

ENVIRONMENTAL PROTECTION AGENCY REGULATIONS ON STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

(40 CFR 60; 36 FR 24876, December 23, 1971; Effective August 17 1971; Amended as shown in Code of Federal Regulations, Volume 40, revised as of July 1, 1976; 41 FR 27967, July 8, 1976; 41 FR 33264, August 9, 1976; 41 FR 34629, August 16, 1976; 41 FR 35185, August 20, 1976; 41 FR 36918, September 1, 1976; 41 FR 40107, September 17, 1976; 41 FR 40467, September 20, 1976; 41 FR 43148, September 30, 1976; 41 FR 44859, October 13, 1976; 41 FR 48342, November 3, 1976; 41 FR 51397, November 22, 1976; 41 FR 52299, November 29, 1976; 41 FR 53017, December 3, 1976; 41 FR 54757, December 15, 1976; 41 FR 55531, December 21, 1976; 41 FR 56805 and 56806, December 30, 1976; 42 FR 1214, January 6, 1977; 42 FR 4124, January 24, 1977; 42 FR 5936, January 31, 1977; 42 FR 6812, February 4, 1977; 42 FR 16777, March 30, 1977; 42 FR 26205, May 23, 1977)

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

AUTHORITY: Secs. 111 and 114 of the Clean Air Act, as amended by sec. 4(a) of Pub. L. 91-604, 84 Stat. 1678 (42 U.S.C. 1857c-6, 1857c-9). Subpart B also issued under sec. 301(a) of the Clean Air Act, as amended by sec. 16(c)(2) of Pub. L. 91-604, 84 Stat. 1713 (42 U.S.C. 1857g).

[40 FR 53340, November 17, 1975]

Subpart A—General Provisions

§ 60.1 Applicability.

Except as provided in Subparts B and C, the provisions of this part apply to the owner or operator of any stationary source which contains an affected facility, the construction or modification of which is commenced after the date of publication in this part of any standard (or, if earlier, the date of publication of any proposed standard) applicable to that facility.

[39 FR 20790, June 14, 1974]

[40 FR 46250, October 6, 1975]

§ 60.2 Definitions.

As used in this part, all terms not defined herein shall have the meaning given them in the Act:

- (a) "Act" means the Clean Air Act (42 U.S.C. 1857 et seq., as amended by Public Law 91-604, 84 Stat. 1676).
- (b) "Administrator" means the Administrator of the Environmental Protection Agency or his authorized representative.
- (c) "Standard" means a standard of performance proposed or promulgated under this part.
- (d) "Stationary source" means any building, structure, facility, or installation which emits or may emit any air pollutant and which contains any one or combination of the following:
 - (1) Affected facilities.
 - (2) Existing facilities.
 - (3) Facilities of the type for which no standards have been promulgated in this part.

[40 FR 58415, December 16, 1975]

(e) "Affected facility" means, with reference to a stationary source, any apparatus to which a standard is applicable.

(f) "Owner or operator" means any person who owns, leases, operates, con-

trols, or supervises an affected facility or a stationary source of which an affected facility is a part.

(g) "Construction" means fabrication, erection, or installation of an affected facility.

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

[40 FR 58415, December 16, 1975]

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

(j) "Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

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

(l) "Standard conditions" means temperature of 20°C (68°F) and a pressure of 760 mm of Hg (29.92 in. of Hg).

(m) "Proportional sampling" means sampling at a rate that produces a constant ratio of sampling rate to stack gas flow rate.

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

(o) "Startup" means the setting in operation of an affected facility for any purpose.

(p) "Shutdown" means the cessation of operation of an affected facility for any purpose.

(q) "Malfunction" means any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation, or any other prevent-

able upset condition or preventable equipment breakdown shall not be considered malfunctions.

(r) "One-hour period" means any 60 minute period commencing on the hour.

[40 FR 46250, October 6, 1975]

(s) "Reference method" means any method of sampling and analyzing for an air pollutant as described in Appendix A to this part.

[39 FR 20790, June 14, 1974]

(t) "Equivalent method" means any method of sampling and analyzing for an air pollutant which have been demonstrated to the Administrator's satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions.

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

(v) "Particulate matter" means any finely divided solid or liquid material, other than uncombined water, as measured by Method 5 of Appendix A to this part or an equivalent or alternative method.

[39 FR 20790, June 14, 1974]

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

(x) "Six-minute period" means any one of the 10 equal parts of a one-hour period.

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

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

[40 FR 46250, October 6, 1975]

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

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

[40 FR 58415, December 16, 1975]

§ 60.3 Abbreviations.

The abbreviations used in this part have the following meanings:

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

Btu—British thermal unit

°C—degree Celsius (centigrade)

cal—calorie

CdS—cadmium sulfide

cfm—cubic feet per minute

CO—carbon monoxide

CO₂—carbon dioxide

ccsm—dry cubic meter(s) at standard conditions

dcscf—dry cubic feet at standard conditions

eq—equivalent

°F—degree Fahrenheit

g—gram(s)

gal—gallon(s)

g eq—gram equivalents

gr—grain(s)

hr—hour(s)

HCl—hydrochloric acid

Hg—mercury

H₂O—water

H₂S—hydrogen sulfide

H₂SO₄—sulfuric acid

in.—inch(es)

°K—degree Kelvin

k—1,000

kg—kilogram(s)

l—liter(s)

lpm—liter(s) per minute

lb—pound(s)

m—meter(s)

meq—milliequivalent(s)

min—minute(s)

mg—milligram(s)

ml—milliliter(s)

mm—millimeter(s)

mol. wt.—molecular weight

mV—millivolt

N—nitrogen

nm—nanometer(s)—10⁻⁹ meter

NO—nitric oxide

NO₂—nitrogen dioxide

NO_x—nitrogen oxides

O—oxygen

ppb—parts per billion

ppm—parts per million

psia—pounds per square inch absolute

°R—degree Rankine

s—at standard conditions

sec—second

SO₂—sulfur dioxide

SO₃—sulfur trioxide

μg—microgram(s)—10⁻⁶ gram

§ 60.4 Address.

(a) All requests, reports, applications, submittals, and other communications to the Administrator pursuant to this part shall be submitted in duplicate and addressed to the appropriate Regional Office of the Environmental Protection Agency, to the attention of the Director,

Enforcement Division. The regional offices are as follows:

Region I (Connecticut, Maine, New Hampshire, Massachusetts, Rhode Island, Vermont), John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Region II (New York, New Jersey, Puerto Rico, Virgin Islands), Federal Office Building, 26 Federal Plaza (Poley Square), New York, N.Y. 10007.

Region III (Delaware, District of Columbia, Pennsylvania, Maryland, Virginia, West Virginia), Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

Region IV (Alabama, Florida, Georgia, Mississippi, Kentucky, North Carolina, South Carolina, Tennessee), Suite 300, 1431 Peachtree Street, Atlanta, Georgia 30308.

Region V (Illinois, Indiana, Minnesota, Michigan, Ohio, Wisconsin), 230 South Dearborn Street, Chicago, Illinois 60604.

Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, Texas), 1800 Patterson Street, Dallas, Texas 75201.

Region VII (Iowa, Kansas, Missouri, Nebraska), 1735 Baltimore Street, Kansas City, Missouri 64108.

Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming), 106 Lincoln Towers, 1860 Lincoln Street, Denver, Colorado 80202.

Region IX (Arizona, California, Hawaii, Nevada, Guam, American Samoa), 100 California Street, San Francisco, California 94111.

Region X (Washington, Oregon, Idaho, Alaska), 1200 Sixth Avenue, Seattle, Washington 98101.

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

(A) [reserved].

(B) State of Alabama, Air Pollution Control Division, Air Pollution Control Commission, 645 S. McDonough Street, Montgomery, Alabama 36104.

A) [reserved].

(B) State of Alabama, Air Pollution Control Division, Air Pollution Control Commission, 645 S. McDonough Street, Montgomery, Alabama 36104.

[41 FR 40467, September 20, 1976]

(C) [reserved].

D—Arizona

Pima County Air Pollution Control District, 181 West Congress Street, Tucson, AZ 85701.

[41 FR 53017, December 3, 1976]

(E) [reserved].

F—California:

Bay Area Air Pollution Control District, 939 Ellis Street, San Francisco, CA 94109.

Del Norte County Air Pollution Control District, Courthouse, Crescent City, CA 95531.

Fresno County Air Pollution Control District, 518 S. Cedar Avenue, Fresno, CA 93703.

Humboldt County Air Pollution Control District, 5800 S. Broadway, Eureka, CA 95501.

Kern County Air Pollution Control District, 1700 Flower Street (P.O. Box 997), Bakersfield, CA 93302.

Madera County Air Pollution Control District, 135 W. Yosemite Avenue, Madera, CA 93637.

Mendocino County Air Pollution Control District, County Courthouse, Ukiah, CA 95423.

Monterey Bay Unified Air Pollution Control District, 430 Church Street (P.O. Box 447), Salinas, CA 93901.

Northern Sonoma County Air Pollution Control District, 3318 Chanate Road, Santa Rosa, CA 95404.

Sacramento County Air Pollution Control District, 3701 Branch Center Road, Sacramento, CA 95827.

San Diego County Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123.

San Joaquin County Air Pollution Control District, 1801 E. Hamilton Street (P.O. Box 2006), Stockton, CA 95201.

Santa Barbara County Air Pollution Control District, 4440 Calle Real, Santa Barbara, CA 93110.

Stanislaus County Air Pollution Control District, 830 Soanle Drive, Modesto, CA 95350.

Trinity County Air Pollution Control District, Box A7, Weaverville, CA 96093.

Ventura County Air Pollution Control District, 626 E. Santa Clara Street, Ventura, CA 93001.

