority to require testing under section 114 of the Act.

(f) *Use of an alternative test method—*\

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

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

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

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

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

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

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

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

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

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

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

(2) Contents of a performance test, CMS performance evaluation, or CMS quality assurance test report (electronic or paper submitted copy). Unless otherwise specified in a relevant standard, test method, CMS performance specification, or quality assurance requirement for a CMS, or as otherwise approved by the Administrator in writing, the report shall include the elements identified in paragraphs (g)(2)(i) through (vi) of this section.

(i) General identification information for the facility including a mailing address, the physical address, the owner or operator or responsible official (where applicable) and his/her email address, and the appropriate Federal Registry System (FRS) number for the facility.

(ii) Purpose of the test including the applicable regulation requiring the test, the pollutant(s) and other parameters being measured, the applicable emission standard, and any process parameter component, and a brief process description.

(iii) Description of the emission unit tested including fuel burned, control devices, and vent characteristics; the appropriate source classification code (SCC); the permitted maximum process rate (where applicable); and the sampling location.

(iv) Description of sampling and analysis procedures used and any modifications to standard procedures, quality assurance procedures and results, record of process operating conditions that demonstrate the applicable test conditions are met, and values for any operating parameters for which limits were being set during the test.

(v) Where a test method, CEMS, PEMS, or COMS performance specification, or on-going quality assurance requirement for a CEMS, PEMS, or COMS requires you record or report, the following shall be included in your report: Record of preparation of standards, record of calibrations, raw data sheets for field sampling, raw data sheets for field and laboratory analyses, chain-of-custody documentation, and example calculations for reported results.

(vi) Identification of the company conducting the performance test including the primary office address, telephone number, and the contact for this test including his/her email address.

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

(h) *Waiver of performance tests.*

(1) Until a waiver of a performance testing requirement has been granted by the Administrator under this paragraph, the owner or operator of an affected source remains subject to the requirements of this section.
(2) Individual performance tests may be waived upon written application to the Administrator if, in the Administrator's judgment, the source is meeting the relevant standard(s) on a continuous basis, or the source is being operated under an extension of compliance, or the owner or operator has requested an extension of compliance and the Administrator is still considering that request.
(3) *Request to waive a performance test.*
  (i) If a request is made for an extension of compliance under §63.6(i), the application for a waiver of an initial performance test shall accompany the information required for the request for an extension of compliance. If no extension of compliance is requested or if the owner or operator has requested an extension of compliance and the Administrator is still considering that request, the application for a waiver of an initial performance test shall be submitted at least 60 days before the performance test if the site-specific test plan under paragraph (c) of this section is not submitted.
  (ii) If an application for a waiver of a subsequent performance test is made, the application may accompany any required compliance progress report, compliance status report, or excess emissions and continuous monitoring system performance report [such as those required under §63.6(i), §63.9(h), and §63.10(e) or specified in a relevant standard or in the source's title V permit], but it shall be submitted at least 60 days before the performance test if the site-specific test plan required under paragraph (c) of this section is not submitted.
  (iii) Any application for a waiver of a performance test shall include information justifying the owner or operator's request for a waiver, such as the technical or economic infeasibility, or the impracticality, of the affected source performing the required test.
(4) *Approval of request to waive performance test.* The Administrator will approve or deny a request for a waiver of a performance test made under paragraph (h)(3) of this section when he/she—
  (i) Approves or denies an extension of compliance under §63.6(i)(8); or
  (ii) Approves or disapproves a site-specific test plan under §63.7(c)(3); or
  (iii) Makes a determination of compliance following the submission of a required compliance status report or excess emissions and continuous monitoring systems performance report; or
  (iv) Makes a determination of suitable progress towards compliance following the submission of a compliance progress report, whichever is applicable.
(5) Approval of any waiver granted under this section shall not abrogate the Administrator's authority under the Act or in any way prohibit the Administrator from later canceling the waiver. The cancellation will be made only after notice is given to the owner or operator of the affected source.

[59 FR 12430, Mar. 16, 1994, as amended at 65 FR 62215, Oct. 17, 2000; 67 FR 16602, Apr. 5, 2002; 72 FR 27443, May 16, 2007; 75 FR 55655, Sept. 13, 2010; 79 FR 11277, Feb. 27, 2014; 81 FR 59825, Aug. 30, 2016; 83 FR 56725, Nov. 14, 2018]

Back to Top

§63.8 Monitoring requirements.

(a) *Applicability.*

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

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

(c) *Operation and maintenance of continuous monitoring systems.*
(1) The owner or operator of an affected source shall maintain and operate each CMS as specified in this section, or in a relevant standard, and in a manner consistent with good air pollution control practices.
(i) The owner or operator of an affected source must maintain and operate each CMS as specified in §63.6(e)(1).
(ii) The owner or operator must keep the necessary parts for routine repairs of the affected CMS equipment readily available.

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

(2)

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

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

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

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

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

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

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

(6) The owner or operator of a CMS that is not a CPMS, which is installed in accordance with the provisions of this part and the applicable CMS performance specification(s), must check the zero (low-level) and high-level calibration drifts at least once daily in accordance with the written procedure specified in the performance evaluation plan developed under paragraphs (e)(3)(i) and (ii) of this section. The zero (low-level) and high-level calibration drifts must be adjusted, at a minimum, whenever the 24-hour zero (low-level) drift exceeds two times the limits of the applicable performance specification(s) specified in the relevant standard. The system shall allow the amount of excess zero (low-level) and high-level drift measured at the 24-hour interval checks to be recorded and quantified whenever specified. For COMS, all optical and instrumental surfaces exposed to the effluent gases must be cleaned prior to performing the zero (low-level) and high-level drift adjustments; the optical surfaces and instrumental surfaces must be cleaned when the cumulative automatic zero compensation, if applicable, exceeds 4 percent opacity. The CPMS must be calibrated prior to use for the purposes of complying with this section. The CPMS must be checked daily for

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

(7)

(i) A CMS is out of control if—

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

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

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

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

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

(d) *Quality control program.*

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

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

(i) Initial and any subsequent calibration of the CMS;

(ii) Determination and adjustment of the calibration drift of the CMS;

(iii) Preventive maintenance of the CMS, including spare parts inventory;

(iv) Data recording, calculations, and reporting;

(v) Accuracy audit procedures, including sampling and analysis methods; and

(vi) Program of corrective action for a malfunctioning CMS.

(3) The owner or operator shall keep these written procedures on record for the life of the affected source or until the affected source is no longer subject to the provisions of this part, to be made available for inspection, upon request, by the Administrator. If the performance

evaluation plan is revised, the owner or operator shall keep previous (i.e., superseded) versions of the performance evaluation plan on record to be made available for inspection, upon request, by the Administrator, for a period of 5 years after each revision to the plan. Where relevant, e.g., program of corrective action for a malfunctioning CMS, these written procedures may be incorporated as part of the affected source's startup, shutdown, and malfunction plan to avoid duplication of planning and recordkeeping efforts.

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

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

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

(3)

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

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

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

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

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

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

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

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

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

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

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

(5) *Reporting performance evaluation results.*

(i) The owner or operator shall furnish the Administrator a copy of a written report of the results of the performance evaluation containing the information specified in § 63.7(g)(2)(i) through (vi) simultaneously with the results of the performance test required under §63.7 or within 60 days of completion of the performance evaluation, unless otherwise specified in a relevant standard.

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

The copies shall be provided at least 15 calendar days before the performance test required under §63.7 is conducted.

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

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

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

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

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

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

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

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

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

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

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

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

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

(4)

(i) *Request to use alternative monitoring procedure.* An owner or operator who wishes to use an alternative monitoring procedure must submit an application to the Administrator as described in paragraph (f)(4)(ii) of this section. The application may be submitted at any time provided that the monitoring procedure is not the performance test method used to demonstrate compliance with a relevant standard

or other requirement. If the alternative monitoring procedure will serve as the performance test method that is to be used to demonstrate compliance with a relevant standard, the application must be submitted at least 60 days before the performance evaluation is scheduled to begin and must meet the requirements for an alternative test method under §63.7(f).

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

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

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

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

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

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

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

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

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

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

(i) *Criteria for approval of alternative procedures.* An alternative to the test method for determining relative accuracy is available for affected sources with emission rates demonstrated to be less than 50 percent of the relevant standard. The owner or

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

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

(iii) *Rescission of approval to use alternative to relative accuracy test.* The Administrator will review the permission to use an alternative to the CEMS relative accuracy test and may rescind such permission if the CEMS data from a successful completion of the alternative relative accuracy procedure indicate that the affected source's emissions are approaching the level of the relevant standard. The criterion for reviewing the permission is that the collection of CEMS data shows that emissions have exceeded 70 percent of the relevant standard for any averaging period, as specified in the relevant standard. For affected sources subject to emission limitations expressed as control efficiency levels, the criterion for reviewing the permission is that the collection of CEMS data shows that exhaust emissions have exceeded 70 percent of the level needed to meet the control efficiency requirement for any averaging period, as specified in the relevant standard. The owner or operator of the affected source shall maintain records and determine the level of emissions relative to the criterion for permission to use an alternative for relative accuracy testing. If this criterion is exceeded, the owner or operator shall notify the Administrator within 10 days of such occurrence and include a description of the nature and cause of the increased emissions. The Administrator will review the notification and may rescind permission to use an alternative and require the owner or operator to conduct a relative accuracy test of the CEMS as specified in section 7 of Performance Specification 2. The Administrator will review the notification and may rescind permission to use an alternative and require the owner or operator to conduct a relative accuracy test of the CEMS as specified in section 8.4 of Performance Specification 2.

(g) *Reduction of monitoring data.*

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

[59 FR 12430, Mar. 16, 1994, as amended at 64 FR 7468, Feb. 12, 1999; 67 FR 16603, Apr. 5, 2002; 71 FR 20455, Apr. 20, 2006; 79 FR 11277, Feb. 27, 2014; 83 FR 56725, Nov. 14, 2018]

Back to Top

§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 subsequently becomes 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. Area sources previously subject to major source requirements that become major sources again are also subject to the notification requirements of this paragraph and must submit the notification according to the requirements of paragraph (k) of this section.

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

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

(i) The name and address of the owner or operator;

(ii) The address (i.e., physical location) of the affected source;

(iii) An identification of the relevant standard, or other requirement, that is the basis of the notification and the source's compliance date;

(iv) A brief description of the nature, size, design, and method of operation of the source and an identification of the types of emission points within the affected source subject to the relevant standard and types of hazardous air pollutants emitted; and

(v) A statement of whether the affected source is a major source or an area source.

(3) [Reserved]

(4) The owner or operator of a new or reconstructed major affected source for which an application for approval of construction or reconstruction is required under §63.5(d) must provide the following information in writing to the Administrator:

(i) A notification of intention to construct a new major-emitting affected source, reconstruct a major-emitting affected source, or reconstruct a major source such that the source becomes a major-emitting affected source with the application for approval of construction or reconstruction as specified in §63.5(d)(1)(i); and

(ii) -(iv) [Reserved]

(v) A notification of the actual date of startup of the source, delivered or postmarked within 15 calendar days after that date.

(5) The owner or operator of a new or reconstructed affected source for which an application for approval of construction or reconstruction is not required under §63.5(d) must provide the following information in writing to the Administrator:

(i) A notification of intention to construct a new affected source, reconstruct an affected source, or reconstruct a source such that the source becomes an affected source, and
(ii) A notification of the actual date of startup of the source, delivered or postmarked within 15 calendar days after that date.
(iii) Unless the owner or operator has requested and received prior permission from the Administrator to submit less than the information in §63.5(d), the notification must include the information required on the application for approval of construction or reconstruction as specified in §63.5(d)(1)(i).

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

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

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

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

(g) *Additional notification requirements for sources with continuous monitoring systems.* The owner or operator of an affected source required to use a CMS by a relevant standard shall furnish the Administrator written notification as follows:
(1) A notification of the date the CMS performance evaluation under §63.8(e) is scheduled to begin, submitted simultaneously with the notification of the performance test date required under §63.7(b). If no performance test is required, or if the requirement to conduct a performance test has been waived for an affected source under §63.7(h), the owner or operator shall notify the Administrator in writing of the date of the performance evaluation at least 60 calendar days before the evaluation is scheduled to begin;
(2) A notification that COMS data results will be used to determine compliance with the applicable opacity emission standard during a performance test required by §63.7 in lieu of Method 9 or other opacity emissions test method data, as allowed by §63.6(h)(7)(ii), if compliance with an opacity emission standard is required for the source by a relevant

standard. The notification shall be submitted at least 60 calendar days before the performance test is scheduled to begin; and

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

(h) *Notification of compliance status.*

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

(2)

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

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

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

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

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

(E) If the relevant standard applies to both major and area sources, an analysis demonstrating whether the affected source is a major source (using the emissions data generated for this notification);

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

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

(ii) The notification must be sent before the close of business on the 60th day following the completion of the relevant compliance demonstration activity specified in the relevant standard (unless a different reporting period is specified in the standard, in which case the letter must be sent before the close of business on the day the report of the relevant testing or monitoring results is required to be delivered or postmarked). For example, the notification shall be sent before close of business on the 60th (or other required) day following completion of the initial performance test and again before the close of business on the 60th (or other required) day following the completion of any subsequent required performance test. If no performance test is required but opacity or visible emission observations are required to demonstrate compliance with an opacity or visible emission standard under this part, the notification of compliance status shall be sent before close of business on the 30th day following the completion of opacity or

visible emission observations. Notifications may be combined as long as the due date requirement for each notification is met.

