WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION
STANDARDS AND REGULATIONS

National Emission Standards

CHAPTER 5

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CHAPTER 5

Section 1. **Introduction to national emission standards.**

(a) This Chapter incorporates emission control regulations developed by the Environmental Protection Agency for specific source categories. The State of Wyoming, Air Quality Division adopts these Federal Regulations in order to maintain administrative authority with regards to the standards. Section 2 contains New Source Performance Standards (NSPS) which regulate criteria pollutant emissions from specific categories of new sources. Section 3 contains National Emission Standards for Hazardous Air Pollutants (NESHAP) which regulates hazardous air pollutant emissions from specific categories of new and existing sources. Section 4 incorporates by reference all Code of Federal Regulations (CFRs), including their Appendices, cited in this Chapter and all American Society for Testing and Materials (ASTM) standards cited in this Chapter.

Section 2. **New source performance standards.**

(a) General: The U.S. Environmental Protection Agency regulations on Standards of Performance for New Stationary Sources, designated in Chapter 5, Section 2(b) and as amended by the word or phrase "substitutions" given in Chapter 5, Section 2(c), are incorporated into these regulations. The specific documents containing the complete text of the regulations are found in 40 CFR part 60.

(b) Designated Standards of Performance: The following Standards of Performance are incorporated by reference under Section 4(a) of this Chapter.

40 CFR part 60, Subpart D -	Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971
40 CFR part 60, Subpart Da -	Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978
40 CFR part 60, Subpart Db -	Standards of performance for Industrial-Commercial-Institutional Steam Generating Units

40 CFR part 60, Subpart Dc -	Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units
40 CFR part 60, Subpart E -	Standards of Performance for Incinerators
40 CFR part 60, Subpart Ea -	Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and on or Before September 20, 1994
40 CFR part 60, Subpart Eb -	Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996
40 CFR part 60, Subpart Ec -	Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996
40 CFR part 60, Subpart F -	Standards of Performance for Portland Cement Plants
40 CFR part 60, Subpart G -	Standards of Performance for Nitric Acid Plants
40 CFR part 60, Subpart H -	Standards of Performance for Sulfuric Acid Plants
40 CFR part 60, Subpart I -	Standards of Performance for Hot Mix Asphalt Facilities
40 CFR part 60, Subpart J -	Standards of Performance for Petroleum Refineries
40 CFR part 60, Subpart Ja -	Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007

40 CFR part 60, Subpart K -	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978
40 CFR part 60, Subpart Ka -	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984
40 CFR part 60, Subpart Kb -	Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984
40 CFR part 60, Subpart L -	Standards of Performance for Secondary Lead Smelters
40 CFR part 60, Subpart M -	Standards of Performance for Secondary Brass and Bronze Production Plants
40 CFR part 60, Subpart N -	Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973
40 CFR part 60, Subpart Na -	Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983
40 CFR part 60, Subpart O -	Standards of Performance for Sewage Treatment Plants
40 CFR part 60, Subpart P -	Standards of Performance for Primary Copper Smelters
40 CFR part 60, Subpart Q -	Standards of Performance for Primary Zinc Smelters

40 CFR part 60, Subpart R -	Standards of Performance for Primary Lead Smelters
40 CFR part 60, Subpart S -	Standards of Performance for Primary Aluminum Reduction Plants
40 CFR part 60, Subpart T -	Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants
40 CFR part 60, Subpart U -	Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants
40 CFR part 60, Subpart V -	Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants
40 CFR part 60, Subpart W -	Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants
40 CFR part 60, Subpart X -	Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities
40 CFR part 60, Subpart Y -	Standards of Performance for Coal Preparation Plants
40 CFR part 60, Subpart Z -	Standards of Performance for Ferroalloy Production Facilities
40 CFR part 60, Subpart AA -	Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974 and on or Before August 17, 1983
40 CFR part 60, Subpart AAa -	Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983
40 CFR part 60, Subpart BB -	Standards of Performance for Kraft Pulp Mills

40 CFR part 60, Subpart CC -	Standards of Performance for Glass Manufacturing Plants
40 CFR part 60, Subpart DD -	Standards of Performance for Grain Elevators
40 CFR part 60, Subpart EE -	Standards of Performance for Surface Coating of Metal Furniture
40 CFR part 60, Subpart GG -	Standards of Performance for Stationary Gas Turbines
40 CFR part 60, Subpart HH -	Standards of Performance for Lime Manufacturing Plants
40 CFR part 60, Subpart KK -	Standards of Performance for Lead-Acid Battery Manufacturing Plants
40 CFR part 60, Subpart LL -	Standards of Performance for Metallic Mineral Processing Plants
40 CFR part 60, Subpart MM -	Standards of Performance for Automobile and Light-Duty Truck Surface Coating Operations
40 CFR part 60, Subpart NN -	Standards of Performance for Phosphate Rock Plants
40 CFR part 60, Subpart PP -	Standards of Performance for Ammonium Sulfate Manufacture
40 CFR part 60, Subpart QQ -	Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing
40 CFR part 60, Subpart RR -	Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations
40 CFR part 60, Subpart SS -	Standards of Performance for Industrial Surface Coating: Large Appliances
40 CFR part 60, Subpart TT -	Standards of Performance for Metal Coil Surface Coating

40 CFR part 60, Subpart UU -	Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture
40 CFR part 60, Subpart VV -	Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006
40 CFR part 60, Subpart VVa -	Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006
40 CFR part 60, Subpart WW -	Standards of Performance for the Beverage Can Surface Coating Industry
40 CFR part 60, Subpart XX -	Standards of Performance for Bulk Gasoline Terminals
40 CFR part 60, Subpart AAA -	Standards of Performance for New Residential Wood Heaters
40 CFR part 60, Subpart BBB -	Standards of Performance for the Rubber Tire Manufacturing Industry
40 CFR part 60, Subpart DDD -	Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry
40 CFR part 60, Subpart FFF -	Standards of Performance for Flexible Vinyl and Urethane Coating and Printing
40 CFR part 60, Subpart GGG -	Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006

40 CFR part 60, Subpart GGGa -	Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006
40 CFR part 60, Subpart HHH -	Standards of Performance for Synthetic Fiber Production Facilities
40 CFR part 60, Subpart III -	Standards of Performance for Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes
40 CFR part 60, Subpart JJJ -	Standards of Performance for Petroleum Dry Cleaners
40 CFR part 60, Subpart KKK -	Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants
40 CFR part 60, Subpart LLL -	Standards of Performance for Onshore Natural Gas Processing: SO_2 Emissions
40 CFR part 60, Subpart NNN -	Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations
40 CFR part 60, Subpart OOO -	Standards of Performance for Nonmetallic Mineral Processing Plants
40 CFR part 60, Subpart PPP -	Standards of Performance for Wool Fiberglass Insulation Manufacturing Plants
40 CFR part 60, Subpart QQQ -	Standards of Performance for VOC Emissions From Petroleum Refinery Wastewater Systems
40 CFR part 60, Subpart RRR -	Standards of Performance for Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes

40 CFR part 60, Subpart SSS -	Standards of Performance for Magnetic Tape Coating Facilities
40 CFR part 60, Subpart TTT -	Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines
40 CFR part 60, Subpart UUU -	Standards of Performance for Calciners and Dryers in Mineral Industries
40 CFR part 60, Subpart VVV -	Standards of Performance for Polymeric Coating of Supporting Substrates Facilities
40 CFR part 60, Subpart WWW -	Standards of Performance for Municipal Solid Waste Landfills
40 CFR part 60, Subpart AAAA -	Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001
40 CFR part 60, Subpart CCCC -	Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for Which Construction is Commenced After November 30, 1999 or for Which Modification or Reconstruction is Commenced on or After June 1, 2001
40 CFR part 60, Subpart EEEE -	Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006
40 CFR part 60, Subpart IIII -	Standards of Performance for Stationary Compression Ignition Internal Combustion Engines
40 CFR part 60, Subpart JJJJ -	Standards of Performance for Stationary Spark Ignition Internal Combustion Engines

40 CFR part 60, Subpart KKKK - Standards of Performance for Stationary Combustion Turbines

(i) Designated Appendices. The following appendices are incorporated by reference under Section 4(a) of this Chapter.