[41 FR 54757, December 15, 1976]

(G)—State of Colorado, Colorado Air Pollution Control Division, 4210 East 11th Avenue, Denver, Colorado 80226.

[40 FR 50718, October 31, 1975]

(H) State of Connecticut, Department of Environmental Protection, State Office Building, Hartford, Connecticut 06115.

[41 FR 11820, March 22, 1976]

(I) — (K) [reserved].

(L) State of Georgia, Environmental Protection Division, Department of Natural Resources, 270 Washington Street, S.W., Atlanta, Georgia 30334.

[41 FR 24885, June 21, 1976]

(M) [reserved].

(N) State of Idaho, Department of Health and Welfare, Statehouse, Boise, Idaho 83701. [40 FR 26677, June 25, 1975]

(O) [reserved].

(P) State of Indiana, Indiana Air Pollution Control Board, 1330 West Michigan Street, Indianapolis, Indiana 46206.

[41 FR 43148, September 30, 1976]

(Q) State of Iowa, Department of Environmental Quality, 3920 Delaware, P.O. Box 3326, Des Moines, Iowa 50316.

[41 FR 56806, December 30, 1976]

(R)-(T) [reserved].

(U) State of Maine, Department of Environmental Protection, State House, Augusta, Maine 04330.

[40 FR 59729, December 30, 1975]

(V) [reserved].

(W) Massachusetts Department of Environmental Quality Engineering, Division of Air Quality Control, 600 Washington Street, Boston, Massachusetts 02111.

[41 FR 19633, May 13, 1976]

(X)—State of Michigan, Air Pollution Control Division, Michigan Department of Natural Resources, Stevens T. Mason Building, 8th Floor, Lansing, Michigan 48926.

[41 FR 1913, January 13, 1976]

(Y), (Z) [reserved].

(AA), (BB) [reserved].

(CC) Nebraska Department of Environmental Control, P.O. Box 94653, State House Station, Lincoln, Nebraska 68509.

[41 FR 56805, December 30, 1976]

(DD) [reserved].

[Sec. 60.4(b)]

(EE) New Hampshire Air Pollution Control Agency, Department of Health and Welfare, State Laboratory Building, Hazen Drive, Concord, New Hampshire 03301.

[41 FR 19633, May 13, 1976]
(FF), (GG) [reserved].

(HH)—New York: New York State Department of Environmental Conservation, 50 Wolf Road, New York 12233, attention: Division of Air Resources.

[40 FR 48347, October 15, 1975]

(II) North Carolina Environmental Management Commission, Department of Natural and Economic Resources, Division of Environmental Management, P.O. Box 27687, Raleigh, North Carolina 27611. Attention: Air Quality Section.

[41 FR 56805, December 30, 1976]

(JJ)—State of North Dakota, State Department of Health, State Capitol, Bismarck, North Dakota 58501.

[41 FR 44859, October 13, 1976]

(KK) Ohio—
Medina, Summit and Portage Counties; Director, Air Pollution Control, 177 South Broadway, Akron, Ohio, 44306.

Stark County; Director, Air Pollution Control Division, Canton City Health Department, City Hall, 218 Cleveland Avenue SW, Canton, Ohio, 44702.

Butler, Clermont, Hamilton and Warren Counties; Superintendent, Division of Air Pollution Control, 2400 Beekman Street, Cincinnati, Ohio, 45214.

Cuyahoga County; Commissioner, Division of Air Pollution Control, Department of Public Health and Welfare, 2735 Broadway Avenue, Cleveland, Ohio, 44116.

Lorain County; Control Officer, Division of Air Pollution Control, 900 West Erie Avenue, 7th Floor, Lorain, Ohio, 44052.

Belmont, Carroll, Columbiana, Harrison, Jefferson, and Monroe Counties; Director, North Ohio Valley Air Authority (NOVAA), 814 Adams Street, Steubenville, Ohio, 43952.
Clark, Darke, Greene, Miami, Montgomery, and Preble Counties; Supervisor, Regional Air Pollution Control Agency (RAPCA), Montgomery County Health Department, 451 West Third Street, Dayton, Ohio, 45402.

Lucas County and the City of Rossford (in Wood County); Director, Toledo Pollution Control Agency, 26 Main Street, Toledo, Ohio, 43606.

Adams, Brown, Lawrence, and Scioto Counties; Engineer-Director, Air Division, Portsmouth City Health Department, 740 Second Street, Portsmouth, Ohio, 45662.

Allen, Ashland, Auglaize, Crawford, DeLancey, Erie, Fulton, Hancock, Hardin, Henry, Huron, Knox, Marion, Mercer, Morrow, Ottawa, Paulding, Putnam, Richland, Sandusky, Seneca, Van Wert, Williams, Wood (except City of Rossford), and Wyandot Counties; Ohio Environmental Protection Agency, Northwest District Office, 111 West Washington Street, Bowling Green, Ohio, 43402.

Ashtabula, Geauga, Lake, Mahoning, Trumbull, and Wayne Counties; Ohio Environmental Protection Agency, Northeast District Office, 2110 East Aurora Road, Twinsburg, Ohio, 44087.

Athens, Coshocton, Gallia, Guernsey, Highland, Hocking, Holmes, Jackson, Meigs, Morgan, Muskingum, Noble, Perry, Pike, Ross, Tuscarawas, Vinton, and Washington Counties; Ohio Environmental Protection Agency, Southeast District Office, Route 3, Box 603, Logan, Ohio, 43138.

Champaign, Clinton, Logan, and Shelby Counties; Ohio Environmental Protection Agency, Southwest District Office, 7 East Fourth Street, Dayton, Ohio, 45402.

Delaware, Fairfield, Fayette, Franklin, Licking, Madison, Pickaway, and Union Counties; Ohio Environmental Protection

Agency, Central District Office, 369 East Broad Street, Columbus, Ohio, 43215.

[41 FR 55531, December 21, 1976]

(LL) [reserved].

(MM)—State of Oregon, Department of Environmental Quality, 1234 SW Morrison Street, Portland, Oregon 97205.

[41 FR 7750, February 20, 1976]

(NN)(a) City of Philadelphia, Philadelphia Department of Public Health, Air Management Services, 801 Arch Street, Philadelphia, Pennsylvania 19107.

[42 FR 6812, February 4, 1977]

(OO) [reserved].

(PP) State of South Carolina, Office of Environmental Quality Control, Department of Health and Environmental Control, 3000 Bull Street, Columbia, South Carolina 29201.

[42 FR 4124, January 24, 1977]

(QQ) State of South Dakota, Department of Environmental Protection, Joe Foss Building, Pierre, South Dakota 57501.

[41 FR 17549, April 27, 1976]

(RR), (SS) [reserved].

(TT)—State of Utah, Utah Air Conservation Committee, State Division of Health, 44 Medical Drive, Salt Lake City, Utah 84113.

[41 FR 24124, June 15, 1976]

(UU)—State of Vermont, Agency of Environmental Protection, Box 460, Montpelier, Vermont 05602.

[42 FR 1214, January 6, 1977]

(VV) Commonwealth of Virginia, Virginia State Air Pollution Control Board, Room 1106, Ninth Street Office Building, Richmond, Virginia 23219.

[41 FR 8346, February 26, 1976]

(WW) (i) Washington: State of Washington, Department of Ecology, Olympia, Washington 98504.

(ii) Northwest Air Pollution Authority, 207 Pioneer Building, Second and Pine Streets, Mount Vernon, Washington 98273.

(iii) Puget Sound Air Pollution Control Agency, 410 West Harrison Street, Seattle, Washington 98119.

(iv) Spokane County Air Pollution Control Authority, North 811 Jefferson, Spokane, Washington 99201.

(v) Southwest Air Pollution Control Authority, Suite 7801 E, NE Hazel Dell Avenue, Vancouver, Washington 98665.

[41 FR 4263, January 29, 1976]

(XX) [reserved].

(YY) Wisconsin—
Wisconsin Department of Natural Resources, P.O. Box 7921, Madison, Wisconsin 53707.

[42 FR 16778, March 30, 1977]

(ZZ) [reserved].

(AAA), (BBB) [reserved].

(TCCC)—U.S. Virgin Islands: U.S. Virgin Islands Department of Conservation and Cultural Affairs, P.O. Box 578, Charlotte Amalie, St. Thomas, U.S. Virgin Islands 00801.

[41 FR 34628, August 16, 1976]

(DDD) [reserved].

[39 FR 37987, October 25, 1974; 40 FR 18169, April 25, 1975; 40 FR 42194, September 11, 1975; 40 FR 45170, October 1, 1975]

§ 60.5 Determination of construction or modification.

(a) When requested to do so by an owner or operator, the Administrator

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

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

[40 FR 58415, December 16, 1975]

§ 60.6 Review of plans.

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

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

(2) Each request shall identify the location of such project, and be accompanied by technical information describing the proposed nature, size, design, and method of operation of each affected facility involved in such project, including information on any equipment to be used for measurement or control of emissions.

(c) Neither a request for plans review nor advice furnished by the Administrator in response to such request shall (1) relieve an owner or operator of legal responsibility for compliance with any provision of this part or of any applicable State or local requirement, or (2) prevent the Administrator from implementing or enforcing any provision of this part or taking any other action authorized by the Act.

§ 60.7 Notification and recordkeeping.

(a) Any owner or operator subject to the provisions of this part shall furnish the Administrator written notification as follows:

(1) A notification of the date construction (or reconstruction as defined under § 60.15) of an affected facility is commenced postmarked no later than 30 days after such date. This requirement shall not apply in the case of mass-produced facilities which are purchased in completed form.

(2) A notification of the anticipated date of initial startup of an affected facility postmarked not more than 60 days nor less than 30 days prior to such date.

(3) A notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date.