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

(4) [Reserved]

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

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

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

(1)

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

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

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

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

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

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

The owner or operator of a major source that reclassifies to area source status is also subject to the notification requirements of this paragraph. The owner or operator may submit the application for reclassification with the regulatory authority (*e.g.,* permit application) according to paragraph (k) of this section to fulfill the requirements of this paragraph, but the information required in paragraphs (j)(1) through (4) of this section must be included. A source which reclassified after January 25, 2018, and before January 19, 2021, and has not yet provided the notification of a change in information is required to provide such notification no later than February 2, 2021, according to the requirements of paragraph (k) of this section. Beginning January 19, 2021, the owner or operator of a major source that reclassifies to area source status must submit the notification according to the requirements of paragraph (k) of this section. A notification of reclassification must contain the following information:

(1) The name and address of the owner or operator;
(2) The address (*i.e.,* physical location) of the affected source;
(3) An identification of the standard being reclassified from and to (if applicable); and
(4) Date of effectiveness of the reclassification.

(k) ***Electronic submission of notifications or reports.*** If you are required to submit notifications or reports following the procedure specified in this paragraph (k), you must submit notifications or reports to the EPA via the EPA's Compliance and Emissions Data Reporting Interface (CEDRI), which can be accessed through the EPA's Central Data Exchange (CDX) (*https://cdx.epa.gov/*). The notification or report must be submitted by the deadline specified. The EPA will make all the information submitted through CEDRI available to the public without further notice to you. Do not use CEDRI to submit information you claim as confidential business information (CBI). Although we do not expect persons to assert a claim of CBI, if you wish to assert a CBI claim for some of the information in the report or notification, you must submit the information claimed to be CBI according to the procedures in paragraph (k)(3) of this section.

(1) If you are required to electronically submit a notification or report by this paragraph (k) through CEDRI in the EPA's CDX, you may assert a claim of EPA system outage for failure to timely comply with the electronic submittal requirement. To assert a claim of EPA system outage, you must meet the requirements outlined in paragraphs (k)(1)(i) through (vii) of this section.
   (i) You must have been or will be precluded from accessing CEDRI and submitting a required notification or report within the time prescribed due to an outage of either the EPA's CEDRI or CDX systems.
   (ii) The outage must have occurred within the period of time beginning 5 business days prior to the date that the notification or report is due.
   (iii) The outage may be planned or unplanned.
   (iv) You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or has caused a delay in reporting.
   (v) You must provide to the Administrator a written description identifying:
      (A) The date(s) and time(s) when CDX or CEDRI was accessed and the system was unavailable;
      (B) A rationale for attributing the delay in submitting beyond the regulatory deadline to EPA system outage;
      (C) Measures taken or to be taken to minimize the delay in submitting; and

(D) The date by which you propose to submit, or if you have already met the electronic submittal requirement in this paragraph (k) at the time of the notification, the date you submitted the notification or report.

(vi) The decision to accept the claim of EPA system outage and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(vii) In any circumstance, the notification or report must be submitted electronically as soon as possible after the outage is resolved.

(2) If you are required to electronically submit a notification or report by this paragraph (k) through CEDRI in the EPA's CDX, you may assert a claim of force majeure for failure to timely comply with the electronic submittal requirement. To assert a claim of force majeure, you must meet the requirements outlined in paragraphs (k)(2)(i) through (v) of this section.

(i) You may submit a claim if a force majeure event is about to occur, occurs, or has occurred or there are lingering effects from such an event within the period of time beginning five business days prior to the date the submission is due. For the purposes of this section, a force majeure event is defined as an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents you from complying with the requirement to submit a notification or report electronically within the time period prescribed. Examples of such events are acts of nature (e.g., hurricanes, earthquakes, or floods), acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility (e.g., large scale power outage).

(ii) You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or has caused a delay in submitting through CEDRI.

(iii) You must provide to the Administrator:

(A) A written description of the force majeure event;

(B) A rationale for attributing the delay in reporting beyond the regulatory deadline to the force majeure event;

(C) (Measures taken or to be taken to minimize the delay in reporting; and

(D) The date by which you propose to submit the notification or report, or if you have already met the electronic submittal requirement in this paragraph (k) at the time of the notification, the date you submitted the notification or report.

(iv) The decision to accept the claim of force majeure and allow an extension to the submittal deadline is solely within the discretion of the Administrator.

(v) In any circumstance, the reporting must occur as soon as possible after the force majeure event occurs.

(3) If you wish to assert a CBI claim for some of the information submitted under paragraph (k) of this section, you must submit a complete file, including information claimed to be CBI, to the EPA following the procedures in paragraphs (k)(3)(i) through (iv) of this section. Where a subpart specifies a specific file format for the report or notification for which you are asserting a claim of CBI, the complete file that you submit under this paragraph (k)(3) must be in the same file format specified in the subpart.

(i) Clearly mark the part or all of the information that you claim to be CBI. Information not marked as CBI may be authorized for public release without prior notice. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. All CBI claims must be asserted at the time of submission. Anything

submitted using CEDRI cannot later be claimed CBI. Furthermore, under CAA section 114(c), emissions data are not entitled to confidential treatment, and the EPA is required to make emissions data available to the public. Thus, emissions data will not be protected as CBI and will be made publicly available.

(ii) You must submit the same file submitted to the CBI office with the CBI omitted to the EPA via the EPA's CDX as described in paragraph (k) of this section.

(iii) The preferred method to receive CBI is for it to be transmitted electronically using email attachments, File Transfer Protocol, or other online file sharing services. Electronic submissions must be transmitted directly to the OAQPS CBI Office at the email address *oaqpscbi@epa.gov*, and as described above, should include clear CBI markings. Electronic Reporting Tool (ERT) files should be flagged to the attention of the Group Leader, Measurement Policy Group; all other files should be flagged to the attention of the Sector Lead for the subpart for which you are submitting your notification or report. If assistance is needed with submitting large electronic files that exceed the file size limit for email attachments, and if you do not have your own file sharing service, please email *oaqpscbi@epa.gov* to request a file transfer link.

(iv) If you cannot transmit the file electronically, you may send CBI information through the postal service to the following address: U.S. EPA, Attn: OAQPS Document Control Officer, Mail Drop: C404-02, 109 T.W. Alexander Drive, P.O. Box 12055, RTP, NC 27711. ERT files should also be flagged to the attention of the Group Leader, Measurement Policy Group; all other files should also be flagged to the attention of the Sector Lead for the subpart for which you are submitting your notification or report. The mailed CBI material should be double wrapped and clearly marked. Any CBI markings should not show through the outer envelope.

[59 FR 12430, Mar. 16, 1994, as amended at 64 FR 7468, Feb. 12, 1999; 67 FR 16604, Apr. 5, 2002; 68 FR 32601, May 30, 2003; 85 FR 73885, Nov. 19, 2020; 89 FR 73307, Sept. 10, 2024]

Back to Top

§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 or shutdown when the startup or shutdown causes the source to exceed any applicable emission limitation in the relevant emission standards;

(ii) The occurrence and duration of each malfunction of operation (i.e., process equipment) or the required air pollution control and monitoring equipment;

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

(iv)

(A) Actions taken during periods of startup or shutdown when the source exceeded applicable emission limitations in a relevant standard and when the actions taken are different from the procedures specified in the affected source's startup, shutdown, and malfunction plan (see §63.6(e)(3)); or

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

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

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

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

(A) This paragraph applies to owners or operators required to install a continuous emissions monitoring system (CEMS) where the CEMS installed is automated, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. An automated CEMS records and reduces the measured data to the form of the pollutant emission standard through the use of a computerized data acquisition system. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (b)(2)(vii) of this section, the owner or operator shall retain the most recent consecutive three averaging periods of subhourly measurements and a file that contains a hard copy of the data acquisition system algorithm used to reduce the measured data into the reportable form of the standard.

(B) This paragraph applies to owners or operators required to install a CEMS where the measured data is manually reduced to obtain the reportable form of the standard,

and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (b)(2)(vii) of this section, the owner or operator shall retain all subhourly measurements for the most recent reporting period. The subhourly measurements shall be retained for 120 days from the date of the most recent summary or excess emission report submitted to the Administrator.

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

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

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

(x) All CMS calibration checks;

(xi) All adjustments and maintenance performed on CMS;

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

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

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

(3) If an owner or operator determines that his or her existing or new stationary source is in the source category regulated by a standard established pursuant to section 112 of the Act, but that source is not subject to the relevant standard (or other requirement established under this part) because of enforceable limitations on the source's potential to emit, or the source otherwise qualifies for an exclusion, the owner or operator must keep a record of the applicability determination. The applicability determination must be kept 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 subject to the relevant standard (or other requirement established under this part), whichever comes first if the determination is made prior to January 19, 2021. The applicability determination must be kept until the source changes its operations to become an affected source subject to the relevant standard (or other requirement established under this part) if the determination was made on or after January 19, 2021. The record of the applicability determination must be signed by the person making the determination and include an emissions analysis (or other information) that demonstrates the owner or operator's conclusion that 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 an applicability finding for the source with regard to the relevant standard or other requirement. If applicable, 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 of the Act, if any. The requirements to determine applicability of a standard under § 63.1(b)(3) and to record the results of that determination under this paragraph (b)(3) of this section shall not by themselves create an obligation for the owner or operator to obtain a title V permit.

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

(1) All required CMS measurements (including monitoring data recorded during unavoidable CMS breakdowns and out-of-control periods);

(2) -(4) [Reserved]

(5) The date and time identifying each period during which the CMS was inoperative except for zero (low-level) and high-level checks;

(6) The date and time identifying each period during which the CMS was out of control, as defined in §63.8(c)(7);

(7) The specific identification (i.e., the date and time of commencement and completion) of each period of excess emissions and parameter monitoring exceedances, as defined in the relevant standard(s), that occurs during startups, shutdowns, and malfunctions of the affected source;

(8) The specific identification (i.e., the date and time of commencement and completion) of each time period of excess emissions and parameter monitoring exceedances, as defined in the relevant standard(s), that occurs during periods other than startups, shutdowns, and malfunctions of the affected source;

(9) [Reserved]

(10) The nature and cause of any malfunction (if known);

(11) The corrective action taken or preventive measures adopted;

(12) The nature of the repairs or adjustments to the CMS that was inoperative or out of control;

(13) The total process operating time during the reporting period; and

(14) All procedures that are part of a quality control program developed and implemented for CMS under §63.8(d).

(15) In order to satisfy the requirements of paragraphs (c)(10) through (c)(12) of this section and to avoid duplicative recordkeeping efforts, the owner or operator may use the affected source's startup, shutdown, and malfunction plan or records kept to satisfy the recordkeeping requirements of the startup, shutdown, and malfunction plan specified in §63.6(e), provided that such plan and records adequately address the requirements of paragraphs (c)(10) through (c)(12).

(d) *General reporting requirements.*

(1) Notwithstanding the requirements in this paragraph or paragraph (e) of this section, and except as provided in §63.16, the owner or operator of an affected source subject to reporting requirements under this part shall submit reports to the Administrator in accordance with the reporting requirements in the relevant standard(s).

(2) *Reporting results of performance tests.* Before a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall report the results of any performance test under §63.7 to the Administrator. After a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall report the results of a required performance test to the appropriate permitting authority. The owner or operator

of an affected source shall report the results of the performance test to the Administrator (or the State with an approved permit program) before the close of business on the 60th day following the completion of the performance test, unless specified otherwise in a relevant standard or as approved otherwise in writing by the Administrator. The results of the performance test shall be submitted as part of the notification of compliance status required under §63.9(h).

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

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

(5)

(i) *Periodic startup, shutdown, and malfunction reports.* If actions taken by an owner or operator during a startup or shutdown (and the startup or shutdown causes the source to exceed any applicable emission limitation in the relevant emission standards), or malfunction of an affected source (including actions taken to correct a malfunction) are consistent with the procedures specified in the source's startup, shutdown, and malfunction plan (see §63.6(e)(3)), the owner or operator shall state such information in a startup, shutdown, and malfunction report. Actions taken to minimize emissions during such startups, shutdowns, and malfunctions shall be summarized in the report and may be done in checklist form; if actions taken are the same for each event, only one checklist is necessary. Such a report shall also include the number, duration, and a brief description for each type of malfunction which occurred during the reporting period and which caused or may have caused any applicable emission limitation to be exceeded. Reports shall only be required if a startup or shutdown caused the source to exceed any applicable emission limitation in the relevant emission standards, or if a malfunction occurred during the reporting period. The startup, shutdown, and malfunction report shall consist of a letter, containing the name, title, and signature of the owner or operator or other responsible official who is certifying its accuracy, that shall be submitted to the Administrator semiannually (or on a more frequent basis if specified otherwise in a relevant standard or as established otherwise by the permitting authority in the source's title V permit). The startup, shutdown, and malfunction report shall be delivered or postmarked by the 30th day following the end of each calendar half (or other calendar reporting period, as appropriate). If the owner or operator is required to submit excess emissions and continuous monitoring system performance (or other periodic) reports under this part, the startup, shutdown, and malfunction reports required under this paragraph may be submitted simultaneously with the excess emissions and continuous monitoring system performance (or other) reports. If startup,

shutdown, and malfunction reports are submitted with excess emissions and continuous monitoring system performance (or other periodic) reports, and the owner or operator receives approval to reduce the frequency of reporting for the latter under paragraph (e) of this section, the frequency of reporting for the startup, shutdown, and malfunction reports also may be reduced if the Administrator does not object to the intended change. The procedures to implement the allowance in the preceding sentence shall be the same as the procedures specified in paragraph (e)(3) of this section.