40 CFR part 60, Appendix A - Test Methods

40 CFR part 60, Appendix B - Performance Specifications

40 CFR part 60, Appendix C - Determination of Emission Rate Change

40 CFR part 60, Appendix D - Required Emission Inventory Information

40 CFR part 60, Appendix F - Quality Assurance Procedures

40 CFR part 60, Appendix I - Removable Label and Owner's Manual

(c) Word or Phrase Substitutions: In the standards designated in Chapter 5, Section 2(b) substitute:

(i) Chapter 5, Section 2 for Subpart A
(ii) Chapter 5, Section 2(h) for 60.8
(iii) Chapter 5, Section 2(g) for 60.7
(iv) Chapter 5, Section 2(m) for 60.18
(v) Chapter 5, Section 2(e)(i) for 60.2
(vi) Chapter 5, Section 2(e)(ii) for 60.3
(vii) Chapter 5, Section 2(i) for 60.11
(viii) Chapter 5, Section 2(j) for 60.13
(ix) Chapter 5, Section 2(k) for 60.14
(x) Chapter 5, Section 2(l) for 60.15
(xi) Chapter 6, Section 2(b)(i) for 60.5 and 60.6
(xii) Chapter 6, Section 2(i) for 60.7(a)(2) and (3)
(xiii) Chapter 6, Section 2(j) for 60.8(a) and (d)
(xiv) Section 35-11-1101 Environmental Quality Act for 60.9
(xv) Chapter 1, Section 4 for 60.12
(xvi) Chapter 5, Section 2(n) for 60.19

(d) Applicability: The provisions of Chapter 5, Section 2 are applicable 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 of any proposed standard as designated in the applicable subparts of the Standards of Performance referenced in Chapter 5, Section 2(b) and contained in 40 CFR part 60.

(i) In addition to complying with the provisions of this section, the Owner or Operator of an affected facility may be required to obtain an operating permit issued to stationary sources by the Administrator pursuant to Title V of the Clean Air Act (Act) as amended November 15, 1990 (42 U.S.C. 7661). For more information about obtaining an operating permit see Chapter 6, Section 3.

(e) Definitions and Abbreviations: The following terms are explicitly defined for use in this section. As used in this section, all terms not defined herein shall have the meaning given to them in Chapter 1, Section 3.

(i) Definitions:

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

"Administrator" means the Administrator of the Division of Air Quality, Wyoming Department of Environmental Quality, except for those authorities which cannot be delegated to the state, in which case "administrator" means both the administrator of the Environmental Protection Agency and the Administrator of the Division of Air Quality, Wyoming Department of Environmental Quality.

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

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

"Capital expenditure" means an expenditure for a physical or operational change to an existing facility which exceeds the product of the applicable "annual asset guideline repair allowance percentage" specified in the latest edition of Internal Revenue Service (IRS) Publication 534 and the existing facility's basis, as defined by section 1012 of the Internal Revenue Code. However, the total expenditure for a physical or operational change to an existing facility must not be reduced by any "excluded additions" as defined in IRS Publication 534, as would be done for tax purposes.

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

"Commenced", as applied to construction or modification of any new facility or source, means that the owner or operator has obtained a Construction Permit required by Chapter 6, Section 2 or either has (i) begun, or caused to begin, a continuous

program of physical on-site construction or modification of the facility or (ii) entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction or modification of the facility to be completed within a reasonable time.

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

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

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

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

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

"Existing facility" means, with reference to a stationary source, any apparatus of the type for which a standard is promulgated in this section, 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.

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

"Issuance" of an operating permit will occur, in accordance with Chapter 6, Section 3.

"Malfunction" means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to

operate in a normal or usual manner. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

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

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

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

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

"Operating permit" or "part 70 permit" means any permit or group of permits covering a source under Chapter 6, Section 3 that is issued, renewed, amended or revised pursuant to Chapter 6, Section 3.

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

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

"Permit program" means the comprehensive State operating permit system established pursuant to Title V of the Act (42 U.S.C. 7661) and regulations in Chapter 6, Section 3.

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

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

(A) Has not been in operation for the two-year period prior to the enactment of the Clean Air Act amendments of 1990, and the emissions from such unit continue to be carried in the permitting authority's emissions inventory at the time of enactment;

(B) Was equipped prior to shut-down with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of no less than 85 percent and a removal efficiency for particulates of no less than 98 percent;

(C) Is equipped with low-NO_x burners prior to the time of commencement of operations following reactivation; and

(D) Is otherwise in compliance with the requirements of the Clean Air Act.

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

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

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

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

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

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

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

"Start-up" means the setting in operation of an affected facility for any purpose.

"State" means the Wyoming Air Quality Division which has been delegated authority to implement:

(A) The provisions of this section; and/or

(B) The permit program established under 40 CFR part 70.

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

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

(ii) Abbreviations:

A	ampere
A.S.T.M.	American Society for Testing and Materials
Btu	British thermal unit
cal	calorie
CdS	Cadmium sulfide
cfm	cubic feet per minute
CO	carbon monoxide
CO_2	carbon dioxide
°C	degree Celsius (centigrade)
°F	degree Fahrenheit
°K	degree Kelvin
°R	degree Rankine
dscm	dry cubic meter(s) at standard conditions
dscf	dry cubic feet at standard conditions
eq	equivalents
g	gram(s)
gal	gallon(s)
g eq	gram equivalents
gr	grain(s)
HCl	hydrochloric acid
Hg	mercury
hr	hour(s)
H_2O	water
H_2S	hydrogen sulfide
H_2SO_4	sulfuric acid
Hz	hertz
in	inch(es)
J	joule

k	1,000
kg	kilogram(s)
l	liters
lb	pound(s)
lpm	Liter(s) per minute
m	meter(s)
meq	milliequivalent(s)
mg	milligram(s)
Mg	megagram - 10^6 gram
min	minute(s)
ml	milliliter(s)
mm	millimeter(s)
mol. wt.	molecular weight
mv	millivolt
N	newton
N	nitrogen
ng	nanogram - 10^{-9} gram
nm	nanometer(s) - 10^{-9} meter
NO	nitric oxide
NO_2	nitrogen dioxide
NO_x	nitrogen oxides
O_2	oxygen
Pa	pascal
ppb	parts per billion
ppm	parts per million
psia	pounds per square inch absolute
s	second
sec	second
SO_2	sulfur dioxide
SO_3	sulfur trioxide
STD	at standard conditions
µg	microgram(s) - 10^{-6} gram
V	volt
W	watt

(f) Permit Requirements: Compliance with the provisions of this section shall in no way relieve the owner or operator of responsibility for compliance with other applicable sections of these regulations. The permit requirements of Chapter 6, Section 2 are specifically applicable to affected facilities subject to the requirements of this section.