(4) A notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless that change is specifically exempted under an applicable subpart or in § 60.14(e) and the exemption is not denied under § 60.14(d)(4). This notice shall be postmarked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change. The Administrator

tor may request additional relevant information subsequent to this notice.

[40 FR 58415, December 16, 1975]

(5) A notification of the date upon which demonstration of the continuous monitoring system performance commences in accordance with § 60.13(c). Notification shall be postmarked not less than 30 days prior to such date.

(b) Any owner or operator subject to the provisions of this part shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.

(c) Each owner or operator required to install a continuous monitoring system shall submit a written report of excess emissions (as defined in applicable subparts) to the Administrator for every calendar quarter. All quarterly reports shall be postmarked by the 30th day following the end of each calendar quarter and shall include the following information:

(1) The magnitude of excess emissions computed in accordance with § 60.13(h), any conversion factor(s) used, and the date and time of commencement and completion of each time period of excess emissions.

(2) Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the affected facility. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted.

(3) The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments.

(4) When no excess emissions have occurred or the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be stated in the report.

(d) Any owner or operator subject to the provisions of this part shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part recorded in a permanent form suitable for inspection. The file shall be retained for at least two years following the date of such measurements, maintenance, reports, and records.

[40 FR 46250, October 6, 1975]

(e) If notification substantially similar to that in paragraph (a) of this section is required by any other State or local agency, sending the Administrator a copy of that notification will satisfy the requirements of paragraph (a) of this section.

[40 FR 58415, December 16, 1975]

§ 60.8 Performance tests.

(a) Within 60 days after achieving the maximum production rate at which the

affected facility will be operated, but not later than 180 days after initial startup of such facility and at such other times as may be required by the Administrator under section 114 of the Act, the owner or operator of such facility shall conduct performance test(s) and furnish the Administrator a written report of the results of such performance test(s).

(b) Performance tests shall be conducted and data reduced in accordance with the test methods and procedures contained in each applicable subpart unless the Administrator (1) specifies or approves, in specific cases, the use of a reference method with minor changes in methodology, (2) approves the use of an equivalent method, (3) approves the use of an alternative method the results of which he has determined to be adequate for indicating whether a specific source is in compliance, or (4) waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the affected facility is in compliance with the standard. Nothing in this paragraph shall be construed to abrogate the Administrator's authority to require testing under section 114 of the Act.

(c) Performance tests shall be conducted under such conditions as the Administrator shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions of performance tests unless otherwise specified in the applicable standard.

(d) The owner or operator of an affected facility shall provide the Administrator 30 days prior notice of the performance test to afford the Administrator the opportunity to have an observer present.

(e) The owner or operator of an affected facility shall provide, or cause to be provided, performance testing facilities as follows:

(1) Sampling ports adequate for test methods applicable to such facility.

(2) Safe sampling platform(s).

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

(4) Utilities for sampling and testing equipment.

(f) Each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances, beyond the owner or operator's control, compliance

may, upon the Administrator's approval, be determined using the arithmetic mean of the results of the two other runs.

§ 60.9 Availability of information.

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

[41 FR 36918, September 1, 1976]

§ 60.10 State authority.

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

(a) Adopting and enforcing any emission standard or limitation applicable to an affected facility, provided that such emission standard or limitation is not less stringent than the standard applicable to such facility.

(b) Requiring the owner or operator of an affected facility to obtain permits, licenses, or approvals prior to initiating construction, modification, or operation of such facility.

§ 60.11 Compliance with standards and maintenance requirements.

(a) Compliance with standards in this part, other than opacity standards, shall be determined only by performance tests established by § 60.8.

(b) Compliance with opacity standards in this part shall be determined by conducting observations in accordance with Reference Method 9 in Appendix A of this part or any alternative method that is approved by the Administrator. Opacity readings of portions of plumes which contain condensed, uncombined water vapor shall not be used for purposes of determining compliance with opacity standards. The results of continuous monitoring by transmissometer which indicate that the opacity at the time visual observations were made was not in excess of the standard are probative but not conclusive evidence of the actual opacity of an emission, provided that the source shall meet the burden of proving that the instrument used meets (at the time of the alleged violation) Performance Specification 1 in Appendix B of this part, has been properly maintained and (at the time of the alleged violation) calibrated, and that the resulting data have not been tampered with in any way.

[42 FR 26205, May 23, 1977]

(c) The opacity standards set forth in this part shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided in the applicable standard.

(d) At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable oper-

ating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(c)(1) An owner or operator of an affected facility may request the Administrator to determine opacity of emissions from the affected facility during the initial performance tests required by Sec. 60.8.

(2) Upon receipt from such owner or operator of the written report of the results of the performance tests required by § 60.8, the Administrator will make a finding concerning compliance with opacity and other applicable standards. If the Administrator finds that an affected facility is in compliance with all applicable standards for which performance tests are conducted in accordance with § 60.8 of this part but during the time such performance tests are being conducted fails to meet any applicable opacity standard, he shall notify the owner or operator and advise him that he may petition the Administrator within 10 days of receipt of notification to make appropriate adjustment to the opacity standard for the affected facility.

(3) The Administrator will grant such a petition upon a demonstration by the owner or operator that the affected facility and associated air pollution control equipment was operated and maintained in a manner to minimize the

opacity of emissions during the performance tests; that the performance tests were performed under the conditions established by the Administrator; and that the affected facility and associated air pollution control equipment were incapable of being adjusted or operated to meet the applicable opacity standard.

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

[39 FR 39872, November 12, 1974]

§ 60.12 Circumvention.

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

§ 60.13 Monitoring requirements.

[40 FR 46250, October 6, 1975]

(a) Unless otherwise approved by the Administrator or specified in applicable subparts, the requirements of this section shall apply to all continuous moni-

toring systems required under applicable subparts.

(b) All continuous monitoring systems and monitoring devices shall be installed and operational prior to conducting performance tests under § 60.8. Verification of operational status shall, as a minimum, consist of the following:

(1) For continuous monitoring systems referenced in paragraph (c)(1) of this section, completion of the conditioning period specified by applicable requirements in Appendix B.

(2) For continuous monitoring systems referenced in paragraph (c)(2) of this section, completion of seven days of operation.

(3) For monitoring devices referenced in applicable subparts, completion of the manufacturer's written requirements or recommendations for checking the operation or calibration of the device.

(c) During any performance tests required under § 60.8 or within 30 days thereafter and at such other times as may be required by the Administrator under section 114 of the Act, the owner or operator of any affected facility shall conduct continuous monitoring system performance evaluations and furnish the Administrator within 60 days thereof two or, upon request, more copies of a written report of the results of such tests. These continuous monitoring system performance evaluations shall be conducted in accordance with the following specifications and procedures:

(1) Continuous monitoring systems listed within this paragraph except as provided in paragraph (c)(2) of this section shall be evaluated in accordance with the requirements and procedures contained in the applicable performance specification of Appendix B as follows:

(i) Continuous monitoring systems for measuring opacity of emissions shall comply with Performance Specification 1.

(ii) Continuous monitoring systems for measuring nitrogen oxides emissions shall comply with Performance Specification 2.

(iii) Continuous monitoring systems for measuring sulfur dioxide emissions shall comply with Performance Specification 2.

(iv) Continuous monitoring systems for measuring the oxygen content or carbon dioxide content of effluent gases shall comply with Performance Specification 3.

(2) An owner or operator who, prior to September 11, 1974, entered into a binding contractual obligation to purchase specific continuous monitoring system components except as referenced by paragraph (c)(2)(iii) of this section shall comply with the following requirements:

(i) Continuous monitoring systems for measuring opacity of emissions shall be capable of measuring emission levels within ± 20 percent with a confidence level of 95 percent. The Calibration Error Test and associated calculation procedures set forth in Performance Specification 1 of Appendix B shall be used for demonstrating compliance with this specification.

(ii) Continuous monitoring systems for measurement of nitrogen oxides or

sulfur dioxide shall be capable of measuring emission levels within ± 20 percent with a confidence level of 95 percent. The Calibration Error Test, the Field Test for Accuracy (Relative), and associated operating and calculation procedures set forth in Performance Specification 2 of Appendix B shall be used for demonstrating compliance with this specification.

(iii) Owners or operators of all continuous monitoring systems installed on an affected facility prior to October 6, 1975, are not required to conduct tests under paragraphs (c)(2)(i) and/or (ii) of this section unless requested by the Administrator.

(3) All continuous monitoring systems referenced by paragraph (c)(2) of this section shall be upgraded or replaced (if necessary) with new continuous monitoring systems, and the new or improved systems shall be demonstrated to comply with applicable performance specifications under paragraph (c)(1) of this section on or before September 11, 1979.

[42 FR 5936, January 31, 1977]

(d) Owners or operators of all continuous monitoring systems installed in accordance with the provisions of this part shall check the zero and span drift at least once daily in accordance with the method prescribed by the manufacturer of such systems unless the manufacturer recommends adjustments at shorter intervals, in which case such recommendations shall be followed. The zero and span shall, as a minimum, be adjusted whenever the 24-hour zero drift or 24-hour calibration drift limits of the applicable performance specifications in Appendix B are exceeded. For continuous monitoring systems measuring opacity of emissions, the optical surfaces exposed to the effluent gases shall be cleaned prior to performing the zero or span drift adjustments except that for systems using automatic zero adjustments, the optical surfaces shall be cleaned when the cumulative automatic zero compensation exceeds four percent opacity. Unless otherwise approved by the Administrator, the following procedures, as applicable, shall be followed:

(1) For extractive continuous monitoring systems measuring gases, minimum procedures shall include introducing applicable zero and span gas mixtures into the measurement system as near the probe as is practical. Span and zero gases certified by their manufacturer to be traceable to National Bureau of Standards reference gases shall be used whenever these reference gases are available. The span and zero gas mixtures shall be the same composition as specified in Appendix B of this part. Every six months from date of manufacture, span and zero gases shall be reanalyzed by conducting triplicate analyses with Reference Methods 6 for SO_2 , 7 for NO_x , and 3 for O_2 and CO_2 , respectively. The gases may be analyzed at less frequent intervals if longer shelf lives are guaranteed by the manufacturer.