(ii) *Immediate startup, shutdown, and malfunction reports.* Notwithstanding the allowance to reduce the frequency of reporting for periodic startup, shutdown, and malfunction reports under paragraph (d)(5)(i) of this section, any time an action taken by an owner or operator during a startup or shutdown that caused the source to exceed any applicable emission limitation in the relevant emission standards, or malfunction (including actions taken to correct a malfunction) is not consistent with the procedures specified in the affected source's startup, shutdown, and malfunction plan, the owner or operator shall report the actions taken for that event within 2 working days after commencing actions inconsistent with the plan followed by a letter within 7 working days after the end of the event. The immediate report required under this paragraph (d)(5)(ii) shall consist of a telephone call (or facsimile (FAX) transmission) to the Administrator within 2 working days after commencing actions inconsistent with the plan, and it shall be followed by a letter, delivered or postmarked within 7 working days after the end of the event, that contains the name, title, and signature of the owner or operator or other responsible official who is certifying its accuracy, explaining the circumstances of the event, the reasons for not following the startup, shutdown, and malfunction plan, describing all excess emissions and/or parameter monitoring exceedances which are believed to have occurred (or could have occurred in the case of malfunctions), and actions taken to minimize emissions in conformance with §63.6(e)(1)(i). Notwithstanding the requirements of the previous sentence, after the effective date of an approved permit program in the State in which an affected source is located, the owner or operator may make alternative reporting arrangements, in advance, with the permitting authority in that State. Procedures governing the arrangement of alternative reporting requirements under this paragraph (d)(5)(ii) are specified in §63.9(i).

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

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

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

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

(ii) The owner or operator of an affected source using a COMS to determine opacity compliance during any performance test required under §63.7 and described in §63.6(d)(6) shall furnish the Administrator two or, upon request, three copies of a written report of the results of the COMS performance evaluation conducted under

§63.8(e). The copies shall be furnished at least 15 calendar days before the performance test required under §63.7 is conducted.

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

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

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

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

(C) [Reserved]

(D) The affected source is complying with the Performance Track Provisions of §63.16, which allows less frequent reporting.

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

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

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

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

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

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

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

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

(A) The company name and address of the affected source;
(B) An identification of each hazardous air pollutant monitored at the affected source;
(C) The beginning and ending dates of the reporting period;
(D) A brief description of the process units;
(E) The emission and operating parameter limitations specified in the relevant standard(s);
(F) The monitoring equipment manufacturer(s) and model number(s);
(G) The date of the latest CMS certification or audit;
(H) The total operating time of the affected source during the reporting period;
(I) An emission data summary (or similar summary if the owner or operator monitors control system parameters), including the total duration of excess emissions during the reporting period (recorded in minutes for opacity and hours for gases), the total duration of excess emissions expressed as a percent of the total source operating time during that reporting period, and a breakdown of the total duration of excess emissions during the reporting period into those that are due to startup/shutdown, control equipment problems, process problems, other known causes, and other unknown causes;

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

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

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

(M) The date of the report.

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

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

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

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

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

(2) Recordkeeping or reporting requirements may be waived upon written application to the Administrator if, in the Administrator's judgment, the affected source is achieving the relevant standard(s), or the source is operating under an extension of compliance, or the owner or operator has requested an extension of compliance and the Administrator is still considering that request.

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

owner or operator considers useful to convince the Administrator that a waiver of recordkeeping or reporting is warranted.

(4) The Administrator will approve or deny a request for a waiver of recordkeeping or reporting requirements under this paragraph when he/she—
  (i) Approves or denies an extension of compliance; or
  (ii) Makes a determination of compliance following the submission of a required compliance status report or excess emissions and continuous monitoring systems performance report; or
  (iii) Makes a determination of suitable progress towards compliance following the submission of a compliance progress report, whichever is applicable.

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

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

[59 FR 12430, Mar. 16, 1994, as amended at 64 FR 7468, Feb. 12, 1999; 67 FR 16604, Apr. 5, 2002; 68 FR 32601, May 30, 2003; 69 FR 21752, Apr. 22, 2004; 71 FR 20455, Apr. 20, 2006; 85 FR 73886, Nov. 19, 2020]

Back to Top

§63.11 Control device and work practice requirements.

(a) *Applicability.*

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

(2) This section contains requirements for control devices used to comply with applicable subparts of this part. The requirements are placed here for administrative convenience and apply only to facilities covered by subparts referring to this section.

(3) This section also contains requirements for an alternative work practice used to identify leaking equipment. This alternative work practice is placed here for administrative convenience and is available to all subparts in 40 CFR parts 60, 61, 63, and 65 that require monitoring of equipment with a 40 CFR part 60, appendix A-7, Method 21 monitor.

(b) *Flares.*

(1) Owners or operators using flares to comply with the provisions of this part shall monitor these control devices to assure that they are operated and maintained in conformance with their designs. Applicable subparts will provide provisions stating how owners or operators using flares shall monitor these control devices.

(2) Flares shall be steam-assisted, air-assisted, or non-assisted.

(3) Flares shall be operated at all times when emissions may be vented to them.

(4) Flares shall be designed for and operated with no visible emissions, except for periods not to exceed a total of 5 minutes during any 2 consecutive hours. Test Method 22 in appendix A of part 60 of this chapter shall be used to determine the compliance of flares with the visible emission provisions of this part. The observation period is 2 hours and shall be used according to Method 22.

(5) Flares shall be operated with a flame present at all times. The presence of a flare pilot flame shall be monitored using a thermocouple or any other equivalent device to detect the presence of a flame.

(6) An owner/operator has the choice of adhering to the heat content specifications in paragraph (b)(6)(ii) of this section, and the maximum tip velocity specifications in paragraph (b)(7) or (b)(8) of this section, or adhering to the requirements in paragraph (b)(6)(i) of this section.

(i)

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

$V_{max} = (X_{H2} - K_1) * K_2$

Where:

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

K_1 = Constant, 6.0 volume-percent hydrogen.

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

X_{H2} = The volume-percent of hydrogen, on a wet basis, as calculated by using the American Society for Testing and Materials (ASTM) Method D1946-77. (Incorporated by reference as specified in §63.14).

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

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

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

View or download PDF

Where:

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

K = Constant =

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

View or download PDF

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

C_i = Concentration of sample component i in ppmv on a wet basis, as measured for organics by Test Method 18 and measured for hydrogen and carbon monoxide by American Society for Testing and Materials (ASTM) D1946-77 or 90 (Reapproved 1994) (incorporated by reference as specified in §63.14).

H_i = Net heat of combustion of sample component i, kcal/g-mole at 25 °C and 760 mm Hg. The heats of combustion may be determined using ASTM D2382-76 or 88 or D4809-95 (incorporated by reference as specified in §63.14) if published values are not available or cannot be calculated.

n = Number of sample components.

(7)

(i) Steam-assisted and nonassisted flares shall be designed for and operated with an exit velocity less than 18.3 m/sec (60 ft/sec), except as provided in paragraphs (b)(7)(ii) and (b)(7)(iii) of this section. The actual exit velocity of a flare shall be determined by dividing by the volumetric flow rate of gas being combusted (in units of emission standard temperature and pressure), as determined by Test Method 2, 2A, 2C, or 2D in appendix A to 40 CFR part 60 of this chapter, as appropriate, by the unobstructed (free) cross-sectional area of the flare tip.

(ii) Steam-assisted and nonassisted flares designed for and operated with an exit velocity, as determined by the method specified in paragraph (b)(7)(i) of this section, equal to or greater than 18.3 m/sec (60 ft/sec) but less than 122 m/sec (400 ft/sec), are allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1,000 Btu/scf).

(iii) Steam-assisted and nonassisted flares designed for and operated with an exit velocity, as determined by the method specified in paragraph (b)(7)(i) of this section, less than the velocity V_{max}, as determined by the method specified in this paragraph, but less than 122 m/sec (400 ft/sec) are allowed. The maximum permitted velocity, V_{max}, for flares complying with this paragraph shall be determined by the following equation:

$Log_{10}(V_{max}) = (H_T + 28.8)/31.7$

Where:

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

28.8 = Constant.

31.7 = Constant.

H_T = The net heating value as determined in paragraph (b)(6) of this section.

(8) Air-assisted flares shall be designed and operated with an exit velocity less than the velocity V_{max}. The maximum permitted velocity, V_{max}, for air-assisted flares shall be determined by the following equation:

$V_{max} = 8.71 + 0.708(H_T)$

Where:

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

8.71 = Constant.

0.708 = Constant.

H_T = The net heating value as determined in paragraph (b)(6)(ii) of this section.

(c) *Alternative work practice for monitoring equipment for leaks.* Paragraphs (c), (d), and (e) of this section apply to all equipment for which the applicable subpart requires monitoring with a 40 CFR part 60, appendix A-7, Method 21 monitor, except for closed vent systems, equipment designated as leakless, and equipment identified in the applicable subpart as having no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background. An owner or operator may use an optical gas imaging instrument instead of a 40 CFR part 60, sppendix A-7, Method 21 monitor. Requirements in the existing subparts that are specific to the Method 21 instrument do not apply under this section. All other requirements in the applicable subpart that are not addressed in paragraphs (c), (d), and (e) of this section continue to apply. For example, equipment specification requirements, and non-Method 21 instrument recordkeeping and reporting requirements in the applicable subpart continue to apply. The terms defined in paragraphs (c)(1) through (5) of this section have meanings that are specific to the alternative work practice standard in paragraphs (c), (d), and (e) of this section.

(1) *Applicable subpart* means the subpart in 40 CFR parts 60, 61, 63, and 65 that requires monitoring of equipment with a 40 CFR part 60, appendix A-7, Method 21 monitor.
(2) *Equipment* means pumps, valves, pressure relief valves, compressors, open-ended lines, flanges, connectors, and other equipment covered by the applicable subpart that require monitoring with a 40 CFR part 60, appendix A-7, Method 21 monitor.
(3) *Imaging* means making visible emissions that may otherwise be invisible to the naked eye.
(4) *Optical gas imaging instrument* means an instrument that makes visible emissions that may otherwise be invisible to the naked eye.
(5) *Repair* means that equipment is adjusted, or otherwise altered, in order to eliminate a leak.
(6) *Leak* means:
  (i) Any emissions imaged by the optical gas instrument;
  (ii) Indications of liquids dripping;
  (iii) Indications by a sensor that a seal or barrier fluid system has failed; or
  (iv) Screening results using a 40 CFR part 60, appendix A-7, Method 21 monitor that exceed the leak definition in the applicable subpart to which the equipment is subject.

(d) The alternative work practice standard for monitoring equipment for leaks is available to all subparts in 40 CFR parts 60, 61, 63, and 65 that require monitoring of equipment with a 40 CFR part 60, appendix A-7, Method 21 monitor.
(1) An owner or operator of an affected source subject to 40 CFR parts 60, 61, 63, or 65 can choose to comply with the alternative work practice requirements in paragraph (e) of this section instead of using the 40 CFR part 60, appendix A-7, Method 21 monitor to identify leaking equipment. The owner or operator must document the equipment, process units, and facilities for which the alternative work practice will be used to identify leaks.
(2) Any leak detected when following the leak survey procedure in paragraph (e)(3) of this section must be identified for repair as required in the applicable subpart.
(3) If the alternative work practice is used to identify leaks, re-screening after an attempted repair of leaking equipment must be conducted using either the alternative work practice or the 40 CFR part 60, Appendix A-7, Method 21 monitor at the leak definition required in the applicable subparts to which the equipment is subject.
(4) The schedule for repair is as required in the applicable subpart.
(5) When this alternative work practice is used for detecting leaking equipment, choose one of the monitoring frequencies listed in Table 1 to subpart A of this part in lieu of the monitoring frequency specified for regulated equipment in the applicable subpart. Reduced monitoring frequencies for good performance are not applicable when using the alternative work practice.
(6) When this alternative work practice is used for detecting leaking equipment, the following are not applicable for the equipment being monitored:
  (i) Skip period leak detection and repair;
  (ii) Quality improvement plans; or
  (iii) Complying with standards for allowable percentage of valves and pumps to leak.
(7) When the alternative work practice is used to detect leaking equipment, the regulated equipment in paragraph (d)(1)(i) of this section must also be monitored annually using a 40 CFR part 60, Appendix A-7, Method 21 monitor at the leak definition required in the applicable subpart. The owner or operator may choose the specific monitoring period (for example, first quarter) to conduct the annual monitoring. Subsequent monitoring must be conducted every 12 months from the initial period. Owners or operators must keep records

of the annual Method 21 screening results, as specified in paragraph (i)(4)(vii) of this section.

(e) An owner or operator of an affected source who chooses to use the alternative work practice must comply with the requirements of paragraphs (e)(1) through (e)(5) of this section.

(1) *Instrument specifications.* The optical gas imaging instrument must comply with the requirements specified in paragraphs (e)(1)(i) and (e)(1)(ii) of this section.

(i) Provide the operator with an image of the potential leak points for each piece of equipment at both the detection sensitivity level and within the distance used in the daily instrument check described in paragraph (e)(2) of this section. The detection sensitivity level depends upon the frequency at which leak monitoring is to be performed.

(ii) Provide a date and time stamp for video records of every monitoring event.