(g) Notification and Recordkeeping:

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

(A) A notification of the date construction (or reconstruction as defined under Chapter 1, Section 3) 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.

(B) 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 Chapter 5, Section 2(k). This notice shall be postmarked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional relevant information subsequent to this notice.

(C) A notification of the date upon which demonstration of the continuous monitoring system performance commences in accordance with Chapter 5, Section 2(j)(iii). Notification shall be postmarked not less than 30 days prior to such date.

(D) A notification of the anticipated date for conducting the opacity observations required by Chapter 5, Section 2(i)(v) of this part. The notification shall be postmarked not less than 30 days prior to such date.

(E) A notification that continuous opacity monitoring system data results will be used to determine compliance with the applicable opacity standard during a performance test required by Chapter 5, Section 2(h) in lieu of Method 9 observation data as allowed by Chapter 5, Section 2(i)(v)(D). This notification shall be postmarked not less than 30 days prior to the date of the performance test.

(ii) Any owner or operator subject to the provisions of this part shall maintain records of the occurrence and duration of any start-up, 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.

(iii) Each owner or operator required to install a continuous monitoring system (CMS) or monitoring device shall submit an excess emissions and monitoring systems performance report (excess emissions are defined in applicable subparts) and/or a summary report form (see paragraph E of this section) to the Administrator semiannually, except when: more frequent reporting is specifically required by an applicable subpart; or the CMS data are to be used directly for compliance determination, in which case quarterly reports shall be submitted; or the Administrator, on a case-by-case basis, determines that more frequent reporting is necessary to accurately assess the compliance status of the source. All reports shall be postmarked by the 30th day following the end of

each calendar half (or quarter, as appropriate). Written reports of excess emissions shall include the following information:

(A) The magnitude of excess emissions computed in accordance with Chapter 5, Section 2(j)(viii), any conversion factor(s) used, and the date and time of commencement and completion of each time period of excess emissions. The process operating time during the reporting period.

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

(C) 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.

(D) 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.

(E) The summary report form shall contain the information and be in the format shown in Form B unless otherwise specified by the Administrator. One summary report form shall be submitted for each pollutant monitored at each affected facility.

(I) If the total duration of excess emissions for the reporting period is less than 1 percent of the total operating time for the reporting period and CMS downtime for the reporting period is less than 5 percent of the total operating time for the reporting period, only the summary report form shall be submitted and the excess emission report described in paragraph (iii) of this subsection need not be submitted unless requested by the Administrator.

(II) If the total duration of excess emissions for the reporting period is 1 percent or greater of the total operating time for the reporting period or the total CMS downtime for the reporting period is 5 percent or greater of the total operating time for the reporting period, the summary report form and the excess emission report described in paragraph (iii) of this subsection shall both be submitted.

Form B

EXCESS EMISSION SUMMARY REPORT

Emission Data Summary		CMS Performance Summary	
I. Duration of Excess Emissions in Reporting Period Due to:		I. CMS Downtime in Reporting Period Due to:	
A. Startup/Shutdown	_____	A. Monitor Equipment Malfunctions	____
B. Control Equipment Problems	_____	B. Non-Monitor Equipment Malfunctions	____
C. Process Problems	_____	C. Quality Assurance Calibration	____
D. Other Known Causes	_____	D. Other Known Causes	____
E. Unknown Causes	_____	E. Unknown Causes	____
II. Total Duration of Excess Emission	_____	II. Total CMS Downtime	____
III. Total Duration of Excess Emissions x 100 divided by Total Source Operating Time minus Total CMS Downtime	_____	III. Total CMS Downtime x 100 divided by Total Source Operating Time	____

Total time of excess emission events due to emergency/abnormal operations_____.

NOTE:

1. Only report excess emissions which occur when the unit/process is operating. Include all excess emissions in the Emission Data Summary including those excess emissions associated with startup/shutdown and those excess emissions associated with Chapter 1, Section 5 (Emergency/Abnormal) operations. **Report times in hours for gaseous monitors and in tenths of an hour for opacity monitors.** Include detailed excess emission information and causes in the Excess Emission Table (Form C).
2. Only report CEM downtime which occurs while the unit/process is operating. **Report time in hours to one decimal point.** Include detailed CEM downtime and causes in the Monitor Outage Table (Form D).
3. Include an explanation of what corrective actions were taken for total excess emissions or monitor downtime for the quarter (Emission Data Summary and CMS Performance Summary, Item III) greater than 5%. (**See Instructions for further details.**)

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

Name

_____

Signature

_____

Title

_____

Date

_____

(iv) (A) Notwithstanding the frequency of reporting requirements specified in paragraph (iii) of this subsection, an owner or operator who is required by an applicable subpart to submit excess emissions and monitoring systems performance reports (and summary reports) on a quarterly (or more frequent) basis may reduce the frequency of reporting for that standard to semiannual if the following conditions are met:

(I) For 1 full year (e.g., 4 quarterly or 12 monthly reporting periods) the affected facility's excess emissions and monitoring systems reports submitted to comply with a standard under this section continually demonstrate that the facility is in compliance with the applicable standard;

(II) The owner or operator continues to comply with all recordkeeping and monitoring requirements specified in this section and the applicable standard; and

(III) The Administrator does not object to a reduced frequency of reporting for the affected facility, as provided in paragraph (iv)(B) of this subsection.

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

(C) As soon as monitoring data indicate that the affected facility is not in compliance with any emission limitation or operating parameter specified in the applicable standard, the frequency of reporting shall revert to the frequency specified in the applicable standard, and the owner or operator shall submit an excess emissions and monitoring systems performance report (and summary report, if required) at the next appropriate reporting period following the noncomplying event. After demonstrating compliance with the applicable standard for another full year, the owner or operator may again request approval from the Administrator to reduce the frequency of reporting for that standard as provided for in paragraphs (iv)(A) and (iv)(B) of this subsection.

(v) 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 record.

(vi) Individual subparts of 40 CFR part 60 may include specific provisions which clarify or made inapplicable the provisions set forth in this section.

(h) Performance Tests:

(i) The owner or operator of an affected facility shall conduct performance test(s) within the times specified in Chapter 6, Section 2(j) and furnish the Administrator a written report of the results of such performance test(s).

(ii) 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) obtains approval from the EPA Administrator for use of an equivalent method; (3) obtains approval from the EPA Administrator for use of an alternative method the results of which he had determined to be adequate for indicating whether a specific source is in compliance; (4) waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the affected facility is in compliance with the standard; or (5) approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors. Nothing in this paragraph shall be construed to abrogate the Administrator's authority to require other testing.

(iii) 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 start-up, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level of the applicable emission limit during periods of start-up, shutdown, and malfunction be considered a violation of the applicable emission limit unless otherwise specified in the applicable standard.

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

(A) Sampling ports adequate for test methods applicable to such facility. This includes:

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

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

(B) Safe sampling platform(s);

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

(D) Utilities for sampling and testing equipment.

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

(i) Compliance With Standards and Maintenance Requirements:

(i) Compliance with standards in this part, other than opacity standards, shall be determined by performance tests established by Chapter 5, Section 2(h), unless otherwise specified in the applicable standard.

(ii) Compliance with opacity standards in this part shall be determined by conducting observations in accordance with Reference Method 9 in 40 CFR part 60, Appendix A or any alternative method that is approved by the EPA Administrator, or as provided in paragraph (v)(D) of this section. For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours (30 6-minute averages) for the performance test or other set of observations (meaning those fugitive-type emission sources subject only to an opacity standard).