(2) For non-extractive continuous monitoring systems measuring gases, minimum procedures shall include up-scale check(s) using a certified calibra-

tion gas cell or test cell which is functionally equivalent to a known gas concentration. The zero check may be performed by computing the zero value from upscale measurements or by mechanically producing a zero condition.

(3) For continuous monitoring systems measuring opacity of emissions, minimum procedures shall include a method for producing a simulated zero opacity condition and an upscale (span) 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 the analyzer internal optical surfaces and all electronic circuitry including the lamp and photodetector assembly.

(e) Except for system breakdowns, repairs, calibration checks, and zero and span adjustments required under paragraph (d) of this section, all continuous monitoring systems shall be in continuous operation and shall meet minimum frequency of operation requirements as follows:

(1) All continuous monitoring systems referenced by paragraphs (c)(1) and (c)(2) of this section for measuring opacity of emissions shall complete a minimum of one cycle of sampling and analyzing for each successive ten-second period and one cycle of data recording for each successive six-minute period.

[42 FR 5936, January 31, 1977]

(2) All continuous monitoring systems referenced by paragraph (c)(1) of this section for measuring oxides of nitrogen, sulfur dioxide, carbon dioxide, or oxygen shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.

(3) All continuous monitoring systems referenced by paragraph (c)(2) of this section, except opacity, shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive one-hour period.

(f) All continuous monitoring systems or monitoring devices shall be installed such that representative measurements of emissions or process parameters from the affected facility are obtained. Additional procedures for location of continuous monitoring systems contained in the applicable Performance Specifications of Appendix B of this part shall be used.

(g) When the effluents from a single affected facility or two or more affected facilities subject to the same emission standards are combined before being released to the atmosphere, the owner or operator may install applicable continuous monitoring systems on each effluent or on the combined effluent. When the affected facilities are not subject to the same emission standards, separate continuous monitoring systems shall be installed on each effluent. When the effluent from one affected facility is released to the atmosphere through more than one point, the owner or operator shall install applicable continuous monitoring systems on each separate effluent unless the installation of fewer systems is approved by the Administrator.

(h) Owners or operators of all con-

tinuous monitoring systems for measurement of opacity shall reduce all data to six-minute averages and for systems other than opacity to one-hour averages for time periods under § 60.2 (x) and (r) respectively. Six-minute opacity averages shall be calculated from 24 or more data points equally spaced over each six-minute period. For systems other than opacity, one-hour averages shall be computed from four or more data points equally spaced over each one-hour period. Data recorded during periods of system breakdowns, repairs, calibration checks, and zero and span adjustments shall not be included in the data averages computed under this paragraph. An arithmetic or integrated average of all data may be used. The data output of all continuous monitoring systems may be recorded in reduced or nonreduced form (e.g. ppm pollutant and percent O₂ or lb/million Btu of pollutant). All excess emissions shall be converted into units of the standard using the applicable conversion procedures specified in subparts. After conversion into units of the standard, the data may be rounded to the same number of significant digits used in subparts to specify the applicable standard (e.g., rounded to the nearest one percent opacity).

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

[41 FR 35185, August 20, 1976]

(1) Alternative monitoring requirements when installation of a continuous monitoring system or monitoring device specified by this part would not provide accurate measurements due to liquid water or other interferences caused by substances with the effluent gases.

(2) Alternative monitoring requirements when the affected facility is infrequently operated.

(3) Alternative monitoring requirements to accommodate continuous monitoring systems that require additional measurements to correct for stack moisture conditions.

(4) Alternative locations for installing continuous monitoring systems or monitoring devices when the owner or operator can demonstrate that installation at alternate locations will enable accurate and representative measurements.

(5) Alternative methods of converting pollutant concentration measurements to units of the standards.

(6) Alternative procedures for performing daily checks of zero and span drift that do not involve use of span gases or test cells.

(7) Alternatives to the A.S.T.M. test methods or sampling procedures specified by any subpart.

(8) Alternative continuous monitoring systems that do not meet the design or performance requirements in Performance Specification 1, Appendix B, but adequately demonstrate a definite and consistent relationship between its measurements and the measurements of opacity by a system complying with the

requirements in Performance Specification 1. The Administrator may require that such demonstration be performed for each affected facility.

(a) Alternative monitoring requirements when the effluent from a single affected facility or the combined effluent from two or more affected facilities are released to the atmosphere through more than one point.

§ 60.14 Modification.

(a) Except as provided under paragraphs (d), (e) and (f) of this section, any physical or operational change to an existing facility which results in an increase in the emission rate to the atmosphere of any pollutant to which a standard applies shall be considered a modification within the meaning of section 111 of the Act. Upon modification, an existing facility shall become an affected facility for each pollutant to which a standard applies and for which there is an increase in the emission rate to the atmosphere.

(b) Emission rate shall be expressed as kg/hr of any pollutant discharged into the atmosphere for which a standard is applicable. The Administrator shall use the following to determine emission rate:

(1) Emission factors as specified in the latest issue of "Compilation of Air Pollutant Emission Factors," EPA Publication No. AP-42, or other emission factors determined by the Administrator to be superior to AP-42 emission factors, in cases where utilization of emission factors demonstrate that the emission level resulting from the physical or operational change will either clearly increase or clearly not increase.

(2) Material balances, continuous monitor data, or manual emission tests in cases where utilization of emission factors as referenced in paragraph (b)(1) of this section does not demonstrate to the Administrator's satisfaction whether the emission level resulting from the physical or operational change will either clearly increase or clearly not increase, or where an owner or operator demonstrates to the Administrator's satisfaction that there are reasonable grounds to dispute the result obtained by the Administrator utilizing emission factors as referenced in paragraph (b)(1) of this section. When the emission rate is based on results from manual emission tests or continuous monitoring systems, the procedures specified in Appendix C of this part shall be used to determine whether an increase in emission rate has occurred. Tests shall be conducted under such conditions as the Administrator shall specify to the owner or operator based on representative performance of the facility. At least three valid test runs must be conducted before and at least three after the physical or operational change. All operating parameters which may affect emissions must be held constant to the maximum feasible degree for all test runs.

(c) The addition of an affected facility to a stationary source as an expansion to that source or as a replacement for an existing facility shall not by itself bring within the applicability of this

part any other facility within that source.

(d) A modification shall not be deemed to occur if an existing facility undergoes a physical or operational change where the owner or operator demonstrates to the Administrator's satisfaction (by any of the procedures prescribed under paragraph (b) of this section) that the total emission rate of any pollutant has not increased from all facilities within the stationary source to which appropriate reference, equivalent, or alternative methods, as defined in § 60.2 (s), (t) and (u), can be applied. An owner or operator may completely and permanently close any facility within a stationary source to prevent an increase in the total emission rate regardless of whether such reference, equivalent or alternative method can be applied, if the decrease in emission rate from such closure can be adequately determined by any of the procedures prescribed under paragraph (b) of this section. The owner or operator of the source shall have the burden of demonstrating compliance with this section.

(1) Such demonstration shall be in writing and shall include: (i) The name and address of the owner or operator.

(ii) The location of the stationary source.

(iii) A complete description of the existing facility undergoing the physical or operational change resulting in an increase in emission rate, any applicable control system, and the physical or operational change to such facility.

(iv) The emission rates into the atmosphere from the existing facility of each pollutant to which a standard applies determined before and after the physical or operational change takes place, to the extent such information is known or can be predicted.

(v) A complete description of each facility and the control systems, if any, for those facilities within the stationary source where the emission rate of each pollutant in question will be decreased to compensate for the increase in emission rate from the existing facility undergoing the physical or operational change.

(vi) The emission rates into the atmosphere of the pollutants in question from each facility described under paragraph (d) (1) (v) of this section both before and after the improvement or installation of any applicable control system or any physical or operational changes to such facilities to reduce emission rate.

(vii) A complete description of the procedures and methods used to determine the emission rates.

(2) Compliance with paragraph (d) of this section may be demonstrated by the methods listed in paragraph (b) of this section, where appropriate. Decreases in emissions resulting from requirements of a State implementation plan approved or promulgated under Part 52 of this chapter will not be acceptable. The required reduction in emission rate may be accomplished through the installation or improvement of a control system or through physical or operational

changes to facilities including reducing the production of a facility or closing a facility.

(3) Emission rates established for the existing facility which is undergoing a physical or operational change resulting in an increase in the emission rate, and established for the facilities described under paragraph (d) (1) (v) of this section shall become the baseline for determining whether such facilities undergo a modification or are in compliance with standards.

(4) Any emission rate in excess of that rate established under paragraph (d) (3) of this section shall be a violation of these regulations except as otherwise provided in paragraph (e) of this section. However, any owner or operator electing to demonstrate compliance under this paragraph (d) must apply to the Administrator to obtain the use of any exemptions under paragraphs (e) (2), (e) (3), and (e) (4) of this section. The Administrator will grant such exemption only if, in his judgment, the compliance originally demonstrated under this paragraph will not be circumvented or nullified by the utilization of the exemption.

(5) The Administrator may require the use of continuous monitoring devices and compliance with necessary reporting procedures for each facility described in paragraph (d) (1) (iii) and (d) (1) (v) of this section.

(e) The following shall not, by themselves, be considered modifications under this part:

(1) Maintenance, repair, and replacement which the Administrator determines to be routine for a source category, subject to the provisions of paragraph (c) of this section and § 60.15.