(2) *Daily instrument check.* On a daily basis, and prior to beginning any leak monitoring work, test the optical gas imaging instrument at the mass flow rate determined in paragraph (e)(2)(i) of this section in accordance with the procedure specified in paragraphs (e)(2)(ii) through (e)(2)(iv) of this section for each camera configuration used during monitoring (for example, different lenses used), unless an alternative method to demonstrate daily instrument checks has been approved in accordance with paragraph (e)(2)(v) of this section.

(i) Calculate the mass flow rate to be used in the daily instrument check by following the procedures in paragraphs (e)(2)(i)(A) and (e)(2)(i)(B) of this section.

(A) For a specified population of equipment to be imaged by the instrument, determine the piece of equipment in contact with the lowest mass fraction of chemicals that are detectable, within the distance to be used in paragraph (e)(2)(iv)(B) of this section, at or below the standard detection sensitivity level.

(B) Multiply the standard detection sensitivity level, corresponding to the selected monitoring frequency in Table 1 of subpart A of this part, by the mass fraction of detectable chemicals from the stream identified in paragraph (e)(2)(i)(A) of this section to determine the mass flow rate to be used in the daily instrument check, using the following equation.

$$E_{dic} = (E_{sds}) \sum_{i=1}^{k} x_i$$

View or download PDF

Where:

E_{dic} = Mass flow rate for the daily instrument check, grams per hour

x_i = Mass fraction of detectable chemical(s) i seen by the optical gas imaging instrument, within the distance to be used in paragraph (e)(2)(iv)(B) of this section, at or below the standard detection sensitivity level, E_{sds}.

E_{sds} = Standard detection sensitivity level from Table 1 to subpart A, grams per hour

k = Total number of detectable chemicals emitted from the leaking equipment and seen by the optical gas imaging instrument.

(ii) Start the optical gas imaging instrument according to the manufacturer's instructions, ensuring that all appropriate settings conform to the manufacturer's instructions.

(iii) Use any gas chosen by the user that can be viewed by the optical gas imaging instrument and that has a purity of no less than 98 percent.

(iv) Establish a mass flow rate by using the following procedures:

(A) Provide a source of gas where it will be in the field of view of the optical gas imaging instrument.

(B) Set up the optical gas imaging instrument at a recorded distance from the outlet or leak orifice of the flow meter that will not be exceeded in the actual performance of the leak survey. Do not exceed the operating parameters of the flow meter.

(C) Open the valve on the flow meter to set a flow rate that will create a mass emission rate equal to the mass rate calculated in paragraph (e)(2)(i) of this section while observing the gas flow through the optical gas imaging instrument viewfinder. When an image of the gas emission is seen through the viewfinder at the required emission rate, make a record of the reading on the flow meter.

(v) Repeat the procedures specified in paragraphs (e)(2)(ii) through (e)(2)(iv) of this section for each configuration of the optical gas imaging instrument used during the leak survey.

(vi) To use an alternative method to demonstrate daily instrument checks, apply to the Administrator for approval of the alternative under §63.177 or §63.178, whichever is applicable.

(3) *Leak survey procedure.* Operate the optical gas imaging instrument to image every regulated piece of equipment selected for this work practice in accordance with the instrument manufacturer's operating parameters. All emissions imaged by the optical gas imaging instrument are considered to be leaks and are subject to repair. All emissions visible to the naked eye are also considered to be leaks and are subject to repair.

(4) *Recordkeeping.* Keep the records described in paragraphs (e)(4)(i) through (e)(4)(vii) of this section:

(i) The equipment, processes, and facilities for which the owner or operator chooses to use the alternative work practice.

(ii) The detection sensitivity level selected from Table 1 to subpart A of this part for the optical gas imaging instrument.

(iii) The analysis to determine the piece of equipment in contact with the lowest mass fraction of chemicals that are detectable, as specified in paragraph (e)(2)(i)(A) of this section.

(iv) The technical basis for the mass fraction of detectable chemicals used in the equation in paragraph (e)(2)(i)(B) of this section.

(v) The daily instrument check. Record the distance, per paragraph (e)(2)(iv)(B) of this section, and the flow meter reading, per paragraph (e)(2)(iv)(C) of this section, at which the leak was imaged. Keep a video record of the daily instrument check for each configuration of the optical gas imaging instrument used during the leak survey (for example, the daily instrument check must be conducted for each lens used). The video record must include a time and date stamp for each daily instrument check. The video record must be kept for 5 years.

(vi) *Recordkeeping requirements in the applicable subpart.* A video record must be used to document the leak survey results. The video record must include a time and date stamp for each monitoring event. A video record can be used to meet the recordkeeping requirements of the applicable subparts if each piece of regulated equipment selected for this work practice can be identified in the video record. The video record must be kept for 5 years.

(vii) The results of the annual Method 21 screening required in paragraph (h)(7) of this section. Records must be kept for all regulated equipment specified in paragraph (h)(1) of this section. Records must identify the equipment screened, the screening value measured by Method 21, the time and date of the screening, and calibration information required in the existing applicable subparts.

(5) *Reporting.* Submit the reports required in the applicable subpart. Submit the records of the annual Method 21 screening required in paragraph (h)(7) of this section to the Administrator via e-mail to *CCG-AWP@EPA.GOV.*

[59 FR 12430, Mar. 16, 1994, as amended at 63 FR 24444, May 4, 1998; 65 FR 62215, Oct. 17, 2000; 67 FR 16605, Apr. 5, 2002; 73 FR 78211, Dec. 22, 2008]

Back to Top

§63.12 State authority and delegations.

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

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

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

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

(b)

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

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

(c) All information required to be submitted to the EPA under this part also shall be submitted to the appropriate state agency of any state to which authority has been delegated under section 112(l) of the Act, provided that each specific delegation may exempt sources from a certain federal or state reporting requirement. Any information required to be submitted electronically by this part via the EPA's CEDRI may, at the discretion of the delegated authority, satisfy the requirements of this paragraph. 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 with the exception of federal electronic reporting requirements under this part. Sources may not be exempted from federal electronic reporting requirements.

[59 FR 12430, Mar. 16, 1994, as amended at 85 FR 73887, Nov. 19, 2020]

Back to Top

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

(a) All requests, reports, applications, submittals, and other communications to the Administrator pursuant to this part shall be submitted to the appropriate Regional Office of the U.S. Environmental Protection Agency indicated in the following table. If a request, report, application, submittal, or other communication is required by this part to be submitted electronically via the EPA's CEDRI then such submission satisfies the requirements of this paragraph (a).

Table 1 to Paragraph (a)

Region	Address	State
I	Director, Enforcement and Compliance Assurance Division, U.S. EPA Region I, 5 Post Office Square—Suite 100 (04-2), Boston, MA 02109-3912, Attn: Air Compliance Clerk	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.
II	Director, Air and Waste Management Division, 26 Federal Plaza, New York, NY 10278	New Jersey, New York, Puerto Rico, Virgin Islands.
III	Director, Air Protection Division, 1650 Arch Street, Philadelphia, PA 19103	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia.
IV	Director, Air and Radiation Division, 61 Forsyth Street, SW, Atlanta, Georgia 30303-8960	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.
V	Director, Air and Radiation Division, 77 West Jackson Blvd., Chicago, IL 60604-3507	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.
VI	Director; Enforcement and Compliance Assurance Division; U.S. Environmental Protection Agency, 1201 Elm Street, Suite 500, Mail Code 6ECD, Dallas, Texas 75270-2102	Arkansas, Louisiana, New Mexico, Oklahoma, Texas.
VII	Director, Air and Waste Management Division, 11201 Renner Boulevard, Lenexa, Kansas 66219	Iowa, Kansas, Missouri, Nebraska.
VIII	Director, Air and Toxics Technical Enforcement Program, Office of Enforcement, Compliance and Environmental Justice, Mail Code 8ENF-AT, 1595 Wynkoop Street, Denver, CO 80202-1129	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.
IX	Director, Air Division, 75 Hawthorne Street, San Francisco, CA 94105	Arizona, California, Hawaii, Nevada; the territories of American Samoa and Guam; the Commonwealth of the Northern Mariana Islands; the territories of Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Atoll, Palmyra Atoll, and Wake Islands; and certain U.S. Government activities in the

		freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.
X	Director, Office of Air Quality, 1200 Sixth Avenue (OAQ-107), Seattle, WA 98101	Alaska, Idaho, Oregon, Washington.

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

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

[59 FR 12430, Mar. 16, 1994, as amended at 63 FR 66061, Dec. 1, 1998; 67 FR 4184, Jan. 29, 2002; 68 FR 32601, May 30, 2003; 68 FR 35792, June 17, 2003; 73 FR 24871, May 6, 2008; 75 FR 69532, Nov. 12, 2010; 76 FR 49673, Aug. 11, 2011; 78 FR 37977, June 25, 2013]; 84 FR 34069, July 17, 2019; 84 FR 44230, Aug. 23, 2019; 85 FR 73887, Nov. 19, 2020; 89 FR 86748, Oct. 31, 2024

Back to Top

§63.14 Incorporations by reference.

(a)

(1) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the U.S. Environmental Protection Agency (EPA) must publish a document in the Federal Register and the material must be available to the public. All approved incorporation by reference (IBR) material is available for inspection at the EPA and at the National Archives and Records Administration (NARA). Contact the EPA at: EPA Docket Center, Public Reading Room, EPA WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC; phone: (202) 566-1744. For information on the availability of this material at NARA, visit *www.archives.gov/federal-register/cfr/ibr-locations* or email *fr.inspection@nara.gov*.

(2) The IBR material may be obtained from the sources in the following paragraphs of this section or from one or more private resellers listed in this paragraph (a)(2). For material that is no longer commercially available, contact: the EPA (see paragraph (a)(1) of this section).

(i) Accuris Standards Store, 321 Inverness Drive, South Englewood, CO, 80112; phone: (800) 332-6077; website: *https://store.accuristech.com*.

(ii) (ii) American National Standards Institute (ANSI), 25 West 43rd Street, Fourth Floor, New York, NY 10036-7417; phone: (212) 642-4980; email: *info@ansi.org*; website: *www.ansi.org*.

(iii) (iii) GlobalSpec, 257 Fuller Road, Suite NFE 1100, Albany, NY 12203-3621; phone: (800) 261-2052; website: *https://standards.globalspec.com*.

(iv) (iv) Nimonik Document Center, 401 Roland Way, Suite 224, Oakland, CA, 94624; phone (650) 591-7600; email: *info@document-center.com*; website: *www.document-center.com*.

(v) Techstreet, phone: (855) 999-9870; email: *store@techstreet.com*; website: *www.techstreet.com*.

(b) American Conference of Governmental Industrial Hygienists (ACGIH), Customer Service Department, 1330 Kemper Meadow Drive, Cincinnati, Ohio 45240, telephone number (513) 742-2020.

(1) Industrial Ventilation: A Manual of Recommended Practice, 22nd Edition, 1995, Chapter 3, "Local Exhaust Hoods" and Chapter 5, "Exhaust System Design Procedure." IBR approved for §§ 63.843(b) and 63.844(b).

(2) Industrial Ventilation: A Manual of Recommended Practice, 23rd Edition, 1998, Chapter 3, "Local Exhaust Hoods" and Chapter 5, "Exhaust System Design Procedure." IBR approved for §§ 63.1503, 63.1506(c), 63.1512(e), Table 2 to subpart RRR, Table 3 to subpart RRR, and appendix A to subpart RRR, and § 63.2984(e).

(3) Industrial Ventilation: A Manual of Recommended Practice for Design, 27th Edition, 2010. IBR approved for §§ 63.1503, 63.1506(c), 63.1512(e), Table 2 to subpart RRR, Table 3 to subpart RRR, and appendix A to subpart RRR, and § 63.2984(e).

(c) American Petroleum Institute (API), 200 Massachusetts Ave. NW, Suite 1100, Washington, DC 20001; phone: (202) 682-8000; website: *www.api.org*.

(1) API Publication 2517, Evaporative Loss from External Floating-Roof Tanks, Third Edition, February 1989; IBR approved for §§ 63.111; 63.1402; 63.2406; 63.7944.

(2) API Publication 2518, Evaporative Loss from Fixed-roof Tanks, Second Edition, October 1991; IBR approved for § 63.150(g).

(3) API Manual of Petroleum Measurement Specifications (MPMS) Chapter 19.2 (API MPMS 19.2), Evaporative Loss From Floating-Roof Tanks, First Edition, April 1997; IBR approved for §§ 63.1251; 63.12005.

(4) API Manual of Petroleum Measurement Specifications (MPMS) Chapter 19.2 (API MPMS 19.2), Evaporative Loss From Floating-Roof Tanks, Fourth Edition, August 2020; IBR approved for § 63.101(b).

(d) American Public Health Association, 1015 18th Street NW, Washington, DC 20036; phone (844) 232-3707; email: *standardmethods@subscritpionoffice.com*; website: *www.standardmethods.org*.

(1) Standard Method 5210, Biochemical Oxygen Demand (BOD), revised December 10, 2019; IBR approved for § 63.457(c)

(2) [Reserved]

(e) American Society of Heating, Refrigerating, and Air-Conditioning Engineers at 1791 Tullie Circle, NE., Atlanta, GA 30329 *orders@ashrae.org*.

(1) American Society of Heating, Refrigerating, and Air-Conditioning Engineers Method 52.1, *Gravimetric and Dust-Spot Procedures for Testing Air-Cleaning Devices Used in General Ventilation for Removing Particulate Matter* June 4, 1992; IBR approved for § 63.11516(d).

(2) ANSI/ASHRAE Standard 52.2-2017, *Method of Testing General Ventilation Air-Cleaning Devices for Removal Efficiency by Particle Size,* copyright 2017; IBR approved for § 63.11173(e).