(iii) The opacity standards set forth in this part shall apply at all times except during periods of start-up, shutdown, malfunction, and as other wise provided in the applicable standard.

(iv) At all times, including periods of start-up, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(v) (A) For the purpose of demonstrating initial compliance, opacity observations shall be conducted concurrently with the initial performance test required in Chapter 5, Section 2(h) unless one of the following conditions apply. If no performance test under Chapter 5, Section 2(h) is required, then opacity observations shall be conducted within 60 days after achieving the maximum production rate at which the affected facility will be operated but no later than 180 days after initial start-up of the facility. If visibility or other conditions prevent the opacity observations from being conducted concurrently with the initial performance test required under Chapter 5, Section 2(h), the source owner or operator shall reschedule the opacity observations as soon after the initial performance test as possible, but not later than 30 days thereafter, and shall advise the Administrator of the rescheduled date. In these cases, the 30-day prior notification to the Administrator required in Chapter 5, Section 2(g)(i)(D) shall be waived. The rescheduled opacity observations shall be conducted (to the extent possible) under the same operating conditions that existed during the initial performance test conducted under Chapter 5, Section 2(h). The visible emissions observer shall determine whether visibility or other conditions prevent the opacity observations from being made concurrently with the initial performance test in accordance with procedures contained in Reference Method 9 of 40 CFR part 60, Appendix A. Opacity reading of portions of plumes which contain condensed, uncombined water vapor shall not be used for purposes of determining compliance with opacity standards. The owner or operator of an affected facility shall make available, upon request by the Administrator, any records as may be necessary to determine the conditions under which the visual observations were made and shall provide evidence indicating proof of current visible observer emission certification. Except as provided in paragraph (v)(D) of this section, the results of continuous monitoring by transmissometer which indicate that the opacity at the time visual observations were made was not in excess of the standard are probative but not conclusive evidence of the actual opacity of an emission, provided that the source shall meet the burden of proving that the instrument used meets (at the time of the alleged violation) Performance Specification 1 in 40 CFR part 60, Appendix B, has been properly maintained and (at the time of the alleged violation) that the resulting data have not been altered in any way.

(I) The inability of an owner or operator to secure a visible emissions observer shall not be considered a reason for not conducting the opacity observations concurrent with the initial performance test.

(B) The owner or operator of an affected facility to which an opacity standard in this part applies shall conduct opacity observations in accordance with Chapter 5, Section 2(i)(ii), shall record the opacity of emissions, and shall report to the Administrator the opacity results along with the results of the initial performance test required under Chapter 5, Section 2(h).

(C) An owner or operator of an affected facility using a continuous opacity monitor (transmissometer) shall record the monitoring data produce during the initial performance test required by Chapter 5, Section 2(h) and furnish the Administrator a written report of the monitoring results along with Method 9 and Chapter 5, Section 2(h) performance test results.

(D) An owner or operator of an affected facility subject to an opacity standard may submit, for compliance purposes, continuous opacity monitoring system (COMS) data results produced during any performance test required under Chapter 5, Section 2(h) in lieu of Method 9 observation data. If an owner or operator elects to submit COMS data for compliance with the opacity standard, he shall notify the Administrator of that decision in writing, at least 30 days before any performance test required under Chapter 5, Section 2(h) is conducted. Once the owner or operator of an affected facility has notified the Administrator to that Effect, the COMS data results will be used to determine opacity compliance during subsequent tests required under Chapter 5, Section 2(h) until the owner or operator notifies the Administrator in writing to the contrary. For the purpose of determining compliance with the opacity standard during a performance test required under Chapter 5, Section 2(h) using COMS data the minimum total time of COMS data collection shall be averages of all 6-minute continuous periods within the duration of the mass emission performance test. Results of the COMS opacity determinations shall be submitted along with the results of the performance test required under Chapter 5, Section 2(h). The owner or operator of an affected facility using a COMS for compliance purposes is responsible for demonstrating that the COMS meets the requirements specified in Chapter 5, Section 2(j)(iii) of this part, that the COMS has been properly maintained and operated, and that the resulting data have not been altered in any way. If COMS data results are submitted for compliance with the opacity standard for a period of time during which Method 9 data indicates noncompliance, the Method 9 data will be used to determine opacity compliance.

(E) Upon receipt from an owner or operator of the written reports of the results of the performance tests required by Chapter 5, Section 2(h), the opacity observation results and observer certification required by Chapter 5, Section 2(i)(v)(A) and the COMS results, if applicable, the Administrator will make a finding concerning compliance with opacity and other applicable standards. If COMS data results are used to comply with an opacity standard, only those results are required to be submitted along with the performance test results required by Chapter 5, Section 2(h). If the Administrator finds that an affected facility is in compliance with all applicable standards for which performance tests are conducted in accordance with Chapter 5, Section 2(h) 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. The notifications received requesting adjustments to the opacity standard of the affected facility will be forwarded to EPA for resolution.

(vi) Special provisions set forth under an applicable subpart in 40 CFR part 60 shall supersede any conflicting provisions in this section.

(vii) For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard in this section, nothing in this section shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with the applicable requirements if the appropriate performance or compliance test or procedure had been performed.

(j) Monitoring Requirements:

(i) For the purposes of this section, all continuous monitoring systems required under applicable subparts shall be subject to the provisions of this section upon promulgation of performance specifications for continuous monitoring systems under 40 CFR part 60, Appendix B and, if the continuous monitoring system is used to demonstrate compliance with emission limits on a continuous basis, 40 CFR part 60, Appendix F, unless otherwise specified in an applicable subpart or by the Administrator. Appendix F is applicable December 4, 1987.

(ii) All continuous monitoring systems and monitoring devices shall be installed and operational prior to conducting performance tests under Chapter 5, Section 2(h). Verification of operational status shall, as a minimum, include completion of manufacturer's written requirements or recommendations for installation, operation, and calibration of the device.

(iii) If the owner or operator of an affected facility elects to submit continuous opacity monitoring system (COMS) data for compliance with the opacity standard as provided under Chapter 5, Section 2(i)(v)(D), he shall conduct a performance evaluation of the COMS as specified in Performance Specification 1, 40 CFR part 60, Appendix B, before the performance test required under Chapter 5, Section 2(h) is conducted. Otherwise, the owner or operator of an affected facility shall conduct a performance evaluation of the COMS or continuous emission monitoring system (CEMS) during any performance test required under Chapter 5, Section 2(h) or within 30 days thereafter in accordance with the applicable performance specification in 40 CFR part 60, Appendix B. The owner or operator of an affected facility shall conduct COMS or CEMS performance evaluations at such other times as may be required by the Administrator.

(A) The owner or operator of an affected facility using a COMS to determine opacity compliance during any performance test required under Chapter 5, Section 2(h) and as described in Chapter 5, Section 2(i)(v)(D) shall furnish the Administrator two or, upon request, more copies of a written report of the results of the COMS performance evaluation described in paragraph (iii) of this section at least 10 days before the performance test required under Chapter 5, Section 2(h) is conducted.

(B) Except as provided in paragraph (iii)(A) of this section, the owner or operator of an affected facility shall furnish the Administrator within 60 days of completion two or, upon request, more copies of a written report of the results of the performance evaluation.