(2) An increase in production rate of an existing facility, if that increase can be accomplished without a capital expenditure on the stationary source containing that facility.

(3) An increase in the hours of operation.

(4) Use of an alternative fuel or raw material if, prior to the date any standard under this part becomes applicable to that source type, as provided by § 60.1, the existing facility was designed to accommodate that alternative use. A facility shall be considered to be designed to accommodate an alternative fuel or raw material if that use could be accomplished under the facility's construction specifications, as amended, prior to the change. Conversion to coal required for energy considerations, as specified in section 119(d) (5) of the Act, shall not be considered a modification.

(5) The addition or use of any system or device whose primary function is the reduction of air pollutants, except when an emission control system is removed or is replaced by a system which the Administrator determines to be less environmentally beneficial.

(6) The relocation or change in ownership of an existing facility.

(f) Special provisions set forth under an applicable subpart of this part shall

supersede any conflicting provisions of this section.

(g) Within 180 days of the completion of any physical or operational change subject to the control measures specified in paragraphs (a) or (d) of this section, compliance with all applicable standards must be achieved.

§ 60.15 Reconstruction.

(a) An existing facility, upon reconstruction, becomes an affected facility, irrespective of any change in emission rate.

(b) "Reconstruction" means the replacement of components of an existing facility to such an extent that:

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

(2) It is technologically and economically feasible to meet the applicable standards set forth in this part.

(c) "Fixed capital cost" means the capital needed to provide all the depreciable components.

(d) If an owner or operator of an existing facility proposes to replace components, and the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility, he shall notify the Administrator of the proposed replacements. The notice must be postmarked 60 days (or as soon as practicable) before construction of the replacements is commenced and must include the following information:

(1) Name and address of the owner or operator.

(2) The location of the existing facility.

(3) A brief description of the existing facility and the components which are to be replaced.

(4) A description of the existing air pollution control equipment and the proposed air pollution control equipment.

(5) An estimate of the fixed capital cost of the replacements and of constructing a comparable entirely new facility.

(6) The estimated life of the existing facility after the replacements.

(7) A discussion of any economic or technical limitations the facility may have in complying with the applicable standards of performance after the proposed replacements.

(e) The Administrator will determine, within 30 days of the receipt of the notice required by paragraph (d) of this section and any additional information he may reasonably require, whether the proposed replacement constitutes reconstruction.

(f) The Administrator's determination under paragraph (e) shall be based on:

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

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

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

(4) Any economic or technical limitations on compliance with applicable standards of performance which are inherent in the proposed replacements.

(g) Individual subparts of this part may include specific provisions which refine and delimit the concept of reconstruction set forth in this section.

Subpart B—Adoption and Submittal of State Plans for Designated Facilities

[40 FR 53340, November 17, 1975]

§ 60.20 Applicability.

The provisions of this subpart apply to States upon publication of a final guideline document under § 60.22(a).

§ 60.21 Definitions.

Terms used but not defined in this subpart shall have the meaning given them in the Act and in subpart A:

(a) "Designated pollutant" means any air pollutant, emissions of which are subject to a standard of performance for new stationary sources but for which air quality criteria have not been issued, and which is not included on a list published under section 108(a) or section 112(b)(1)(A) of the Act.

(b) "Designated facility" means any existing facility (see § 60.2(aa)) which emits a designated pollutant and which would be subject to a standard of performance for that pollutant if the existing facility were an affected facility (see § 60.2(e)).

(c) "Plan" means a plan under section 111(d) of the Act which establishes emission standards for designated pollutants from designated facilities and provides for the implementation and enforcement of such emission standards.

(d) "Applicable plan" means the plan, or most recent revision thereof, which has been approved under § 60.27(b) or promulgated under § 60.27(d).

(e) "Emission guideline" means a guideline set forth in subpart C of this part, or in a final guideline document published under § 60.22(a), which reflects the degree of emission reduction achievable through the application of the best system of emission reduction which (taking into account the cost of such reduction) the Administrator has determined has been adequately demonstrated for designated facilities.

(f) "Emission standard" means a legally enforceable regulation setting forth an allowable rate of emissions into the atmosphere, or prescribing equipment specifications for control of air pollution emissions.

(g) "Compliance schedule" means a legally enforceable schedule specifying a date or dates by which a source or category or sources must comply with specific

emission standards contained in a plan or with any increments of progress to achieve such compliance.

(h) "Increments of progress" means steps to achieve compliance which must be taken by an owner or operator of a designated facility, including:

(1) Submittal of a final control plan for the designated facility to the appropriate air pollution control agency;

(2) Awarding of contracts for emission control systems or for process modifications, or issuance of orders for the purchase of component parts to accomplish emission control or process modification.

(3) Initiation of on-site construction or installation of emission control equipment or process change;

(4) Completion of on-site construction or installation of emission control equipment or process change; and

(5) Final compliance.

(i) "Region" means an air quality control region designated under section 107 of the Act and described in Part 81 of this chapter.

(j) "Local agency" means any local governmental agency.

§ 60.22 Publication of guideline documents, emission guidelines, and final compliance times.

(a) After promulgation of a standard of performance for the control of a designated pollutant from affected facilities, the Administrator will publish a draft guideline document containing information pertinent to control of the designated pollutant from designated facilities. Notice of the availability of the draft guideline document will be published in the FEDERAL REGISTER, and public comments on its contents will be invited. After consideration of public comments, a final guideline document will be published and notice of its availability will be published in the FEDERAL REGISTER.

(b) Guideline documents published under this section will provide information for the development of State plans, such as:

(1) Information concerning known or suspected endangerment of public health or welfare caused, or contributed to, by the designated pollutant.

(2) A description of systems of emission reduction which, in the judgment of the Administrator, have been adequately demonstrated.

(3) Information on the degree of emission reduction which is achievable with each system, together with information on the costs and environmental effects of applying each system to designated facilities.

(4) Incremental periods of time normally expected to be necessary for the design, installation, and startup of identified control systems.

(5) An emission guideline that reflects the application of the best system of emission reduction (considering the cost of such reduction) that has been adequately demonstrated for designated facilities, and the time within which compliance with emission standards of equivalent stringency can be achieved. The

Administrator will specify different emission guidelines or compliance times or both for different sizes, types, and classes of designated facilities when costs of control, physical limitations, geographical location, or similar factors make subcategorization appropriate.

(6) Such other available information as the Administrator determines may contribute to the formulation of State plans.

(c) Except as provided in paragraph (d)(1) of this section, the emission guidelines and compliance times referred to in paragraph (b)(5) of this section will be proposed for comment upon publication of the draft guideline document, and after consideration of comments will be promulgated in Subpart C of this part with such modifications as may be appropriate.

(d)(1) If the Administrator determines that a designated pollutant may cause or contribute to endangerment of public welfare, but that adverse effects on public health have not been demonstrated, he will include the determination in the draft guideline document and in the FEDERAL REGISTER notice of its availability. Except as provided in paragraph (d)(2) of this section, paragraph (c) of this section shall be inapplicable in such cases.

(2) If the Administrator determines at any time on the basis of new information that a prior determination under paragraph (d)(1) of this section is incorrect or no longer correct, he will publish notice of the determination in the FEDERAL REGISTER, revise the guideline document as necessary under paragraph (a) of this section, and propose and promulgate emission guidelines and compliance times under paragraph (c) of this section.

§ 60.23 Adoption and submittal of State plans; public hearings.

(a)(1) Within nine months after notice of the availability of a final guideline document is published under § 60.22(a), each State shall adopt and submit to the Administrator, in accordance with § 60.4, a plan for the control of the designated pollutant to which the guideline document applies.

(2) Within nine months after notice of the availability of a final revised guideline document is published as provided in § 60.22(d)(2), each State shall adopt and submit to the Administrator any plan revision necessary to meet the requirements of this subpart.

(b) If no designated facility is located within a State, the State shall submit a letter of certification to that effect to the Administrator within the time specified in paragraph (a) of this section. Such certification shall exempt the State from the requirements of this subpart for that designated pollutant.

(c)(1) Except as provided in paragraphs (c)(2) and (c)(3) of this section, the State shall, prior to the adoption of any plan or revision thereof, conduct one or more public hearings within the State on such plan or plan revision.

(2) No hearing shall be required for any change to an increment of progress in an approved compliance schedule un-

less the change is likely to cause the facility to be unable to comply with the final compliance date in the schedule.

(3) No hearing shall be required on an emission standard in effect prior to the effective date of this subpart if it was adopted after a public hearing and is at least as stringent as the corresponding emission guideline specified in the applicable guideline document published under § 60.22(a).

(d) Any hearing required by paragraph (c) of this section shall be held only after reasonable notice. Notice shall be given at least 30 days prior to the date of such hearing and shall include:

(1) Notification to the public by prominently advertising the date, time, and place of such hearing in each region affected;

(2) Availability, at the time of public announcement, of each proposed plan or revision thereof for public inspection in at least one location in each region to which it will apply;

(3) Notification to the Administrator;

(4) Notification to each local air pollution control agency in each region to which the plan or revision will apply; and

(5) In the case of an interstate region, notification to any other State included in the region.

(e) The State shall prepare and retain, for a minimum of 2 years, a record of each hearing for inspection by any interested party. The record shall contain, as a minimum, a list of witnesses together with the text of each presentation.

(f) The State shall submit with the plan or revision:

(1) Certification that each hearing required by paragraph (c) of this section was held in accordance with the notice required by paragraph (d) of this section; and

(2) A list of witnesses and their organizational affiliations, if any, appearing at the hearing and a brief written summary of each presentation or written submission.