(f) American Society of Mechanical Engineers (ASME), Two Park Avenue, New York, NY 10016-5990; phone: (800) 843-2763; email: *CustomerCare@asme.org*; website: *www.asme.org*.

(1) ANSI/ASME PTC 19.10-1981, Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus], issued August 31, 1981; §§ 63.116(c) and (h); 63.128(a); 63.145(i); 63.309(k); 63.365(b); 63.457(k); 63.490(g); 63.772(e) and (h); 63.865(b); 63.997(e); 63.1282(d) and (g); 63.1450(a), (b), (d), (e), (g); 63.1625(b); table 5 to subpart EEEE; §§ 63.3166(a); 63.3360(e); 63.3545(a); 63.3555(a); 63.4166(a); 63.4362(a); 63.4766(a); 63.4965(a); 63.5160(d); table 4 to subpart UUUU; tables 5, 16, and 17 to subpart XXXX; table 3 to subpart YYYY; table 4 to subpart AAAAA; § 63.7322(b); table 5 to subpart DDDDD; §§ 63.7822(b); 63.7824(e); 63.7825(b); 63.8000(d); table 4 to subpart JJJJJ; table 4 to subpart KKKKK; §§ 63.9307(c); 63.9323(a); 63.9621(b) and (c); table 4 to subpart SSSSS; tables 4 and 5 of subpart UUUUU; table 1 to subpart ZZZZZ; §§ 63.11148(e); 63.11155(e); 63.11162(f); 63.11163(g); table 4 to subpart JJJJJJ; §§ 63.11410(j); 63.11551(a); 63.11646(a); 63.11945.

(2) [Reserved]

(g) The Association of Florida Phosphate Chemists, P.O. Box 1645, Bartow, Florida 33830.

(1) Book of Methods Used and Adopted By The Association of Florida Phosphate Chemists, Seventh Edition 1991:

(i) Section IX, Methods of Analysis for Phosphate Rock, No. 1 Preparation of Sample, IBR approved for § 63.606(f), § 63.626(f).

(ii) 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(f), § 63.626(f).

(iii) 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(f), § 63.626(f).

(iv) 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(f), § 63.626(f).

(v) 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(f), § 63.626(f), and (g).

(vi) 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(f), § 63.626(f), and (g).

(vii) 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(f), § 63.626(f), and (g).

(2) [Reserved]

(h) Association of Official Analytical Chemists (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 929.01 Sampling of Solid Fertilizers, Sixteenth edition, 1995, IBR approved for § 63.626(g).

(2) AOAC Official Method 929.02 Preparation of Fertilizer Sample, Sixteenth edition, 1995, IBR approved for § 63.626(g).

(3) AOAC Official Method 957.02 Phosphorus (Total) in Fertilizers, Preparation of Sample Solution, Sixteenth edition, 1995, IBR approved for § 63.626(g).
(4) AOAC Official Method 958.01 Phosphorus (Total) in Fertilizers, Spectrophotometric Molybdovanadophosphate Method, Sixteenth edition, 1995, IBR approved for § 63.626(g).
(5) AOAC Official Method 962.02 Phosphorus (Total) in Fertilizers, Gravimetric Quinolinium Molybdophosphate Method, Sixteenth edition, 1995, IBR approved for § 63.626(g).
(6) AOAC Official Method 969.02 Phosphorus (Total) in Fertilizers, Alkalimetric Quinolinium Molybdophosphate Method, Sixteenth edition, 1995, IBR approved for § 63.626(g).
(7) AOAC Official Method 978.01 Phosphorus (Total) in Fertilizers, Automated Method, Sixteenth edition, 1995, IBR approved for § 63.626(g).

(i) ASTM International, 100 Barr Harbor Drive, P.O. Box CB700, West Conshohocken, Pennsylvania 19428-2959; phone: (800) 262-1373; website: *www.astm.org*.
(1) ASTM D95-05 (Reapproved 2010), Standard Test Method for Water in Petroleum Products and Bituminous Materials by Distillation, approved May 1, 2010, IBR approved for § 63.10005(i) and table 6 to subpart DDDDD.
(2) ASTM D240-09 Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter, approved July 1, 2009, IBR approved for table 6 to subpart DDDDD.
(3) ASTM Method D388-05, Standard Classification of Coals by Rank, approved September 15, 2005, IBR approved for §§ 63.7575, 63.10042, and 63.11237.
(4) ASTM Method D396-10, Standard Specification for Fuel Oils, including Appendix X1, approved October 1, 2010, IBR approved for § 63.10042.
(5) ASTM D396-10, Standard Specification for Fuel Oils, approved October 1, 2010, IBR approved for §§ 63.7575 and 63.11237.
(6) ASTM D523-89, Standard Test Method for Specular Gloss, IBR approved for § 63.782.
(7) ASTM D975-11b, Standard Specification for Diesel Fuel Oils, approved December 1, 2011, IBR approved for § 63.7575.
(8) ASTM D1193-77, Standard Specification for Reagent Water, IBR approved for appendix A to part 63: Method 306, Sections 7.1.1 and 7.4.2.
(9) ASTM D1193-91, Standard Specification for Reagent Water, IBR approved for appendix A to part 63: Method 306, Sections 7.1.1 and 7.4.2.
(10) ASTM D1331-89, Standard Test Methods for Surface and Interfacial Tension of Solutions of Surface Active Agents, IBR approved for appendix A to part 63: Method 306B, Sections 6.2, 11.1, and 12.2.2.
(11) ASTM D1475-90, Standard Test Method for Density of Paint, Varnish Lacquer, and Related Products, IBR approved for appendix A to subpart II.
(12) ASTM D1475-13, Standard Test Method for Density of Liquid Coatings, Inks, and Related Products, approved November 1, 2013, IBR approved for §§ 63.3151(b), 63.3941(b) and (c), 63.3951(c), 63.4141(b) and (c), 63.4551(c), 63.4741(b) and (c), 63.4751(c), and 63.4941(b) and (c).
(13) ASTM Method D1835-05, Standard Specification for Liquefied Petroleum (LP) Gases, approved April 1, 2005, IBR approved for §§ 63.7575 and 63.11237.
(14) ASTM D1945-03 (Reapproved 2010), Standard Test Method for Analysis of Natural Gas by Gas Chromatography, Approved January 1, 2010, IBR approved for §§ 63.670(j), 63.772(h), and 63.1282(g).
(15) ASTM D1945-14, Standard Test Method for Analysis of Natural Gas by Gas Chromatography, Approved November 1, 2014, IBR approved for § 63.670(j).

(16) ASTM D1946-77, Standard Method for Analysis of Reformed Gas by Gas Chromatography, IBR approved for § 63.11(b).
(17) ASTM D1946-90 (Reapproved 1994), Standard Method for Analysis of Reformed Gas by Gas Chromatography, 1994, IBR approved for §§ 63.11(b), 63.987(b), and 63.1412.
(18) ASTM D1963-85 (Reapproved 1996), Standard Test Method for Specific Gravity of Drying Oils, Varnishes, Resins, and Related Materials at 25/25 °C, approved November 29, 1985, IBR approved for § 63.3360(c).
(19) ASTM D2013/D2013M-09, Standard Practice for Preparing Coal Samples for Analysis, (Approved November 1, 2009), IBR approved for table 6 to subpart DDDDD and table 5 to subpart JJJJJJ.
(20) ASTM D2099-00, Standard Test Method for Dynamic Water Resistance of Shoe Upper Leather by the Maeser Water Penetration Tester, IBR approved for § 63.5350.
(21) ASTM D2111-10 (Reapproved 2015), Standard Test Methods for Specific Gravity and Density of Halogenated Organic Solvents and Their Admixtures, approved June 1, 2015, IBR approved for §§ 63.3360(c), 63.3951(c), 63.4141(b) and (c), 63.4551(c), and 63.4741(a).
(22) ASTM D2216-05, Standard Test Methods for Laboratory Determination of Water (Moisture) Content of Soil and Rock by Mass, IBR approved for the definition of “Free organic liquids” in § 63.10692.
(23) ASTM D2234/D2234M-10, Standard Practice for Collection of a Gross Sample of Coal, approved January 1, 2010, IBR approved for table 6 to subpart DDDDD and table 5 to subpart JJJJJJ.
(24) ASTM D2369-93, Standard Test Method for Volatile Content of Coatings, IBR approved for appendix A to subpart II.
(25) ASTM D2369-95, Standard Test Method for Volatile Content of Coatings, IBR approved for appendix A to subpart II.
(26) ASTM D2369-10 (Reapproved 2015)e1, Standard Test Method for Volatile Content of Coatings, approved June 1, 2015, IBR approved for §§ 63.3151(a), 63.3360(c), 63.3961(j), 63.4141(a) and (b), 63.4161(h), 63.4321(e), 63.4341(e), 63.4351(d), 63.4541(a), and 63.4561(j), appendix A to subpart PPPP, and §§ 63.4741(a), 63.4941(a) and (b), 63.4961(j), and 63.8055(b).
(27) ASTM D2382-76, Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High-Precision Method), IBR approved for § 63.11(b).
(28) ASTM D2382-88, Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High-Precision Method), IBR approved for § 63.11(b).
(29) ASTM D2697-86 (Reapproved 1998), Standard Test Method for Volume Nonvolatile Matter in Clear or Pigmented Coatings, IBR approved for §§ 63.3521(b), and 63.5160(c).
(30) ASTM D2697-03 (Reapproved 2014), Standard Test Method for Volume Nonvolatile Matter in Clear or Pigmented Coatings, approved July 1, 2014, IBR approved for §§ 63.3161(f), 63.3360(c), 63.3941(b), 63.4141(b), 63.4741(a) and (b), 63.4941(b), and 63.8055(b).
(31) ASTM D2879-83, Standard Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, Approved November 28, 1983, IBR approved for §§ 63.111, 63.1402, 63.2406, 63.7944, and 63.12005.

(32) ASTM D2879-96, Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, (Approved 1996), IBR approved for §§ 63.111, and 63.12005.

(33) ASTM D2879-23, Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, approved December 1, 2023; IBR approved for § 63.101(b).

(34) ASTM D2908-74, Standard Practice for Measuring Volatile Organic Matter in Water by Aqueous-Injection Gas Chromatography, Approved June 27, 1974, IBR approved for § 63.1329(c).

(35) ASTM D2908-91, Standard Practice for Measuring Volatile Organic Matter in Water by Aqueous-Injection Gas Chromatography, Approved December 15, 1991, IBR approved for § 63.1329(c).

(36) ASTM D2908-91(Reapproved 2001), Standard Practice for Measuring Volatile Organic Matter in Water by Aqueous-Injection Gas Chromatography, Approved December 15, 1991, IBR approved for § 63.1329(c).

(37) ASTM D2908-91(Reapproved 2005), Standard Practice for Measuring Volatile Organic Matter in Water by Aqueous-Injection Gas Chromatography, Approved December 1, 2005, IBR approved for § 63.1329(c).

(38) ASTM D2908-91(Reapproved 2011), Standard Practice for Measuring Volatile Organic Matter in Water by Aqueous-Injection Gas Chromatography, Approved May 1, 2011, IBR approved for § 63.1329(c).

(39) ASTM D2986-95A, “Standard Practice for Evaluation of Air Assay Media by the Monodisperse DOP (Dioctyl Phthalate) Smoke Test,” approved September 10, 1995, IBR approved for section 7.1.1 of Method 315 in appendix A to this part.

(40) ASTM D3173-03 (Reapproved 2008), Standard Test Method for Moisture in the Analysis Sample of Coal and Coke, (Approved February 1, 2008), IBR approved for table 6 to subpart DDDDD and table 5 to subpart JJJJJJ.

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

(42) ASTM D3370-76, Standard Practices for Sampling Water, Approved August 27, 1976, IBR approved for § 63.1329(c).

(43) ASTM D3370-95a, Standard Practices for Sampling Water from Closed Conduits, Approved September 10, 1995, IBR approved for § 63.1329(c).

(44) ASTM D3370-07, Standard Practices for Sampling Water from Closed Conduits, Approved December 1, 2007, IBR approved for § 63.1329(c).

(45) ASTM D3370-08, Standard Practices for Sampling Water from Closed Conduits, Approved October 1, 2008, IBR approved for § 63.1329(c).

(46) ASTM D3370-10, Standard Practices for Sampling Water from Closed Conduits, Approved December 1, 2010, IBR approved for § 63.1329(c).

(47) ASTM D3588-98 (Reapproved 2003), Standard Practice for Calculating Heat Value, Compressibility Factor, and Relative Density of Gaseous Fuels, (Approved May 10, 2003), IBR approved for §§ 63.772(h) and 63.1282(g).

(48) ASTM D3695-88, Standard Test Method for Volatile Alcohols in Water by Direct Aqueous-Injection Gas Chromatography, IBR approved for § 63.365(e).

(49) ASTM D3792-91, Standard Method for Water Content of Water-Reducible Paints by Direct Injection into a Gas Chromatograph, IBR approved for appendix A to subpart II.

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

(51) ASTM D3960-98, Standard Practice for Determining Volatile Organic Compound (VOC) Content of Paints and Related Coatings, approved November 10, 1998, IBR approved for §§ 63.3360(c) and 63.8055(b).

(52) ASTM D4006-11, Standard Test Method for Water in Crude Oil by Distillation, including Annex A1 and Appendix X1, (Approved June 1, 2011), IBR approved for § 63.10005(i) and table 6 to subpart DDDDD.