(C) These continuous monitoring system performance evaluations, except as provided in paragraph (x) of this section shall be conducted in accordance with the requirements and procedures contained in the applicable performance specification of 40 CFR part 60, Appendix B as follows:

(I) Continuous monitoring systems for measuring opacity of emissions installed on or after March 30, 1983 shall comply with all the provisions and requirements in Performance Specification 1: continuous monitoring systems for measuring opacity of emissions installed before March 30, 1983 are required to comply with the provisions and requirements of Performance Specification 1 except for the following:

(1.) Section 4 - Installation specifications.

(2.) Paragraphs 5.1.4 - Optical alignment sight, 5.1.6 - Access to external optics, 5.1.7 - Automatic zero compensation indicator, and 5.1.8 - Slotted tube of Section 5 - Design and Performance Specification 1.

(3.) Paragraph 6.4 - Optical alignment sight of Section 6. Design specifications verification procedure.

If an existing opacity monitoring system is replaced on or after March 30, 1983, the new opacity monitoring system shall comply with the requirements of Performance Specification 1, except the new monitoring system may be located at the same measurement location as for the replaced monitoring system. If a new measurement location is to be determined at the time of replacement, the new location must meet the requirements of 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.

(iv) (A) Owners and operators of all continuous emission monitoring systems installed in accordance with the provisions of this part shall check the zero (or low-level value between 0 and 20 percent of span value) and span (50 to 100 percent of span value) calibration drifts at least once daily in accordance with a written procedure. The zero and span shall, as a minimum, be adjusted whenever the 24-hour zero drift or 24-hour span drift exceeds two times the limits of the applicable performance specifications in 40 CFR part 60, Appendix B. The system must allow the amount of excess zero and span drift measured at the 24-hour interval checks to be recorded and quantified, whenever specified. For continuous monitoring systems measuring opacity of emissions, the optical surfaces exposed to the effluent gases shall be cleaned prior to performing the zero and span drift adjustments except that for systems using automatic zero adjustments, the optical surfaces shall be cleaned when the cumulative zero compensation exceeds 4 percent opacity.

(B) Unless otherwise approved by the Administrator, the following procedures shall be followed 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 value) 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.

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

(A) All continuous monitoring systems referenced by paragraphs (iii)(A) and (B) 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.

(B) All continuous monitoring systems referenced by paragraphs (iii)(A) and (B) of this section for measuring emissions, except opacity shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.

(vi) 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 40 CFR part 60, Appendix B of this section shall be used.

(vii) 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 emissions 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. When more than one continuous monitoring system is used to measure the emissions from one affected facility (e.g., multiple breechings, multiple outlets), the owner or operator shall report the results as required from each continuous monitoring system.

(viii) Owners or operators of all continuous 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 period defined under Chapter 5, Section 2(c)(i). Six-minute opacity averages shall be calculated from 36 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 non-reduced form (e.g., ppm pollutant and percent O_2 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).

(ix) Upon written application by an owner or operator, the Administrator may approve alternatives to any monitoring procedures or requirements of this part including, but not limited to the following:

(A) 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.

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

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

(D) 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.

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

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

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

(H) Alternative continuous monitoring systems that do not meet the design or performance requirements in Performance Specification 1 of 40 CFR part 60, 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.

(I) 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.

(x) An alternative to the relative accuracy test specified in Performance Specification 2 of 40 CFR part 60, Appendix B may be requested as follows:

(A) An alternative to the reference method tests for determining relative accuracy is available for sources with emission rates demonstrated to be less than 50 percent of the applicable standard. A source owner or operator may petition the Administrator to waive the relative accuracy test in Section 7 of Performance Specification 2 and substitute the procedures in Section 10 if the results of the performance test conducted according to the requirements in Chapter 5, Section 2(h) of this subpart or other tests performed following the criteria in Chapter 5, Section 2(h) demonstrate that the emission rate of the pollutant of interest in the units of the applicable standard is less than 50 percent of the applicable standard. For sources subject to standards expressed as control efficiency levels, a source owner or operator may petition the Administrator to waive the relative accuracy test and substitute the procedures in Section 10 of Performance Specification 2 if the control device exhaust emission rate is less than 50 percent of the level needed to meet the control efficiency requirement. The alternative procedures do not apply if the continuous emission monitoring system is used

to determine compliance continuously with the applicable standard. The petition to waive the relative accuracy test shall include a detailed description of the procedures to be applied. Included shall be location and procedure for conducting the alternative, the concentration or response levels of the alternative RA materials, and the other equipment checks included in the alternative procedure. The Administrator will review the petition for completeness and applicability. The determination to grant a waiver will depend on the intended use of the CEMS data (e.g., data collection purposes other than NSPS) and may require specifications more stringent than in Performance Specification 2 (e.g., the applicable emission limit is more stringent than NSPS).

(B) The waiver of CEMS relative accuracy test will be reviewed and may be rescinded at such time following successful completion of the alternative RA procedure that the CEMS data indicate the source emissions approaching the level of the applicable standard. The criterion for reviewing the waiver is the collection of CEMS data showing that emissions have exceeded 70 percent of the applicable standard for seven consecutive averaging periods as specified by the applicable regulation(s). For sources subject to standards expressed as control efficiency levels, the criterion for reviewing the waiver is the collection of CEMS data showing that exhaust emissions have exceeded 70 percent of the level needed to meet the control efficiency requirement for seven consecutive averaging periods as specified by the applicable regulation(s). It is the responsibility of the source operator to maintain records and determine the level of emissions relative to the criterion on the waiver of relative accuracy testing. If this criterion is exceeded, the owner or operator must notify the Administrator within 10 days of such occurrence and include a description of the nature and cause of increasing emissions. The Administrator will review the notification and may rescind the waiver and require the owner or operator to conduct a relative accuracy test of the CEMS as specified in Section 7 of Performance Specification 2.

(k) Modification:

(i) Except as provided under paragraphs (iv) and (v) 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. 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.

(ii) 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:

(A) 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.

(B) Material balances, continuous monitor data, or manual emission tests in cases where utilization of emission factors as referenced in paragraph (ii)(A) 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 (ii)(A) of this section. When the emission rate is based on results from manual emission tests or continuous monitoring systems, the procedures specified in 40 CFR part 60, Appendix C 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.

(iii) 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.

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

(A) Maintenance, repair, and replacement which the Administrator determines to be routine for a source category, subject to the provisions of paragraph (iii) of this section and Chapter 5, Section 2(I).

(B) An increase in production rate of an existing facility, if that increase can be accomplished without a capital expenditure on that facility.

(C) An increase in the hours of operation.

(D) 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 Chapter 5, Section 2(d), the existing facility was designed to accommodate that alternative use. A facility shall be considered to be designed to accommodate an alternative fuel or raw material if that use could be accomplished under the facility's construction specifications, as amended, prior to the change. Conversion to coal required for energy considerations as specified in section 111(a)(8) of the Act, shall not be considered a modification.

(E) 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.

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

(v) Special provisions set forth under an applicable subpart shall supersede any conflicting provisions of Chapter 5, Section 2(k).

(vi) Within 180 days of the completion of any physical or operational change subject to the control measures specified in paragraphs 2(k)(i) of this section, compliance with all applicable standards must be achieved.

(vii) No physical change, or change in the method of operation, at an existing electric utility steam generating unit shall be treated as a modification for the purposes of this subsection provided that such change does not increase the maximum hourly emissions of any pollutant regulated under this subsection above the maximum hourly emissions achievable at that unit during the 5 years prior to the change.