(g) Upon written application by a State agency (through the appropriate Regional Office), the Administrator may approve State procedures designed to insure public participation in the matters for which hearings are required and public notification of the opportunity to participate if, in the judgment of the Administrator, the procedures, although different from the requirements of this subpart, in fact provide for adequate notice to and participation of the public. The Administrator may impose such conditions on his approval as he deems necessary. Procedures approved under this section shall be deemed to satisfy the requirements of this subpart regarding procedures for public hearings.

§ 60.24 Emission standards and compliance schedules.

(a) Each plan shall include emission standards and compliance schedules.

(b) (1) Emission standards shall prescribe allowable rates of emissions except when it is clearly impracticable. Such

cases will be identified in the guideline documents issued under § 60.22. Where emission standards prescribing equipment specifications are established, the plan shall, to the degree possible, set forth the emission reductions achievable by implementation of such specifications, and may permit compliance by the use of equipment determined by the State to be equivalent to that prescribed.

(2) Test methods and procedures for determining compliance with the emission standards shall be specified in the plan. Methods other than those specified in Appendix A to this part may be specified in the plan if shown to be equivalent or alternative methods as defined in § 60.2 (t) and (u).

(3) Emission standards shall apply to all designated facilities within the State. A plan may contain emission standards adopted by local jurisdictions provided that the standards are enforceable by the State.

(c) Except as provided in paragraph (f) of this section, where the Administrator has determined that a designated pollutant may cause or contribute to endangerment of public health, emission standards shall be no less stringent than the corresponding emission guideline(s) specified in subpart C of this part, and final compliance shall be required as expeditiously as practicable but no later than the compliance times specified in Subpart C.

(d) Where the Administrator has determined that a designated pollutant may cause or contribute to endangerment of public health but that adverse effects on public health have not been demonstrated, States may balance the emission guidelines, compliance times, and other information provided in the applicable guideline document against other factors of public concern in establishing emission standards, compliance schedules, and variances. Appropriate consideration shall be given to the factors specified in § 60.22(b) and to information presented at the public hearing(s) conducted under § 60.23(c).

(e) (1) Any compliance schedule extending more than 12 months from the date required for submittal of the plan shall include legally enforceable increments of progress to achieve compliance for each designated facility or category of facilities. Increments of progress shall include, where practicable, each increment of progress specified in § 60.21(h) and shall include such additional increments of progress as may be necessary to permit close and effective supervision of progress toward final compliance.

(2) A plan may provide that compliance schedules for individual sources or categories of sources will be formulated after plan submittal. Any such schedule shall be the subject of a public hearing held according to § 60.23 and shall be submitted to the Administrator within 60 days after the date of adoption of the schedule but in no case later than the date prescribed for submittal of the first semiannual report required by § 60.25(e).

(f) On a case-by-case basis for particular designated facilities, or classes of facilities, States may provide for the application of less stringent emission standards or longer compliance schedules than those otherwise required by paragraph (c) of this section provided that the State demonstrates with respect to each such facility (or class of facilities):

(1) Unreasonable cost of control resulting from plant age, location, or basic process design;

(2) Physical impossibility of installing necessary control equipment; or

(3) Other factors specific to the facility (or class of facilities) that make application of a less stringent standard or final compliance time significantly more reasonable.

(g) Nothing in this subpart shall be construed to preclude any State or political subdivision thereof from adopting or enforcing (1) emission standards more stringent than emission guidelines specified in subpart C of this part or in applicable guideline documents or (2) compliance schedules requiring final compliance at earlier times than those specified in subpart C or in applicable guideline documents.

§ 60.25 Emission inventories, source surveillance, reports.

(a) Each plan shall include an inventory of all designated facilities, including emission data for the designated pollutants and information related to emissions as specified in Appendix D to this part. Such data shall be summarized in the plan, and emission rates of designated pollutants from designated facilities shall be correlated with applicable emission standards. As used in this subpart, "correlated" means presented in such a manner as to show the relationship between measured or estimated amounts of emissions and the amounts of such emissions allowable under applicable emission standards.

(b) Each plan shall provide for monitoring the status of compliance with applicable emission standards. Each plan shall, as a minimum, provide for:

(1) Legally enforceable procedures for requiring owners or operators of designated facilities to maintain records and periodically report to the State information on the nature and amount of emissions from such facilities, and/or such other information as may be necessary to enable the State to determine whether such facilities are in compliance with applicable portions of the plan.

(2) Periodic inspection and, when applicable, testing of designated facilities.

(c) Each plan shall provide that information obtained by the State under paragraph (b) of this section shall be correlated with applicable emission standards (see § 60.25(a)) and made available to the general public.

(d) The provisions referred to in paragraphs (b) and (c) of this section shall be specifically identified. Copies of such provisions shall be submitted with the plan unless:

(1) They have been approved as portions of a preceding plan submitted under this subpart or as portions of an implementation plan submitted under section 110 of the Act, and

(2) The State demonstrates:

(i) That the provisions are applicable to the designated pollutant(s) for which the plan is submitted, and

(ii) That the requirements of § 60.26 are met.

(e) The State shall submit reports on progress in plan enforcement to the Administrator on a semiannual basis, commencing with the first full report period after approval of a plan or after promulgation of a plan by the Administrator. The semiannual periods are January 1-June 30 and July 1-December 31. Information required under this paragraph shall be included in the semiannual reports required by § 51.7 of this chapter.

(f) Each progress report shall include:

(1) Enforcement actions initiated against designated facilities during the reporting period, under any emission standard or compliance schedule of the plan.

(2) Identification of the achievement of any increment of progress required by the applicable plan during the reporting period.

(3) Identification of designated facilities that have ceased operation during the reporting period.

(4) Submission of emission inventory data as described in paragraph (a) of this section for designated facilities that were not in operation at the time of plan development but began operation during the reporting period.

(5) Submission of additional data as necessary to update the information submitted under paragraph (a) of this section or in previous progress reports.

(6) Submission of copies of technical reports on all performance testing on designated facilities conducted under paragraph (b)(2) of this section, complete with concurrently recorded process data.

§ 60.26 Legal authority.

(a) Each plan shall show that the State has legal authority to carry out the plan, including authority to:

(1) Adopt emission standards and compliance schedules applicable to designated facilities.

(2) Enforce applicable laws, regulations, standards, and compliance schedules, and seek injunctive relief.

(3) Obtain information necessary to determine whether designated facilities are in compliance with applicable laws, regulations, standards, and compliance schedules, including authority to require recordkeeping and to make inspections and conduct tests of designated facilities.

(4) Require owners or operators of designated facilities to install, maintain, and use emission monitoring devices and to make periodic reports to the State on the nature and amounts of emissions from such facilities; also authority for the State to make such data available to

the public as reported and as correlated with applicable emission standards.

(b) The provisions of law or regulations which the State determines provide the authorities required by this section shall be specifically identified. Copies of such laws or regulations shall be submitted with the plan unless:

(1) They have been approved as portions of a preceding plan submitted under this subpart or as portions of an implementation plan submitted under section 110 of the Act, and

(2) The State demonstrates that the laws or regulations are applicable to the designated pollutant(s) for which the plan is submitted.

(c) The plan shall show that the legal authorities specified in this section are available to the State at the time of submission of the plan. Legal authority adequate to meet the requirements of paragraphs (a)(3) and (4) of this section may be delegated to the State under section 114 of the Act.

(d) A State governmental agency other than the State air pollution control agency may be assigned responsibility for carrying out a portion of a plan if the plan demonstrates to the Administrator's satisfaction that the State governmental agency has the legal authority necessary to carry out that portion of the plan.

(e) The State may authorize a local agency to carry out a plan, or portion thereof, within the local agency's jurisdiction if the plan demonstrates to the Administrator's satisfaction that the local agency has the legal authority necessary to implement the plan or portion thereof, and that the authorization does not relieve the State of responsibility under the Act for carrying out the plan or portion thereof.

§ 60.27 Actions by the Administrator.

(a) The Administrator may, whenever he determines necessary, extend the period for submission of any plan or plan revision or portion thereof.

(b) After receipt of a plan or plan revision, the Administrator will propose the plan or revision for approval or disapproval. The Administrator will, within four months after the date required for submission of a plan or plan revision, approve or disapprove such plan or revision or each portion thereof.

(c) The Administrator will, after consideration of any State hearing record, promptly prepare and publish proposed regulations setting forth a plan, or portion thereof, for a State if:

(1) The State fails to submit a plan within the time prescribed;

(2) The State fails to submit a plan revision required by § 60.23(a)(2) within the time prescribed; or

(3) The Administrator disapproves the State plan or plan revision or any portion thereof, as unsatisfactory because the requirements of this subpart have not been met.

(d) The Administrator will, within six months after the date required for submission of a plan or plan revision, promulgate the regulations proposed under paragraph (c) of this section with such modifications as may be appropriate unless, prior to such promulgation, the State has adopted and submitted a plan or plan revision which the Administrator determines to be approvable.

(e)(1) Except as provided in paragraph (e)(2) of this section, regulations proposed and promulgated by the Administrator under this section will prescribe emission standards of the same stringency as the corresponding emission guideline(s) specified in the final guideline document published under § 60.22(a) and will require final compliance with such standards as expeditiously as practicable but no later than the times specified in the guideline document.

(2) Upon application by the owner or operator of a designated facility to which regulations proposed and promulgated under this section will apply, the Administrator may provide for the application of less stringent emission standards or longer compliance schedules than those otherwise required by this section in accordance with the criteria specified in § 60.24(f).

(f) If a State failed to hold a public hearing as required by § 60.23(c), the Administrator will provide opportunity for a hearing within the State prior to promulgation of a plan under paragraph (d) of this section.

§ 60.28 Plan revisions by the State.

(a) Plan revisions which have the effect of delaying compliance with applicable emission standards or increments of progress or of establishing less stringent emission standards shall be submitted to the Administrator within 60 days after adoption in accordance with the procedures and requirements applicable to development and submission of the original plan.