(53) ASTM D4006-11, Standard Test Method for Water in Crude Oil by Distillation, including Annex A1 and Appendix X1, (Approved June 1, 2011), IBR approved for § 63.10005(i) and table 6 to subpart DDDDD.

(54) ASTM D4017-81, Standard Test Method for Water in Paints and Paint Materials by the Karl Fischer Titration Method, IBR approved for appendix A to subpart II.

(55) ASTM D4017-90, Standard Test Method for Water in Paints and Paint Materials by the Karl Fischer Titration Method, IBR approved for appendix A to subpart II.

(56) ASTM D4057-06 (Reapproved 2011), Standard Practice for Manual Sampling of Petroleum and Petroleum Products, including Annex A1, (Approved June 1, 2011), IBR approved for § 63.10005(i) and table 6 to subpart DDDDD.

(57) 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.

(58) 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.

(59) ASTM D4177-95 (Reapproved 2010), Standard Practice for Automatic Sampling of Petroleum and Petroleum Products, including Annexes A1 through A6 and Appendices X1 and X2, (Approved May 1, 2010), IBR approved for § 63.10005(i) and table 6 to subpart DDDDD.ASTM D4177-95 (Reapproved 2010), Standard Practice for Automatic Sampling of Petroleum and Petroleum Products, including Annexes A1 through A6 and Appendices X1 and X2, (Approved May 1, 2010), IBR approved for § 63.10005(i) and table 6 to subpart DDDDD.

(60) ASTM D4208-02 (Reapproved 2007), Standard Test Method for Total Chlorine in Coal by the Oxygen Bomb Combustion/Ion Selective Electrode Method, approved May 1, 2007, IBR approved for table 6 to subpart DDDDD.

(61) ASTM D4239-14e1, “Standard Test Method for Sulfur in the Analysis Sample of Coal and Coke Using High-Temperature Tube Furnace Combustion,” approved March 1, 2014, IBR approved for § 63.849(f).

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

(63) ASTM D4256-89 (Reapproved 94), Standard Test Method for Determination of the Decontaminability of Coatings Used in Light-Water Nuclear Power Plants, IBR approved for § 63.782.

(64) ASTM D4282-15, Standard Test Method for Determination of Free Cyanide in Water and Wastewater by Microdiffusion, Approved July 15, 2015, IBR approved for § 63.1103(g).

(65) ASTM D4606-03 (Reapproved 2007), Standard Test Method for Determination of Arsenic and Selenium in Coal by the Hydride Generation/Atomic Absorption Method, (Approved October 1, 2007), IBR approved for table 6 to subpart DDDDD.

(66) 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).

(67) ASTM D4840-99 (Reapproved 2018)e, Standard Guide for Sampling Chain-of-Custody Procedures, approved August 15, 2018, IBR approved for appendix A to part 63.

(68) ASTM D4891-89 (Reapproved 2006), Standard Test Method for Heating Value of Gases in Natural Gas Range by Stoichiometric Combustion, (Approved June 1, 2006), IBR approved for §§ 63.772(h) and 63.1282(g).

(69) ASTM D5066-91 (Reapproved 2017), Standard Test Method for Determination of the Transfer Efficiency Under Production Conditions for Spray Application of Automotive Paints-Weight Basis, approved June 1, 2017, IBR approved for § 63.3161(g).

(70) ASTM D5087-02, Standard Test Method for Determining Amount of Volatile Organic Compound (VOC) Released from Solventborne Automotive Coatings and Available for Removal in a VOC Control Device (Abatement), IBR approved for § 63.3165(e) and appendix A to subpart IIII.

(71) ASTM D5192-09, Standard Practice for Collection of Coal Samples from Core, (Approved June 1, 2009), IBR approved for table 6 to subpart DDDDD.

(72) ASTM D5198-09, Standard Practice for Nitric Acid Digestion of Solid Waste, (Approved February 1, 2009), IBR approved for table 6 to subpart DDDDD and table 5 to subpart JJJJJJ.

(73) ASTM D5228-92, Standard Test Method for Determination of Butane Working Capacity of Activated Carbon, (Reapproved 2005), IBR approved for § 63.11092(b).

(74) ASTM D5291-02, Standard Test Methods for Instrumental Determination of Carbon, Hydrogen, and Nitrogen in Petroleum Products and Lubricants, IBR approved for appendix A to subpart MMMM.

(75) ASTM D5790-95 (Reapproved 2012), Standard Test Method for Measurement of Purgeable Organic Compounds in Water by Capillary Column Gas Chromatography/Mass Spectrometry, Approved June 15, 2012, IBR approved for § 63.2485(h) and Table 4 to subpart UUUU.

(76) ASTM D5864-11, Standard Test Method for Determining Aerobic Aquatic Biodegradation of Lubricants or Their Components, (Approved March 1, 2011), IBR approved for table 6 to subpart DDDDD.

(77) ASTM D5865-10a, Standard Test Method for Gross Calorific Value of Coal and Coke, (Approved May 1, 2010), IBR approved for table 6 to subpart DDDDD and table 5 to subpart JJJJJJ.

(78) ASTM D5954-98 (Reapproved 2006), Test Method for Mercury Sampling and Measurement in Natural Gas by Atomic Absorption Spectroscopy, (Approved December 1, 2006), IBR approved for table 6 to subpart DDDDD.

(79) ASTM D5965-02 (Reapproved 2013), Standard Test Methods for Specific Gravity of Coating Powders, approved June 1, 2013, IBR approved for §§ 63.3151(b) and 63.3951(c).

(80) (ASTM D6053-00, Standard Test Method for Determination of Volatile Organic Compound (VOC) Content of Electrical Insulating Varnishes, IBR approved for appendix A to subpart MMMM.

(81) ASTM D6093-97 (Reapproved 2003), Standard Test Method for Percent Volume Nonvolatile Matter in Clear or Pigmented Coatings Using a Helium Gas Pycnometer, IBR approved for §§ 63.3521 and 63.5160(c).

(82) ASTM D6093-97 (Reapproved 2016), Standard Test Method for Percent Volume Nonvolatile Matter in Clear or Pigmented Coatings Using a Helium Gas Pycnometer, approved December 1, 2016, IBR approved for §§ 63.3161(f), 63.3360(c), 63.3941(b), 63.4141(b), 63.4741(a) and (b), and 63.4941(b).

(83) ASTM D6196-03 (Reapproved 2009), Standard Practice for Selection of Sorbents, Sampling, and Thermal Desorption Analysis Procedures for Volatile Organic Compounds in Air, Approved March 1, 2009, IBR approved for appendix A to this part: Method 325A and Method 325B.

(84) ASTM D6266-00a (Reapproved 2017), Standard Test Method for Determining the Amount of Volatile Organic Compound (VOC) Released from Waterborne Automotive Coatings and Available for Removal in a VOC Control Device (Abatement), approved July 1, 2017, IBR approved for § 63.3165(e).

(85) ASTM D6323-98 (Reapproved 2003), Standard Guide for Laboratory Subsampling of Media Related to Waste Management Activities, (Approved August 10, 2003), IBR approved for table 6 to subpart DDDDD and table 5 to subpart JJJJJJ.

(86) ASTM D6348-03, Standard Test Method for Determination of Gaseous Compounds by Extractive Direct Interface Fourier Transform Infrared (FTIR) Spectroscopy, including Annexes A1 through A8, Approved October 1, 2003, IBR approved for §§ 63.457(b), 63.997(e), and 63.1349, table 4 to subpart DDDD, table 5 to subpart EEEE, table 4 to subpart UUUU, table 4 subpart ZZZZ, and table 8 to subpart HHHHHHH.

(87) ASTM D6348-03 (Reapproved 2010), Standard Test Method for Determination of Gaseous Compounds by Extractive Direct Interface Fourier Transform Infrared (FTIR) Spectroscopy, including Annexes A1 through A8, Approved October 1, 2010, IBR approved for §§ 63.1571(a), 63.4751(i), 63.4752(e), 63.4766(b), 63.7142(a) and (b), tables 4 and 5 to subpart JJJJJ, tables 4 and 6 to subpart KKKKK, tables 1, 2, and 5 to subpart UUUUU and appendix B to subpart UUUUU.

(88) ASTM D6348-12e1, Standard Test Method for Determination of Gaseous Compounds by Extractive Direct Interface Fourier Transform Infrared (FTIR) Spectroscopy, Approved February 1, 2012, IBR approved for §§ 63.997(e), 63.1571(a), and 63.2354(b), table 5 to subpart EEEE, table 4 to subpart UUUU, §§ 63.7142(a) and (b) and 63.8000(d), and table 4 to subpart SSSSS.

(89) ASTM D6348-12 (Reapproved 2020), Standard Test Method for Determination of Gaseous Compounds by Extractive Direct Interface Fourier Transform Infrared (FTIR) Spectroscopy, Approved February 1, 2012, IBR approved for §§ 63.109(a); 63.365(b); 63.509(a); 63.7322(d), (e), and (g); 63.7825(g) and (h); table 5 to subpart AAAAA.

(90) ASTM D6350-98 (Reapproved 2003), Standard Test Method for Mercury Sampling and Analysis in Natural Gas by Atomic Fluorescence Spectroscopy, (Approved May 10, 2003), IBR approved for table 6 to subpart DDDDD.

(91) ASTM D6357-11, Test Methods for Determination of Trace Elements in Coal, Coke, and Combustion Residues from Coal Utilization Processes by Inductively Coupled Plasma Atomic Emission Spectrometry, (Approved April 1, 2011), IBR approved for table 6 to subpart DDDDD.

(92) ASTM D6376-10, “Standard Test Method for Determination of Trace Metals in Petroleum Coke by Wavelength Dispersive X-Ray Fluorescence Spectroscopy,” Approved July 1, 2010, IBR approved for § 63.849(f).

(93) ASTM D6420-99, Standard Test Method for Determination of Gaseous Organic Compounds by Direct Interface Gas Chromatography-Mass Spectrometry, IBR approved for §§ 63.5799 and 63.5850.

(94) ASTM D6420-99 (Reapproved 2004), Standard Test Method for Determination of Gaseous Organic Compounds by Direct Interface Gas Chromatography-Mass Spectrometry (Approved October 1, 2004), IBR approved for §§ 63.457(b), 63.772(a), 63.772(e), 63.1282(a) and (d), and table 8 to subpart HHHHHHH.

(95) ASTM D6420-99 (Reapproved 2010), Standard Test Method for Determination of Gaseous Organic Compounds by Direct Interface Gas Chromatography-Mass Spectrometry, Approved October 1, 2010, IBR approved for §§ 63.670(j); table 4 to subpart UUUU; 63.1450(f); 63.7142(b); appendix A to this part.

(96) ASTM D6420-18, Standard Test Method for Determination of Gaseous Organic Compounds by Direct Interface Gas Chromatography-Mass Spectrometry, approved November 1, 2018' IBR approved for §§ 63.101(b); 63.115(g); 63.116(c); 63.126(d); 63.128(a); 63.139(c); 63.145(d) and (i); 63.150(g); 63.180(d; 63.305(c); 63.482(b); 63.485(t); 63.488(b); 63.490(c) and (e); 63.496(b); 63.500(c); 63.501(a); 63.502(j); 63.503(a) and (g); 63.525(a) and (e); 63.987(b); 63.997(e); 63.2354(b); table 5 to subpart EEEE; §§ 63.2450(j); 63.8000(d).

(97) ASTM D6522-00, Standard Test Method for Determination of Nitrogen Oxides, Carbon Monoxide, and Oxygen Concentrations in Emissions from Natural Gas Fired Reciprocating Engines, Combustion Turbines, Boilers, and Process Heaters Using Portable Analyzers, IBR approved for § 63.9307(c).

(98) ASTM D6522-00 (Reapproved 2005), Standard Test Method for Determination of Nitrogen Oxides, Carbon Monoxide, and Oxygen Concentrations in Emissions from Natural Gas Fired Reciprocating Engines, Combustion Turbines, Boilers, and Process Heaters Using Portable Analyzers, (Approved October 1, 2005), IBR approved for table 4 to subpart ZZZZ, table 5 to subpart DDDDDD, table 4 to subpart JJJJJJ, and §§ 63.772(e) and (h)) and 63.1282(d) and (g).

(99) ASTM D6522-11 Standard Test Method for Determination of Nitrogen Oxides, Carbon Monoxide, and Oxygen Concentrations in Emissions from Natural Gas-Fired Reciprocating Engines, Combustion Turbines, Boilers, and Process Heaters Using Portable Analyzers, Approved December 1, 2011, IBR approved for § 63.1961(a) and table 3 to subpart YYYY.

(100) ASTM D6721-01 (Reapproved 2006), Standard Test Method for Determination of Chlorine in Coal by Oxidative Hydrolysis Microcoulometry, (Approved April 1, 2006), IBR approved for table 6 to subpart DDDDD.

(101) ASTM D6722-01 (Reapproved 2006), Standard Test Method for Total Mercury in Coal and Coal Combustion Residues by the Direct Combustion Analysis, (Approved April 1, 2006), IBR approved for Table 6 to subpart DDDDD and Table 5 to subpart JJJJJJ.

(102) ASTM D6735-01 (Reapproved 2009), Standard Test Method for Measurement of Gaseous Chlorides and Fluorides from Mineral Calcining Exhaust Sources—Impinger Method, IBR approved for § 63.7142(b), tables 4 and 5 to subpart JJJJJ, and tables 4 and 6 to subpart KKKKK.

(103) ASTM D6751-11b, Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels, (Approved July 15, 2011), IBR approved for §§ 63.7575 and 63.11237.