(viii) Repowering projects that are awarded funding from the Department of Energy as permanent clean coal technology demonstration projects (or similar projects funded by EPA) are exempt from the requirements of this section provided that such change does not increase the maximum hourly emissions of any pollutant regulated under this section above the maximum hourly emissions achievable at that unit during the five years prior to the change.

(ix) (A) Repowering projects that qualify for an extension under section 409(b) of the Clean Air Act are exempt from the requirements of this section, provided that such change does not increase the actual hourly emissions of any pollutant regulated under this section above the actual hourly emissions achievable at that unit during the 5 years prior to the change.

(B) This exemption shall not apply to any new unit that:

(I) Is designated as a replacement for an existing unit;

(II) Qualifies under section 409(b) of the Clean Air Act for an extension of an emission limitation compliance date under section 405 of the Clean Air Act; and

(III) Is located at a different site than the existing unit.

(x) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project is exempt from the requirements of this section. A

temporary clean coal control technology demonstration project, for the purposes of this section is a clean coal technology demonstration project that is operated for a period of 5 years or less, and which complies with the State implementation plan for the state in which the project is located and other requirements necessary to attain and maintain the National Ambient Air Quality Standards during the project and after it is terminated.

(xi) The reactivation of a very clean coal-fired electric utility steam generating unit is exempt from the requirements of this section.

(l) Reconstruction:

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

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

(A) 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

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

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

(iv) 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:

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

(B) The location of the existing facility.

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

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

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

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

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

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

(vi) The Administrator's determination under paragraph (v) shall be based on:

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

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

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

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

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

(m) General Control Device Requirements:

(i) This section contains requirements for control devices used to comply with applicable subparts of Chapter 5, Section 2. The requirements are placed here for administrative convenience and only apply to facilities covered by subparts referring to this section.

(ii) Flares:

(A) General Design:

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

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

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

(IV) Steam-assisted and nonassisted flare shall be designed for and operated with an exit velocity as determined by the methods specified in paragraph (D)(IV), less than 60 ft/sec (18.3 m/sec) except as follows:

(1.) Steam-assisted and nonassisted flares designed for and operated with an exit velocity, as determined by the methods specified in paragraph (D)(IV) equal to or greater than 60 ft/sec (18.3 m/sec) but less than 400 ft/sec (122 m/sec) are allowed if the net heating value of the gas being combusted is greater than 1000 Btu/scf (37.3 MJ/scm).

(2.) Steam-assisted and nonassisted flares designed for and operated with an exit velocity as determined by the methods specified in paragraph (D)(IV), less than the velocity Vmax, as determined by the method specified in paragraph (D)(V), and less than 400 ft/sec (122 m/sec) are allowed.

(V) Air-assisted flares shall be designed and operated with an exit velocity less than the velocity, Vmax, as determined by the method specified in paragraph (D)(VI).

(VI) Flares used to comply with this section shall be steam-assisted, air-assisted or nonassisted.

(B) Owners or operators of flares used to comply with the provisions of this section shall monitor these control devices to ensure that they are operated and maintained in conformance with their designs. Applicable subparts will provide provisions stating how owners or operators of flares shall monitor these control devices.

(C) Flares used to comply with the provisions of an applicable subpart shall be operated at all times when emissions may be vented to them.

(D) Determinations:

(I) Reference Method 22 shall be used to determine the compliance of flares with the visible emission provisions of this section. The observation period is 2 hours and shall be used according to Method 22.

(II) The presence of a flare pilot flame shall be monitored using a thermocouple or any other equivalent device to detect the presence of a flame.

(III) The net heating value of the gas being combusted in a flare shall be calculated using the following equation:

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

where:

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

K = Constant,

$$1.740 \times 10^{-7} \left(\frac{1}{ppm}\right)\left(\frac{gmole}{scm}\right)\left(\frac{MJ}{kcal}\right)$$

Where the standard temperature of $\left(\frac{gmole}{scm}\right)$ is 20°C

C_i = Concentration of sample component i in ppm on a wet basis, as measured for organics by reference method 18 and measured for hydrogen and carbon monoxide by ASTM D1946-90 (2006) Standard Practice for Analysis of Reformed Gas by Gas Chromatography.

H_i = Net heat of combustion of sample component i, kcal/g mole at 25°C and 760 mm Hg. The heats of combustion may be determined using ASTM D4809-00 (2005) Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter (Precision Method) if published values are not available or cannot be calculated.

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

(V) The maximum permitted velocity Vmax, for flares complying with paragraph (A)(IV)(2.) shall be determined by the following equation:

$$Log_{10}(V_{max}) = \frac{H_T + 28.80}{31.7}$$

V_{max} = Maximum permitted velocity, m/sec
28.8 = Constant
31.7 = Constant
H_T = The net heating value as determined in paragraph (D)(III)

(VI) The maximum permitted velocity, Vmax, for air-assisted flares shall be determined by the following equation:

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

V_{max} = Maximum permitted velocity m/sec
8.706 = Constant
0.7084 = Constant
H_T = The net heating value as determined in paragraph (D)(III)

(n) General Notification and Reporting Requirements:

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

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

(iii) Notwithstanding time period or postmark deadlines specified in this section for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator.

Procedures governing the implementation of this provision are specified in paragraph (vi) of this subsection.

(iv) The owner or operator may change the dates by which periodic reports under this section shall be submitted (without changing the frequency of reporting) to be consistent with the schedule specified in Chapter 5, Section 2, by mutual agreement between the owner or operator and the Administrator. The allowance in the previous sentence applies in each state beginning 1 year after the affected facility is required to be in compliance with the applicable subpart in 40 CFR part 63. Procedures governing the implementation of this provision are specified in paragraph (vi) of this subsection.

(v) If an owner or operator supervises one or more stationary sources affected by standards set under this section and standards set under 40 CFR part 61, Chapter 5, Section 3 or both, may be arranged by mutual agreement between the owner or operator and the Administrator a common schedule on which periodic reports required by each applicable standard shall be submitted throughout the year. The allowance in the previous sentence applies in each state beginning 1 year after the stationary source is required to be in compliance with the applicable subpart in this section, or 1 year after the stationary source is required to be in compliance with the applicable 40 CFR part 61 or Chapter 5, Section 3, whichever is latest. Procedures governing the implementation of this provision are specified in paragraph (vi) of this subsection.

(vi) (A) (I) Until an adjustment of a time period or postmark deadline has been approved by the Administrator under paragraphs (vi)(B) and (vi)(C) of this subsection, the owner or operator of an affected facility remains strictly subject to the requirements of this section.

(II) An owner or operator shall request the adjustment provided for in paragraphs (vi)(B) and (vi)(C) of this subsection each time changes to an applicable time period or postmark deadline specified in this section are desired.

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

(C) If, in the Administrator's judgment, an owner or operator's request for an adjustment to a particular time period or postmark deadline is warranted, the Administrator will approve the adjustment. The Administrator will notify the owner

or operator in writing of approval or disapproval of the request for an adjustment within 15 calendar days of receiving sufficient information to evaluate the request.

(D) If the Administrator is unable to meet a specified deadline, the owner or operator will be notified of any significant delay and inform the owner or operator of the amended schedule.