(b) More stringent emission standards, or orders which have the effect of accelerating compliance, may be submitted to the Administrator as plan revisions in accordance with the procedures and requirements applicable to development and submission of the original plan.

(c) A revision of a plan, or any portion thereof, shall not be considered part of an applicable plan until approved by the Administrator in accordance with this subpart.

§ 60.29 Plan revisions by the Administrator.

After notice and opportunity for public hearing in each affected State, the Administrator may revise any provision of an applicable plan if:

(a) The provision was promulgated by the Administrator, and

(b) The plan, as revised, will be consistent with the Act and with the requirements of this subpart.

Subpart D—Standards of Performance for Fossil-Fuel Fired Steam Generators**§ 60.40 Applicability and designation of affected facility.**

(a) The affected facilities to which the provisions of this subpart apply are:

(1) Each fossil-fuel-fired steam generating unit of more than 73 megawatts heat input rate (250 million Btu per hour).

(2) Each fossil fuel and wood residue-fired steam generating unit capable of firing fossil fuel at a heat input rate of more than 73 megawatts (250 million Btu per hour).

(b) Any change to an existing fossil fuel-fired steam generating unit to accommodate the use of combustible materials, other than fossil fuels as defined in this subpart, shall not bring that unit under the applicability of this subpart.

[41 FR 51397, November 22, 1976]

§ 60.41 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act, and in subpart A of this part.

(a) "Fossil fuel-fired steam generating unit" means a furnace or boiler used in the process of burning fossil fuel for the purpose of producing steam by heat transfer.

(b) "Fossil fuel" means natural gas, petroleum, coal, and any form of solid liquid, or gaseous fuel derived from such materials for the purpose of creating useful heat.

[39 FR 20790, June 14, 1974]

(c) "Coal refuse" means waste-products of coal mining, cleaning, and coal preparation operations (e.g. culm, gob, etc.) containing coal, matrix material, clay, and other organic and inorganic material.

[40 FR 2803, January 16, 1975]

(d) "Fossil fuel and wood residue-fired steam generating unit" means a furnace or boiler used in the process of burning fossil fuel and wood residue for the purpose of producing steam by heat transfer.

(e) "Wood residue" means bark, sawdust, slabs, chips, shavings, mill trim, and other wood products derived from wood processing and forest management operations.

[41 FR 51397, November 22, 1976]

§ 60.42 Standard for particulate matter.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility any gases which:

(1) Contain particulate matter in excess of 43 nanograms per joule heat input (0.10 lb per million Btu) derived from fossil fuel or fossil fuel and wood residue.

[41 FR 51397, November 22, 1976]

(2) Exhibit greater than 20 percent opacity except that a maximum of 40

percent opacity shall be permissible for not more than 2 minutes in any hour.

§ 60.43 Standard for sulfur dioxide.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility any gases which contain sulfur dioxide in excess of:

(1) 340 nanograms per joule heat input (0.80 lb per million Btu) derived from liquid fossil fuel or liquid fossil fuel and wood residue.

(2) 520 nanograms per joule heat input (1.2 lb per million Btu) derived from solid fossil fuel or solid fossil fuel and wood residue.

(b) When different fossil fuels are burned simultaneously in any combination, the applicable standard (in ng/J) shall be determined by proration using the following formula:

$$PS_{SO_2} = \frac{y(340) + z(520)}{y + z}$$

where:

PS_{SO_2} is the prorated standard for sulfur dioxide when burning different fuels simultaneously, in nanograms per joule heat input derived from all fossil fuels fired or from all fossil fuels and wood residue fired.

y is the percentage of total heat input derived from liquid fossil fuel, and z is the percentage of total heat input derived from solid fossil fuel.

[41 FR 51397, November 22, 1976]

(c) Compliance shall be based on the total heat input from all fossil fuels burned, including gaseous fuels.

[39 FR 20790, June 14, 1974]

§ 60.44 Standard for nitrogen oxides.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility any gases which contain nitrogen oxides, expressed as NO_x , in excess of:

(1) 86 nanograms per joule heat input (0.20 lb per million Btu) derived from gaseous fossil fuel or gaseous fossil fuel and wood residue.

(2) 130 nanograms per joule heat input (0.30 lb per million Btu) derived from liquid fossil fuel or liquid fossil fuel and wood residue.

(3) 300 nanograms per joule heat input (0.70 lb per million Btu) derived from solid fossil fuel or solid fossil fuel and wood residue (except lignite or a solid fossil fuel containing 25 percent, by weight, or more of coal refuse).

(b) When different fossil fuels are burned simultaneously in any combination, the applicable standards (in ng/J) shall be determined by proration. Compliance shall be determined by using the following formula:

$$PS_{NO_x} = \frac{z(86) + y(130) + x(300)}{x + y + z}$$

where:

PS_{NO_x} is the prorated standard for nitrogen oxides when burning different fuels simultaneously, in nanograms per joule heat input derived from all fossil fuels fired or from all fossil fuels and wood residue fired.

z is the percentage of total heat input derived from gaseous fossil fuel.

y is the percentage of total heat input derived from liquid fossil fuel, and

x is the percentage of total heat input derived from solid fossil fuel (except lignite or a solid fossil fuel containing

25 percent, by weight, or more of coal refuse).

When lignite or a solid fossil fuel containing 25 percent, by weight, or more of coal refuse is burned in combination with gaseous, liquid, other solid fossil fuel, or wood residue, the standard for nitrogen oxides does not apply.

[41 FR 51397, November 22, 1976]

When lignite or a solid fossil fuel containing 25 percent, by weight, or more of coal refuse is burned in combination with gaseous, liquid, other solid fossil fuel, or wood residue, the standard for nitrogen oxides does not apply.

§ 60.45 Emission and fuel monitoring.

[Paragraphs (a)-(e) revised by 42 FR 5936, January 31, 1977]

(a) Each owner or operator shall install, calibrate, maintain, and operate continuous monitoring systems for measuring the opacity of emissions, sulfur dioxide emissions, nitrogen oxides emissions, and either oxygen or carbon dioxide except as provided in paragraph (b) of this section.

(b) Certain of the continuous monitoring system requirements under paragraph (a) of this section do not apply to owners or operators under the following conditions:

(1) For a fossil fuel-fired steam generator that burns only gaseous fossil fuel, continuous monitoring systems for measuring the opacity of emissions and sulfur dioxide emissions are not required.

(2) For a fossil fuel-fired steam generator that does not use a flue gas desulfurization device, a continuous monitoring system for measuring sulfur dioxide emissions is not required if the owner or operator monitors sulfur dioxide emissions by fuel sampling and analysis under paragraph (d) of this section.

(3) Notwithstanding § 60.13(b), installation of a continuous monitoring system for nitrogen oxides may be delayed until after the initial performance tests under § 60.8 have been conducted. If the owner or operator demonstrates during the performance test that emissions of nitrogen oxides are less than 70 percent of the applicable standards in § 60.44, a continuous monitoring system for measuring nitrogen oxides emissions is not required. If the initial performance test results show that nitrogen oxide emissions are greater than 70 percent of the applicable standard, the owner or operator shall install a continuous monitoring system for nitrogen oxides within one year after the date of the initial performance tests under § 60.8 and comply with all other applicable monitoring requirements under this part.

(4) If an owner or operator does not install any continuous monitoring systems for sulfur oxides and nitrogen oxides, as provided under paragraphs (b)(1) and (b)(3) or paragraphs (b)(2) and (b)(3) of this section a continuous monitoring system for measuring either oxygen or carbon dioxide is not required.

(c) For performance evaluations under § 60.13(c) and calibration checks under § 60.13(d), the following procedures shall be used:

(1) Reference Methods 6 or 7, as applicable, shall be used for conducting performance evaluations of sulfur dioxide and nitrogen oxides continuous monitoring systems.

(2) Sulfur dioxide or nitric oxide, as applicable, shall be used for preparing calibration gas mixtures under Performance Specification 2 of Appendix B to this part.

(3) For affected facilities burning fossil fuel(s), the span value for a continuous monitoring system measuring the opacity of emissions shall be 80, 90, or 100 percent and for a continuous monitoring system measuring sulfur oxides or nitrogen oxides the span value shall be determined as follows:

(In parts per million)		
Fossil fuel	Span value for sulfur dioxide	Span value for nitrogen oxides
Gas.....	(1)	500
Liquid.....	1,000	500
Solid.....	1,500	500
Combinations..	1,000y+1,500z	500(x+y)+1,000z

1 Not applicable.

where:

x = the fraction of total heat input derived from gaseous fossil fuel, and
y = the fraction of total heat input derived from liquid fossil fuel, and
z = the fraction of total heat input derived from solid fossil fuel.

(4) All span values computed under paragraph (c)(3) of this section for burning combinations of fossil fuels shall be rounded to the nearest 500 ppm.

(5) For a fossil fuel-fired steam generator that simultaneously burns fossil fuel and nonfossil fuel, the span value of all continuous monitoring systems shall be subject to the Administrator's approval.

(d) [Reserved]

(e) For any continuous monitoring system installed under paragraph (a) of this section, the following conversion procedures shall be used to convert the continuous monitoring data into units of the applicable standards (ng/J, lb/million Btu):

(1) When a continuous monitoring system for measuring oxygen is selected, the measurement of the pollutant concentration and oxygen concentration shall each be on a consistent basis (wet or dry). Alternative procedures approved by the Administrator shall be

used when measurements are on a wet basis. When measurements are on a dry basis, the following conversion procedure shall be used:

$$E = CF \left[\frac{20.9}{20.9 - \text{percent } O_2} \right]$$

where:

E, C, F, and %O₂ are determined under paragraph (f) of this section.