(104) ASTM D6784-02 (Reapproved 2008), Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method), Approved April 1, 2008; IBR approved for §§ 63.2465(d); 63.11646(a); 63.11647(a) and (d); tables 1, 2, 5, 11, 12t, and 13 to subpart DDDDD; tables 4 and 5 to subpart JJJJJ; tables 4 and 6 to subpart KKKKK; table 4 to subpart JJJJJJ.

(105) ASTM D6784-16, Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method), Approved March 1, 2016; IBR approved for §§ 63.1450(d); 63.9621; table 5 to subpart AAAAA; table 17 to subpart XXXX; table 5 to subpart UUUUU; appendix A to subpart UUUUU.

(106) ASTM D6883-04, Standard Practice for Manual Sampling of Stationary Coal from Railroad Cars, Barges, Trucks, or Stockpiles, (Approved June 1, 2004), IBR approved for table 6 to subpart DDDDD.

(107) ASTM D6886-18, Standard Test Method for Determination of the Weight Percent Individual Volatile Organic Compounds in Waterborne Air-Dry Coatings by Gas Chromatography, approved October 1, 2018, IBR approved for § 63.2354(c).

(108) ASTM D7237-18, Standard Test Method for Free Cyanide and Aquatic Free Cyanide with Flow Injection Analysis (FIA) Utilizing Gas Diffusion Separation and Amperometric Detection, Approved December 1, 2018, IBR approved for § 63.1103(g).

(109) ASTM D7430-11ae1, Standard Practice for Mechanical Sampling of Coal, (Approved October 1, 2011), IBR approved for table 6 to subpart DDDDD.

(110) ASTM D7520-16, Standard Test Method for Determining the Opacity of a Plume in the Outdoor Ambient Atmosphere, approved April 1, 2016; IBR approved for §§ 63.1450(c), (e), and (g); 63.1453(h); 63.1625(b); table 3 to subpart LLLLL; §§ 63.7823(c) through (f), 63.7833(g); 63.11423(c).

(111) [Reserved]

(112) ASTM E145-94 (Reapproved 2001), Standard Specification for Gravity-Convection and Forced-Ventilation Ovens, IBR approved for appendix A to subpart PPPP.

(113) 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).

(114) ASTM E260-91, General Practice for Packed Column Gas Chromatography, IBR approved for §§ 63.750(b) and 63.786(b).

(115) ASTM E260-96, General Practice for Packed Column Gas Chromatography, IBR approved for §§ 63.750(b) and 63.786(b).

(116) ASTM E515-95 (Reapproved 2000), Standard Test Method for Leaks Using Bubble Emission Techniques, IBR approved for § 63.425(i).

(117) ASTM E711-87 (Reapproved 2004), Standard Test Method for Gross Calorific Value of Refuse-Derived Fuel by the Bomb Calorimeter, (Approved August 28, 1987), IBR approved for table 6 to subpart DDDDD and table 5 to subpart JJJJJJ.

(118) ASTM E776-87 (Reapproved 2009), Standard Test Method for Forms of Chlorine in Refuse-Derived Fuel, (Approved July 1, 2009), IBR approved for table 6 to subpart DDDDD.

(119) ASTM E871-82 (Reapproved 2006), Standard Test Method for Moisture Analysis of Particulate Wood Fuels, (Approved November 1, 2006), IBR approved for table 6 to subpart DDDDD and table 5 to subpart JJJJJJ.

(120) ASTM UOP539-12, Refinery Gas Analysis by GC, Copyright 2012 (to UOP), IBR approved for § 63.670(j).

Note 2 to paragraph (i): Standards listed in this paragraph (i) may also be available from standards resellers including the Standards Store, *https://global.ihs.com*.

(j) Bay Area Air Quality Management District (BAAQMD), 939 Ellis Street, San Francisco, California 94109, *http://www.arb.ca.gov/DRDB/BA/CURHTML/ST/st30.pdf*.

(1) "BAAQMD Source Test Procedure ST-30—Static Pressure Integrity Test, Underground Storage Tanks," adopted November 30, 1983, and amended December 21, 1994, IBR approved for § 63.11120(a).

(2) [Reserved]

(k) British Standards Institute, 389 Chiswick High Road, London W4 4AL, United Kingdom.

(1) BS EN 1593:1999, Non-destructive Testing: Leak Testing - Bubble Emission Techniques, IBR approved for § 63.425(i).

(2) BS EN 14662-4:2005, Ambient air quality standard method for the measurement of benzene concentrations—Part 4: Diffusive sampling followed by thermal desorption and gas chromatography, Published June 27, 2005, IBR approved for appendix A to this part: Method 325A and Method 325B.

(l) California Air Resources Board (CARB), 1001 I Street, P.O. Box 2815, Sacramento, CA 95812-2815, Telephone (916) 327-0900, *http://www.arb.ca.gov/*.

(1) Method 310, "Determination of Volatile Organic Compounds (VOC) in Consumer Products and Reactive Organic Compounds (ROC) in Aerosol Coating Products," amended May 25, 2018, IBR approved for § 63.8055(b).

(2) Method 428, "Determination Of Polychlorinated Dibenzo-P-Dioxin (PCDD), Polychlorinated Dibenzofuran (PCDF), and Polychlorinated Biphenyle Emissions from Stationary Sources," amended September 12, 1990, IBR approved for § 63.849(a)(13) and (14).

(3) Method 429, Determination of Polycyclic Aromatic Hydrocarbon (PAH) Emissions from Stationary Sources, Adopted September 12, 1989, Amended July 28, 1997, IBR approved for § 63.1625(b)

(4) California Air Resources Board Vapor Recovery Test Procedure TP-201.1 - "Volumetric Efficiency for Phase I Vapor Recovery Systems," adopted April 12, 1996, and amended February 1, 2001 and October 8, 2003, IBR approved for § 63.11120(b).

(5) California Air Resources Board Vapor Recovery Test Procedure TP-201.1E - "Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves," adopted October 8, 2003, IBR approved for § 63.11120(a)

(6) California Air Resources Board Vapor Recovery Test Procedure TP-201.3 - "Determination of 2-Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities," adopted April 12, 1996 and amended March 17, 1999, IBR approved for § 63.11120(a).

(m) Composite Panel Association, 19465 Deerfield Avenue, Suite 306, Leesburg, VA 20176, Telephone (703)724-1128, and *www.compositepanel.org*.

(1) ANSI A135.4-2012, Basic Hardboard, approved June 8, 2012, IBR approved for § 63.4781.

(2) [Reserved]

(n) Environmental Protection Agency. Air and Radiation Docket and Information Center, 1200 Pennsylvania Avenue NW., Washington, DC 20460, telephone number (202) 566-1745.

(1) ***California Regulatory Requirements Applicable to the Air Toxics Program,*** November 16, 2010, IBR approved for § 63.99(a).

(2) New Jersey's *Toxic Catastrophe Prevention Act Program,* (July 20, 1998), IBR approved for § 63.99(a).

(3) 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).

(4) State of Delaware Regulations Governing the Control of Air Pollution (October 2000), IBR approved for § 63.99(a).

(5) Massachusetts Department of Environmental Protection regulations at 310 CMR 7.26(10)-(16), Air Pollution Control, effective as of September 5, 2008, corrected March 6, 2009, and 310 CMR 70.00, Environmental Results Program Certification, effective as of December 28, 2007. IBR approved for § 63.99(a).

(6)

(i) New Hampshire Regulations at Env-Sw 2100, Management and Control of Asbestos Disposal Sites Not Operated after July 9, 1981, effective September 1, 2018, (including a letter from Robert R. Scott, Commissioner, Department of Environmental Services, State of New Hampshire, to David J. Alukonis, Director, Office of Legislative Services, dated October 23, 2018, certifying that the enclosed rule, Env-Sw 2100, is the official version of this rule), IBR approved for § 63.99(a).

(ii) New Hampshire Code of Administrative Rules: Chapter Env-A 1800, Asbestos Management and Control, effective as of May 5, 2017 (certified with June 23, 2017 letter from Clark B. Freise, Assistant Commissioner, Department of Environmental Services, State of New Hampshire), as follows: Revision Notes #1 and #2; Part Env-A 1801-1807, excluding Env-A 1801.02(e), Env-A 1801.07, Env-A 1802.02, Env-A 1802.04, Env-A 1802.07-1802.09, Env-A 1802.13, Env-A 1802.15-1802.17, Env-A 1802.25, Env-A 1802.31, Env-A 1802.37, Env-A 1802.40, Env-A 1802.44, and Env-A 1803.05-1803.09; and Appendices B, C, and D; IBR approved for § 63.99(a).

(7) Maine Department of Environmental Protection regulations at Chapter 125, Perchloroethylene Dry Cleaner Regulation, effective as of June 2, 1991, last amended on June 24, 2009. IBR approved for §63.99(a).

(8) California South Coast Air Quality Management District's “Spray Equipment Transfer Efficiency Test Procedure for Equipment User, May 24, 1989,” IBR approved for §§63.11173(e) and 63.11516(d).

(9) California South Coast Air Quality Management District's “Guidelines for Demonstrating Equivalency with District Approved Transfer Efficient Spray Guns, September 26, 2002,” Revision 0, IBR approved for §§63.11173(e) and 63.11516(d).

(10) Rhode Island Department of Environmental Management regulations at Air Pollution Control Regulation No. 36, Control of Emissions from Organic Solvent Cleaning, effective April 8, 1996, last amended October 9, 2008, IBR approved for §63.99(a).

(i) Rhode Island Air Pollution Control, General Definitions Regulation, effective July 19, 2007, last amended October 9, 2008. IBR approved for §63.99(a).

(ii) Alaska Statute 42.45.045. Renewable energy grant fund and recommendation program, available at *http://www.legis.state.ak.us/basis/folio.asp*, IBR approved for §63.6675.

(11) [Reserved]

(12) Alaska Statute 42.45.045. Renewable energy grant fund and recommendation program, available at *http://www.legis.state.ak.us/basis/folio.asp*, IBR approved for § 63.6675.

(13) Vermont Air Pollution Control Regulations, Chapter 5, Air Pollution Control, section 5-253.11, Perchloroethylene Dry Cleaning, effective as of December 15, 2016. Incorporation by reference approved for § 63.99(a).

(o) U.S. Environmental Protection Agency (EPA), 1200 Pennsylvania Avenue NW, Washington, DC 20460; phone: (202) 272-0167; website: *www.epa.gov/aboutepa/forms/contact-epa*.

(1) EPA/100/R-10/005, Recommended Toxicity Equivalence Factors (TEFs) for Human Health Risk Assessments of 2, 3, 7, 8-Tetrachlorodibenzo-p-dioxin and Dioxin-Like Compounds, December 2010; IBR approved for §§ 63.1450(f); 63.1459; table 2 to subpart QQQ; table 1 to subpart AAAAA. (Available at *https://www.epa.gov/sites/default/files/2013-09/documents/tefs-for-dioxin-epa-00-r-10-005-final.pdf*.)

(2) EPA-453/R-01-005, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Integrated Iron and Steel Plants—Background Information for Proposed Standards, Final Report, January 2001; IBR approved for § 63.7491(g).

(3) EPA-454/B-08-002, Quality Assurance Handbook for Air Pollution Measurement Systems; Volume IV: Meteorological Measurements, Version 2.0 (Final), Issued March 2008; IBR approved for §§ 63.184(c); 63.7792(b).

(4) EPA-454/R-98-015, Fabric Filter Bag Leak Detection Guidance, September 1997; IBR approved for §§ 63.548(e); 63.864(e); 63.6012(c); 63.7525(j); 63.8450(e); 63.8600(e); 63.9632(a); 63.9804(f); 63.11224(f); 63.11423(e). (Available at: https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=2000D5T6.pdf).

(5) EPA-454/R-99-005, Office of Air Quality Planning and Standards (OAQPS), Meteorological Monitoring Guidance for Regulatory Modeling Applications, February 2000; IBR approved for appendix A to this part.

(6) EPA/600/R-12/531, EPA Traceability Protocol for Assay and Certification of Gaseous Calibration Standards, May 2012; IBR approved for § 63.2163(b).

(7) EPA-625/3-89-016, Interim Procedures for Estimating Risks Associated with Exposures to Mixtures of Chlorinated Dibenzo-p-Dioxins and -Dibenzofurans (CDDs and CDFs) and 1989 Update, March 1989; IBR approved for § 63.1513(d).

(8) EPA-821-R-02-019, Method 1631 Revision E, Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Atomic Absorption Fluorescence Spectrometry, Revision E, August 2002; IBR approved for table 6 to subpart DDDDD.

(9) EPA Method 200.8, Determination of Trace Elements in Waters and Wastes by Inductively Coupled Plasma—Mass Spectrometry, Revision 5.4, 1994; IBR approved for table 6 to subpart DDDDD.

(10) In EPA Publication No. SW-846, Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (Available from: www.epa.gov/hw-sw846/sw-846-compendium):

(i) SW-846-0011, Sampling for Selected Aldehyde and Ketone Emissions from Stationary Sources, Revision 0, December 1996; IBR approved for table 4 to subpart DDDD.

(ii) SW-846-3020A, Acid Digestion of Aqueous Samples And Extracts For Total Metals For Analysis By GFAA Spectroscopy, Revision 1, July 1992; IBR approved for table 6 to subpart DDDDD; table 5 to subpart JJJJJJ.

(iii) SW-846-3050B, Acid Digestion of Sediments, Sludges, and Soils, Revision 2, December 1996; IBR approved for table 6 to subpart DDDDD; table 5 to subpart JJJJJJ.