Section 3. **National emission standards for hazardous air pollutants.**

(a) General: The U.S. Environmental Protection Agency regulations on national emission standards for hazardous air pollutants (NESHAP), established pursuant to section 112 of the Act as amended November 15, 1990, and amended by the word or phrase "substitutions" given in Chapter 5, Section 3(c) are incorporated into these regulations. The specific documents containing the complete text of the regulations are found in 40 CFR part 63. The standards designated in Chapter 5, Section 3(b) regulate specific categories of stationary sources that emit (or have the potential to emit) one or more of the hazardous air pollutants listed pursuant to section 112(b) of the Act, and presented in subsection (d)(ii)(A)(I) of Chapter 5, Section 3.

(b) Designated National Emission Standards for Hazardous Air Pollutants: The following standards for hazardous air pollutants, as revised and published in 40 CFR part 63, are incorporated by reference under Section 4(a) of this Chapter.

40 CFR part 63, Subpart D -	Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants
40 CFR part 63, Subpart F -	National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry
40 CFR part 63, Subpart G -	National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater
40 CFR part 63, Subpart H -	National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks

40 CFR part 63, Subpart I -	National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks
40 CFR part 63, Subpart J -	National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production
40 CFR part 63, Subpart L -	National Emission Standards for Coke Oven Batteries
40 CFR part 63, Subpart M -	National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities
40 CFR part 63, Subpart N -	National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks
40 CFR part 63, Subpart O -	Ethylene Oxide Emissions Standards for Sterilization Facilities
40 CFR part 63, Subpart Q -	National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers
40 CFR part 63, Subpart R -	National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)
40 CFR part 63, Subpart S -	National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry
40 CFR part 63, Subpart T -	National Emission Standards for Halogenated Solvent Cleaning

40 CFR part 63, Subpart U -	National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins
40 CFR part 63, Subpart W -	National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production
40 CFR part 63, Subpart X -	National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting
40 CFR part 63, Subpart Y -	National Emission Standards for Marine Tank Vessel Loading Operations
40 CFR part 63, Subpart AA -	National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants
40 CFR part 63, Subpart BB -	National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants
40 CFR part 63, Subpart CC -	National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries
40 CFR part 63, Subpart DD -	National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations
40 CFR part 63, Subpart EE -	National Emission Standards for Magnetic Tape Manufacturing Operations

40 CFR part 63, Subpart GG -	National Emission Standards for Aerospace Manufacturing and Rework Facilities
40 CFR part 63, Subpart HH -	National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities
40 CFR part 63, Subpart II -	National Emission Standards for Shipbuilding and Ship Repair (Surface Coating)
40 CFR part 63, Subpart JJ -	National Emission Standards for Wood Furniture Manufacturing Operations
40 CFR part 63, Subpart KK -	National Emission Standards for the Printing and Publishing Industry
40 CFR part 63, Subpart LL -	National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants
40 CFR part 63, Subpart MM -	National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills
40 CFR part 63, Subpart OO -	National Emission Standards for Tanks - Level 1
40 CFR part 63, Subpart PP -	National Emission Standards for Containers
40 CFR part 63, Subpart QQ -	National Emission Standards for Surface Impoundments
40 CFR part 63, Subpart RR -	National Emission Standards for Individual Drain Systems

40 CFR part 63, Subpart SS -	National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process
40 CFR part 63, Subpart TT -	National Emission Standards for Equipment Leaks - Control Level 1
40 CFR part 63, Subpart UU -	National Emission Standards for Equipment Leaks - Control Level 2 Standards
40 CFR part 63, Subpart VV -	National Emission Standards for Oil-Water Separators and Organic-Water Separators
40 CFR part 63, Subpart WW -	National Emission Standards for Storage Vessels (Tanks) - Control Level 2
40 CFR part 63, Subpart XX -	National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations
40 CFR part 63, Subpart YY -	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards
40 CFR part 63, Subpart CCC -	National Emission Standards for Hazardous Air Pollutants for Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants
40 CFR part 63, Subpart DDD -	National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production
40 CFR part 63, Subpart EEE -	National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors

40 CFR part 63, Subpart GGG -	National Emission Standards for Pharmaceuticals Production
40 CFR part 63, Subpart HHH -	National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities
40 CFR part 63, Subpart III -	National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production
40 CFR part 63, Subpart JJJ -	National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins
40 CFR part 63, Subpart LLL -	National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry
40 CFR part 63, Subpart MMM -	National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production
40 CFR part 63, Subpart NNN -	National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing
40 CFR part 63, Subpart OOO -	National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins
40 CFR part 63, Subpart PPP -	National Emission Standards for Hazardous Air Pollutants for Polyether Polyols Production
40 CFR part 63, Subpart QQQ -	National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting

40 CFR part 63, Subpart RRR -	National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production
40 CFR part 63, Subpart TTT -	National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting
40 CFR part 63, Subpart UUU -	National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units
40 CFR part 63, Subpart VVV -	National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works
40 CFR part 63, Subpart XXX -	National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese
40 CFR part 63, Subpart AAAA -	National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills
40 CFR part 63, Subpart CCCC -	National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast
40 CFR part 63, Subpart DDDD -	National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products
40 CFR part 63, Subpart EEEE -	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline)

40 CFR part 63, Subpart FFFF -	National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing
40 CFR part 63, Subpart GGGG -	National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production
40 CFR part 63, Subpart HHHH -	National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production
40 CFR part 63, Subpart IIII -	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks
40 CFR part 63, Subpart JJJJ -	National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating
40 CFR part 63, Subpart KKKK -	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans
40 CFR part 63, Subpart MMMM -	National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products
40 CFR part 63, Subpart NNNN -	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances
40 CFR part 63, Subpart OOOO -	National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles

40 CFR part 63, Subpart PPPP -	National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products
40 CFR part 63, Subpart QQQQ -	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products
40 CFR part 63, Subpart RRRR -	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture
40 CFR part 63, Subpart SSSS -	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil
40 CFR part 63, Subpart TTTT -	National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations
40 CFR part 63, Subpart UUUU -	National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing
40 CFR part 63, Subpart VVVV -	National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing
40 CFR part 63, Subpart WWWW -	National Emissions Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production
40 CFR part 63, Subpart XXXX -	National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing
40 CFR part 63, Subpart YYYY -	National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines

40 CFR part 63, Subpart ZZZZ -	National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines
40 CFR part 63, Subpart AAAAA -	National Emissions Standards for Hazardous Air Pollutants for Lime Manufacturing Plants
40 CFR part 63, Subpart BBBBB -	National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing
40 CFR part 63, Subpart CCCCC -	National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks
40 CFR part 63, Subpart EEEEE -	National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries
40 CFR part 63, Subpart FFFFF -	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities
40 CFR part 63, Subpart GGGGG -	National Emission Standards for Hazardous Air Pollutants: Site Remediation
40 CFR part 63, Subpart HHHHH -	National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing
40 CFR part 63, Subpart IIIII -	National Emission Standards for Hazardous Air Pollutants: Mercury Emissions From Mercury Cell Chlor-Alkali Plants
40 CFR part 63, Subpart JJJJJ -	National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing

40 CFR part 63, Subpart KKKKK -	National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing
40 CFR part 63, Subpart LLLLL -	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing
40 CFR part 63, Subpart MMMMM -	National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations
40 CFR part 63, Subpart NNNNN -	National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production
40 CFR part 63, Subpart PPPPP -	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands
40 CFR part 63, Subpart QQQQQ -	National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities
40 CFR part 63, Subpart RRRRR -	National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing
40 CFR part 63, Subpart SSSSS -	National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing
40 CFR part 63, Subpart TTTTT -	National Emissions Standards for Hazardous Air Pollutants for Primary Magnesium Refining
40 CFR part 63, Subpart BBBBBB -	National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities

The following additional standard for hazardous air pollutants, not including later amendments, is adopted by reference from the *Federal Register*, as published by the National Archives and Records Administration. *Federal Register* publishing date, volume and pages for the standard is noted below:

September 13, 2004 Vol. 69, P. 55218	40 CFR part 63 - Subpart DDDDD	National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters

(i) Designated Appendices: The following appendices are incorporated by reference under Section 4(a) of this Chapter.