(2) When a continuous monitoring system for measuring carbon dioxide is selected, the measurement of the pollutant concentration and carbon dioxide concentration shall each be on a consistent basis (wet or dry) and the following conversion procedure shall be used:

$$E = CF \left[\frac{100}{\text{percent } CO_2} \right]$$

where:

E, C, F, and %CO₂ are determined under paragraph (f) of this section.

(f) The values used in the equations under paragraphs (e)(1) and (2) of this section are derived as follows:

(1) E = pollutant emissions, ng/J (lb/million Btu).

(2) C = pollutant concentration, ng/dscm (lb/dscf), determined by multiplying the average concentration (ppm) for each one-hour period by 4.15×10^{-4} M ng/dscm per ppm (2.59×10^{-4} M lb/dscf per ppm) where M = pollutant molecular weight, g/g-mole (lb/lb-mole). M = 64.07 for sulfur dioxide and 46.01 for nitrogen oxides.

[41 FR 51397, November 22, 1976]

(3) %O₂, %CO₂ = oxygen or carbon dioxide volume (expressed as percent), determined with equipment specified under paragraph (d) of this section.

(4) F, F_d = a factor representing a ratio of the volume of dry flue gases generated to the calorific value of the fuel combusted (F), and a factor representing a ratio of the volume of carbon dioxide generated to the calorific value of the fuel combusted (F_d), respectively. Values of F and F_d are given as follows:

(i) For anthracite coal as classified according to A.S.T.M. D 388-66, F = 2.723×10^{-7} dscm/J (10,140 dscf/million Btu) and F_d = 0.532×10^{-7} scm CO₂/J (1,980 scf CO₂/million Btu).

(ii) For subbituminous and bituminous coal as classified according to A.S.T.M. D 388-66, F = 2.637×10^{-7} dscm/J (9,820 dscf/million Btu) and F_d = 0.486×10^{-7} scm CO₂/J (1,810 scf CO₂/million Btu).

(iii) For liquid fossil fuels including crude, residual, and distillate oils, F = 2.476×10^{-7} dscm/J (9,220 dscf/million Btu) and F_d = 0.384 scm CO₂/J (1,430 scf CO₂/million Btu).

(iv) For gaseous fossil fuels, F = 2.347×10^{-7} dscm/J (8,740 dscf/million Btu). For natural gas, propane, and butane fuels, F_d = 0.279×10^{-7} scm CO₂/J (1,040 scf CO₂/million Btu) for natural gas, 0.322×10^{-7} scm CO₂/J (1,200 scf CO₂/million Btu) for propane, and 0.338×10^{-7} scm CO₂/J (1,260 scf CO₂/million Btu) for butane.

(v) For bark F = 1.076 dscm/J (9,575 dscf/million Btu) and F_d = 0.217 dscm/J (1,927 dscf/million Btu). For wood residue other than bark F = 1.038 dscm/J (9,233 dscf/million Btu) and F_d = 0.207 dscm/J (1,842 dscf/million Btu).

(5) The owner or operator may use the following equation to determine an F factor (dscm/J or dscf/million Btu) on a dry basis (if it is desired to calculate F on a wet basis, consult the Administrator) or F_d factor (scm CO₂/J, or scf CO₂/million Btu) on either basis in lieu of the F or F_d factors specified in paragraph (f)(4) of this section:

$$F = \frac{227.0(\%H) + 95.7(\%C) + 35.4(\%S) + 8.6(\%N) - 28.5(\%O)}{GCV}$$

(SI units)

$$F = \frac{10[3.64(\%H) + 1.53(\%C) + 0.57(\%S) + 0.14(\%N) - 0.46(\%O)]}{GCV}$$

(English units)

$$F_d = \frac{20.0(\%C)}{GCV}$$

(SI units)

$$F_d = \frac{321 \times 10^6(\%C)}{GCV}$$

(English units)

[41 FR 51397, November 22, 1976]

(1) H, C, S, N, and O are content by weight of hydrogen, carbon, sulfur, nitrogen, and oxygen (expressed as percent), respectively, as determined on the same basis as GCV by ultimate analysis of the fuel fired, using A.S.T.M. method D3178-74 or D3176 (solid fuels), or computed from results using A.S.T.M. methods D1137-53(70), D1945-64(73), or D1946-67(72) (gaseous fuels) as applicable.

(11) GCV is the gross calorific value (kJ/kg, Btu/lb) of the fuel combusted, determined by the A.S.T.M. test methods D 2015-66(72) for solid fuels and D 1828-64(70) for gaseous fuels as applicable.

(111) For affected facilities which fire both fossil fuels and nonfossil fuels, the F or F_c value shall be subject to the Administrator's approval.

(6) For affected facilities firing combinations of fossil fuels or fossil fuels and wood residue, the F or F_c factors determined by paragraphs (f) (4) or (f) (5) of this section shall be prorated in accordance with the applicable formula as follows:

$$F = \sum_{i=1}^n X_i F_i \text{ or } F_c = \sum_{i=1}^n X_i (F_c)_i$$

where:

X_i = the fraction of total heat input derived from each type of fuel (e.g. natural gas, bituminous coal, wood residue, etc.)

F_i or $(F_c)_i$ = the applicable F or F_c factor for each fuel type determined in accordance with paragraphs (f) (4) and (f) (5) of this section.

n = the number of fuels being burned in combination.

[41 FR 51397, November 22, 1976]

(g) For the purpose of reports required under § 60.7(c), periods of excess emissions that shall be reported are defined as follows:

(1) [Reserved]

(2) Sulfur dioxide. Excess emissions for affected facilities are defined as:

(i) Any three-hour period during which the average emissions (arithmetic average of three contiguous one-hour periods) of sulfur dioxide as measured by a continuous monitoring system exceed the applicable standard under § 60.43.

(ii) [Reserved]

(3) Nitrogen oxides. Excess emissions for affected facilities using a continuous monitoring system for measuring nitrogen oxides are defined as any three-hour period during which the average emissions (arithmetic average of three contiguous one-hour periods) exceed the applicable standards under § 60.44.

§ 60.46 Test methods and procedures.

[40 FR 46250, October 6, 1975]

(a) The reference methods in Appendix A of this part, except as provided in § 60.8(b), shall be used to determine compliance with the standards as prescribed in §§ 60.42, 60.43, and 60.44 as follows:

(1) Method 1 for selection of sampling site and sample traverses.

(2) Method 3 for gas analysis to be used when applying Reference Methods 5, 6 and 7.

(3) Method 5 for concentration of particulate matter and the associated moisture content.

(4) Method 6 for concentration of SO_x and

(5) Method 7 for concentration of NO_x .

(b) For Method 5, Method 1 shall be used to select the sampling site and the number of traverse sampling points. The sampling time for each run shall be at least 60 minutes and the minimum sampling volume shall be 0.85 dscm (30 dscf) except that smaller sampling times or volumes, when necessitated by process variables or other factors, may be approved by the Administrator. The probe and filter holder heating systems in the sampling train shall be set to provide a gas temperature no greater than 433 K (320°F).

[41 FR 51397, November 22, 1976]

(c) For Methods 6 and 7, the sampling site shall be the same as that selected for Method 5. The sampling point in the duct shall be at the centroid of the cross section or at a point no closer to the walls than 1 m (3.28 ft). For Method 6, the sample shall be extracted at a rate proportional to the gas velocity at the sampling point.

(d) For Method 6, the minimum sampling time shall be 20 minutes and the minimum sampling volume 0.02 dscm (0.71 dscf) for each sample. The arithmetic mean of two samples shall constitute one run. Samples shall be taken at approximately 30-minute intervals.

(e) For Method 7, each run shall consist of at least four grab samples taken at approximately 15-minute intervals. The arithmetic mean of the samples shall constitute the run value.

(f) For each run using the methods specified by paragraphs (a) (3), (a) (4), and (a) (5) of this section, the emissions expressed in ng/J (lb/million Btu) shall be determined by the following procedure:

$$E = CF \frac{20.9}{20.9 - \text{percent } O_2}$$

where:

(1) E = pollutant emission, ng/J (lb/million Btu).

(2) C = pollutant concentration, ng/dscm (lb/dscf), determined by method 5, 6, or 7.

(3) Percent O_2 = oxygen content by volume (expressed as percent), dry basis. Percent oxygen shall be determined by using the integrated or grab sampling and analysis procedures of Method 3 as applicable.

The sample shall be obtained as follows:

[41 FR 51397, November 22, 1976]

(i) For determination of sulfur dioxide and nitrogen oxides emissions, the oxygen sample shall be obtained simultaneously at the same point in the duct as used to obtain the samples for Meth-

ods 6 and 7 determinations, respectively [§ 60.46(c)]. For Method 7, the oxygen sample shall be obtained using the grab sampling and analysis procedures of Method 3.

(ii) For determination of particulate emissions, the oxygen sample shall be obtained simultaneously by traversing the duct at the same sampling location used for each run of Method 5 under paragraph (b) of this section. Method 1 shall be used for selection of the number of traverse points except that no more than 12 sample points are required.

(4) F = a factor as determined in paragraphs (f) (4), (5) or (6) of § 60.45.

(g) When combinations of fossil fuels or fossil fuel and wood residue are fired, the heat input, expressed in watts (Btu/hr), is determined during each testing period by multiplying the gross calorific value of each fuel fired (in J/kg or Btu/lb) by the rate of each fuel burned (in kg/sec or lb/hr). Gross calorific values are determined in accordance with A.S.T.M. methods D 2015-66(72) (solid fuels), D 240-64(73) (liquid fuels), or D 1828-64(7) (gaseous fuels) as applicable. The method used to determine calorific value of wood residue must be approved by the Administrator. The owner or operator shall determine the rate of fuels burned during each testing period by suitable methods and shall confirm the rate by a material balance over the steam generation system.

[41 FR 51397, November 22, 1976]