(iv) SW-846-5030B, Purge-And-Trap For Aqueous Samples, Revision 2, December 1996; IBR approved for §§ 63.109(b), (c), (d), and (e); 63.509(b) and (c); 63.2492(b) and (c).

(v) SW-846-5031, Volatile, Nonpurgeable, Water-Soluble Compounds by Azeotropic Distillation, Revision 0, December 1996; IBR approved for §§ 63.109(b), (c), (d), and (e); 63.509(b) and (c); 63.2492(b) and (c).

(vi) SW-846-7470A, Mercury In Liquid Waste (Manual Cold-Vapor Technique), Revision 1, September 1994; IBR approved for table 6 to subpart DDDDD; table 5 to subpart JJJJJJ.

(vii) SW-846-7471B, Mercury In Solid Or Semisolid Waste (Manual Cold-Vapor Technique), Revision 2, February 2007; IBR approved for table 6 to subpart DDDDD; table 5 to subpart JJJJJJ.

(viii) SW-846-8015C, Nonhalogenated Organics by Gas Chromatography, Revision 3, February 2007; IBR approved for §§ 63.11960; 63.11980; table 10 to subpart HHHHHHH.

(ix) SW-846-8260B, Volatile Organic Compounds by Gas Chromatography/Mass Spectrometry (GC/MS), Revision 2, December 1996; IBR approved for §§ 63.1107(a); 63.11960; 63.11980; table 10 to subpart HHHHHHH.

(x) SW-846-8260D, Volatile Organic Compounds By Gas Chromatography/Mass Spectrometry, Revision 4, June 2018; IBR approved for §§ 63.109(b), (c), (d), and (e); 63.509(b) and (c); 63.2492(b) and (c).

(xi) SW-846-8270D, Semivolatile Organic Compounds by Gas Chromatography/Mass Spectrometry (GC/MS), Revision 4, February 2007; IBR approved for §§ 63.1107(a); 63.11960; 63.11980; table 10 to subpart HHHHHHH.

(xii) SW-846-8315A, Determination of Carbonyl Compounds by High Performance Liquid Chromatography (HPLC), Revision 1, December 1996; IBR approved for §§ 63.11960; 63.11980; table 10 to subpart HHHHHHH.

(xiii) SW-846-5050, Bomb Preparation Method for Solid Waste, Revision 0, September 1994; IBR approved for table 6 to subpart DDDDD.

(xiv) SW-846-6010C, Inductively Coupled Plasma-Atomic Emission Spectrometry, Revision 3, February 2007; IBR approved for table 6 to subpart DDDDD.

(xv) SW-846-6020A, Inductively Coupled Plasma-Mass Spectrometry, Revision 1, February 2007; IBR approved for table 6 to subpart DDDDD.

(xvi) SW-846-7060A, Arsenic (Atomic Absorption, Furnace Technique), Revision 1, September 1994; IBR approved for table 6 to subpart DDDDD.

(xvii) SW-846-7740, Selenium (Atomic Absorption, Furnace Technique), Revision 0, September 1986; IBR approved for table 6 to subpart DDDDD.

(xviii) SW-846-9056, Determination of Inorganic Anions by Ion Chromatography, Revision 1, February 2007; IBR approved for table 6 to subpart DDDDD.

(xix) SW-846-9076, Test Method for Total Chlorine in New and Used Petroleum Products by Oxidative Combustion and Microcoulometry, Revision 0, September 1994; IBR approved for table 6 to subpart DDDDD.

(xx) SW-846-9250, Chloride (Colorimetric, Automated Ferricyanide AAI), Revision 0, September 1986; IBR approved for table 6 to subpart DDDDD.

(11)-(30) [Reserved]

(31) EPA/100/R-10/005, Recommended Toxicity Equivalence Factors (TEFs) for Human Health Risk Assessments of 2, 3, 7, 8-Tetrachlorodibenzo-p-dioxin and Dioxin-Like

Compounds, December 2010; IBR approved for § 63.1459 and table 2 to subpart QQQ. (Available at https://www.epa.gov/sites/default/files/2013-09/documents/tefs-for-dioxin-epa-00-r-10-005-final.pdf.)

(p) International Standards Organization (ISO), 1, ch. de la Voie-Creuse, Case postale 56, CH-1211 Geneva 20, Switzerland, + 41 22 749 01 11, *http://www.iso.org/iso/home.htm*.
  (1) ISO 6978-1:2003(E), Natural Gas—Determination of Mercury—Part 1: Sampling of Mercury by Chemisorption on Iodine, First edition, October 15, 2003, IBR approved for table 6 to subpart DDDDD.
  (2) ISO 6978-2:2003(E), Natural gas—Determination of Mercury—Part 2: Sampling of Mercury by Amalgamation on Gold/Platinum Alloy, First edition, October 15, 2003, IBR approved for table 6 to subpart DDDDD.
  (3) ISO 16017-2:2003(E): Indoor, ambient and workplace air—sampling and analysis of volatile organic compounds by sorbent tube/thermal desorption/capillary gas chromatography—Part 2: Diffusive sampling, May 15, 2003, IBR approved for appendix A to this part: Method 325A and Method 325B.

(q) National Council of the Paper Industry for Air and Stream Improvement, Inc. (NCASI), P.O. Box 133318, Research Triangle Park, NC 27709-3318 or at *http://www.ncasi.org*.
  (1) NCASI Method DI/MEOH-94.03, Methanol in Process Liquids and Wastewaters by GC/FID, Issued May 2000, IBR approved for §§ 63.457 and 63.459.
  (2) NCASI Method CI/WP-98.01, Chilled Impinger Method For Use At Wood Products Mills to Measure Formaldehyde, Methanol, and Phenol, 1998, Methods Manual, IBR approved for table 4 to subpart DDDD.
  (3) NCASI Method DI/HAPS-99.01, Selected HAPs In Condensates by GC/FID, Issued February 2000, IBR approved for § 63.459(b).
  (4) NCASI Method IM/CAN/WP-99.02, Impinger/Canister Source Sampling Method for Selected HAPs and Other Compounds at Wood Products Facilities, January 2004, Methods Manual, IBR approved for table 4 to subpart DDDD.
  (5) NCASI Method ISS/FP A105.01, Impinger Source Sampling Method for Selected Aldehydes, Ketones, and Polar Compounds, December 2005, Methods Manual, IBR approved for table 4 to subpart DDDD and §§ 63.4751(i) and 63.4752(e).

(r) National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161, (703) 605-6000 or (800) 553-6847; or for purchase from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512-1800.
  (1) Handbook 44, Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices 1998, IBR approved for § 63.1303(e).
  (2) "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, Third Edition. (A suffix of "A" in the method number indicates revision one (the method has been revised once). A suffix of "B" in the method number indicates revision two (the method has been revised twice).
    (i) Method 0023A, "Sampling Method for Polychlorinated Dibenzo-p-Dioxins and Polychlorinated Dibenzofuran Emissions from Stationary Sources," Revision 2, dated August 2018, IBR approved for § 63.1208(b).
    (ii) Method 9071B, "n-Hexane Extractable Material (HEM) for Sludge, Sediment, and Solid Samples," dated April 1998, IBR approved for § 63.7824(e).
    (iii) Method 9095A, "Paint Filter Liquids Test," dated December 1996, IBR approved for §§ 63.7700(b) and 63.7765.

(iv) Method 9095B, "Paint Filter Liquids Test," (revision 2), dated November 2004, IBR approved for the definition of "Free organic liquids" in §§ 63.10692, 63.10885(a), and the definition of "Free liquids" in § 63.10906.

(v) SW-846 74741B, Revision 2, "Mercury in Solid or Semisolid Waste (Manual Cold-Vapor Technique)," February 2007, IBR approved for § 63.11647(f).

(3) National Institute of Occupational Safety and Health (NIOSH) test method compendium, "NIOSH Manual of Analytical Methods," NIOSH publication no. 94-113, Fourth Edition, August 15, 1994.

(i) NIOSH Method 2010, "Amines, Aliphatic," Issue 2, August 15, 1994, IBR approved for § 63.7732(g).

(ii) [Reserved]

(s) North American Electric Reliability Corporation, 1325 G Street, NW., Suite 600, Washington, DC 20005-3801, *http://www.nerc.com*, *http://www.nerc.com/files/EOP0002-3_1.pdf*.

(1) North American Electric Reliability Corporation Reliability Standard EOP-002-3, Capacity and Energy Emergencies, adopted August 5, 2010, IBR approved for § 63.6640(f).

(2) (2)[Reserved]

(t) Technical Association of the Pulp and Paper Industry (TAPPI), 15 Technology Parkway South, Norcross, GA 30092, (800) 332-8686, *http://www.tappi.org*.

(1) TAPPI T 266, Determination of Sodium, Calcium, Copper, Iron, and Manganese in Pulp and Paper by Atomic Absorption Spectroscopy (Reaffirmation of T 266 om-02), Draft No. 2, July 2006, IBR approved for table 6 to subpart DDDDD.

(2) [Reserved]

(u) Texas Commission on Environmental Quality (TCEQ) Library, Post Office Box 13087, Austin, Texas 78711-3087; phone: (512) 239-0028; email: *info@www.tceq.texas.gov*; website: *www.tceq.texas.gov*.

(1) "Air Stripping Method (Modified El Paso Method) for Determination of Volatile Organic Compound Emissions from Water Sources," Revision Number One, dated January 2003, Sampling Procedures Manual, Appendix P: Cooling Tower Monitoring, January 31, 2003; IBR approved for §§ 63.104(f) and (g); 63.654(c) and (g); 63.655(i); 63.1086(e); 63.1089; 63.2490(d); 63.2525(r); 63.11920. (Available from: *www.tceq.texas.gov/downloads/compliance/investigations/assistance/samplingappp.pdf*).

(2) [Reserved]

[79 FR 11277, Feb. 27, 2014]

Back to Top

Editorial Note: For Federal Register citations affecting § 63.14, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.govinfo.gov*.

§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.

Back to Top

§63.16 Performance Track Provisions.

(a) Notwithstanding any other requirements in this part, an affected source at any major source or any area source at a Performance Track member facility, which is subject to regular periodic reporting under any subpart of this part, may submit such periodic reports at an interval that is twice the length of the regular period specified in the applicable subparts; provided, that for sources subject to permits under 40 CFR part 70 or 71 no interval so calculated for any report of the results of any required monitoring may be less frequent than once in every six months.

(b) Notwithstanding any other requirements in this part, the modifications of reporting requirements in paragraph (c) of this section apply to any major source at a Performance Track member facility which is subject to requirements under any of the subparts of this part and which has:

(1) Reduced its total HAP emissions to less than 25 tons per year;

(2) Reduced its emissions of each individual HAP to less than 10 tons per year; and

(3) Reduced emissions of all HAPs covered by each MACT standard to at least the level required for full compliance with the applicable emission standard.

(c) For affected sources at any area source at a Performance Track member facility and which meet the requirements of paragraph (b)(3) of this section, or for affected sources at any major source that meet the requirements of paragraph (b) of this section:

(1) If the emission standard to which the affected source is subject is based on add-on control technology, and the affected source complies by using add-on control technology, then all required reporting elements in the periodic report may be met through an annual certification that the affected source is meeting the emission standard by continuing to use that control technology. The affected source must continue to meet all relevant monitoring and recordkeeping requirements. The compliance certification must meet the requirements delineated in Clean Air Act section 114(a)(3).

(2) If the emission standard to which the affected source is subject is based on add-on control technology, and the affected source complies by using pollution prevention, then all required reporting elements in the periodic report may be met through an annual certification that the affected source is continuing to use pollution prevention to reduce HAP emissions to levels at or below those required by the applicable emission standard. The affected source must maintain records of all calculations that demonstrate the level of HAP emissions required by the emission standard as well as the level of HAP emissions achieved by the affected source. The affected source must continue to meet all relevant monitoring and recordkeeping requirements. The compliance certification must meet the requirements delineated in Clean Air Act section 114(a)(3).

(3) If the emission standard to which the affected source is subject is based on pollution prevention, and the affected source complies by using pollution prevention and reduces

emissions by an additional 50 percent or greater than required by the applicable emission standard, then all required reporting elements in the periodic report may be met through an annual certification that the affected source is continuing to use pollution prevention to reduce HAP emissions by an additional 50 percent or greater than required by the applicable emission standard. The affected source must maintain records of all calculations that demonstrate the level of HAP emissions required by the emission standard as well as the level of HAP emissions achieved by the affected source. The affected source must continue to meet all relevant monitoring and recordkeeping requirements. The compliance certification must meet the requirements delineated in Clean Air Act section 114(a)(3).

(4) Notwithstanding the provisions of paragraphs (c)(1) through (3), of this section, for sources subject to permits under 40 CFR part 70 or 71, the results of any required monitoring and recordkeeping must be reported not less frequently than once in every six months

[69 FR 21753, Apr. 22, 2004]

Back to Top

Table 1 to Subpart A of Part 63—Detection Sensitivity Levels (grams per hour)

Monitoring Frequency per Subpart[a]	Detection Sensitivity Level
Bi-Monthly	60
Semi-Quarterly	85
Monthly	100

[a]When this alternative work practice is used to identify leaking equipment, the owner or operator must choose one of the monitoring frequencies listed in this table, in lieu of the monitoring frequency specified in the applicable subpart. Bi-monthly means every other month. Semi-quarterly means twice per quarter. Monthly means once per month.

[73 FR 78213, Dec. 22, 2008]

Back to Top

Table of Contents