40 CFR part 63, Appendix A - Test Methods

40 CFR part 63, Appendix B - Sources Defined For Early Reduction Provisions

40 CFR part 63, Appendix C - Determination of the Fraction Biodegraded (F_{bio}) in a Biological Treatment Unit

40 CFR part 63, Appendix D - Alternative Validation Procedure for EPA Waste and Wastewater Methods

40 CFR part 63, Appendix E - Monitoring Procedure for Nonthoroughly Mixed Open Biological Treatment Systems at Kraft Pulp Mills Under Unsafe Sampling Conditions

(c) Word or Phrase Substitutions: In the standards designated in Chapter 5, Section 3(b) substitute:

(i) Chapter 5, Section 3 for Subpart A.
(ii) Chapter 5, Section 3(d) for 63.1.
(iii) Chapter 5, Section 3(e) for 63.2.
(iv) Chapter 5, Section 3(f) for 63.3.
(v) Chapter 5, Section 3(g) for 63.4.
(vi) Chapter 6, Section 5 for 63.5.
(vii) Chapter 5, Section 3(h) for 63.6.
(viii) Chapter 5, Section 3(i) for 63.7.
(ix) Chapter 5, Section 3(j) for 63.8.
(x) Chapter 5, Section 3(k) for 63.9.
(xi) Chapter 5, Section 3(l) for 63.10.
(xii) Chapter 5, Section 3(m) for 63.11.
(xiii) Chapter 5, Section 3(n) for 63.15.

(d) Applicability.

(i) General.

(A) Terms used throughout Chapter 5, Section 3 are defined in subsection (e) or in the Clean Air Act (Act) as amended in 1990, except that the individual subparts listed in subsection (b) and contained in 40 CFR part 63, may include specific definitions in addition to or that supersede definitions in subsection (e).

(B) No emission standard or other requirement established under this section shall be interpreted, construed, or applied to diminish or replace the requirements of a more stringent emission limitation or other applicable requirement established by EPA or the Administrator including the requirements in Chapter 5, Section 2, New Source Performance Standards, or any standard defined in the WAQSR.

(C) The provisions of this section apply to owners or operators who are subject to subsequent subparts listed in Chapter 5, Section 3(b), except when otherwise specified in a particular subpart or in a relevant standard. The provisions of Chapter 5, Section 3 eliminate the repetition of requirements applicable to all owners or operators affected by this section. The provisions in Chapter 5, Section 3 do not apply to regulations developed pursuant to section 112(r) of the amended Act, unless otherwise specified in those regulations.

(D) Subpart D of 40 CFR part 63 contains regulations that address procedures for an owner or operator to obtain an extension of compliance with a relevant standard through an early reduction of emissions of hazardous air pollutants pursuant to section 112(i)(5) of the Act.

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

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

(G) Notwithstanding time periods or postmark deadlines specified in this section for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. Procedures governing the implementation of this provision are specified in Chapter 5, Section 3(k)(ix).

(H) Special provisions set forth under an applicable subpart or in a relevant standard established under this section shall supersede any conflicting provisions of Chapter 5, Section 3.

(I) Any standards, limitations, prohibitions, or other federally enforceable requirements established pursuant to procedural regulations in this section [including, but not limited to, equivalent emission limitations established pursuant to section 112(g) of the Act] shall have the force and effect of requirements established in this section and shall be subject to the provisions of Chapter 5, Section 3, except when explicitly specified otherwise.

(ii) Initial Applicability Determination For This Section.

(A) The provisions of this section apply to the owner or operator of any stationary source that:

(I) Emits or has the potential to emit any hazardous air pollutant listed in or pursuant to section 112(b) of the Act, and identified below:

CAS Number	Chemical Name
75070	Acetaldehyde
60355	Acetamide
75058	Acetonitrile
98862	Acetophenone
53963	2-Acetylaminofluorene
107028	Acrolein
79061	Acrylamide
79107	Acrylic acid
107131	Acrylonitrile
107051	Allyl chloride
92671	4-Aminobiphenyl
62533	Aniline
90040	o-Anisidine
1332214	Asbestos
71432	Benzene (including benzene from gasoline)

CAS Number	Chemical Name
92875	Benzidine
98077	Benzotrichloride
100447	Benzyl chloride
92524	Biphenyl
117817	Bis(2-ethylhexyl)phthalate (DEHP)
542881	Bis(chloromethyl)ether
75252	Bromoform
106990	1,3-Butadiene
156627	Calcium cyanamide
133062	Captan
63252	Carbaryl
75150	Carbon disulfide
56235	Carbon tetrachloride
463581	Carbonyl sulfide
120809	Catechol
133904	Chloramben
57749	Chlordane
7782505	Chlorine
79118	Chloroacetic acid
532274	2-Chloroacetophenone
108907	Chlorobenzene
510156	Chlorobenzilate
67663	Chloroform
107302	Chloromethyl methyl ether
126998	Chloroprene
1319773	Cresols/Cresylic acid (isomers and mixture)
95487	o-Cresol
108394	m-Cresol
106445	p-Cresol
98828	Cumene
94757	2,4-D, salts and esters
3547044	DDE
334883	Diazomethane
132649	Dibenzofurans
96128	1,2-Dibromo-3-chloropropane
84742	Dibutylphthalate
106467	1,4-Dichorobenzene(p)
91941	3,3-Dichlorobenzidene
111444	Dichloroethyl ether (Bis(2-chloroethyl)ether)
542756	1,3-Dichloropropene
62737	Dichlorvos
111422	Diethanolamine
121697	N,N-Diethyl aniline (N,N-Dimethylaniline)
64675	Diethyl sulfate

CAS Number	Chemical Name
119904	3,3-Dimethoxybenzidine
60117	Dimethyl aminoazobenzene
119937	3,3-Dimethyl benzidine
79447	Dimethyl carbamoyl chloride
68122	Dimethyl formamide
57147	1,1-Dimethyl hydrazine
131113	Dimethyl phthalate
77781	Dimethyl sulfate
534521	4,6-Dinitro-o-cresol, and salts
51285	2,4-Dinitrophenol
121142	2,4-Dinitrotoluene
123911	1,4-Dioxane (1,4-Diethyleneoxide)
122667	1,2-Diphenylhydrazine
106898	Epichlorohydrin (l-Chloro-2,3-epoxypropane)
106887	1,2-Epoxybutane
140885	Ethyl acrylate
100414	Ethyl benzene
51796	Ethyl carbamate (Urethane)
75003	Ethyl chloride (Chloroethane)
106934	Ethylene dibromide (Dibromoethane)
107062	Ethylene dichloride (1,2-Dichloroethane)
107211	Ethylene glycol
151564	Ethylene imine (Aziridine)
75218	Ethylene oxide
96457	Ethylene thiourea
75343	Ethylidene dichloride (1,1-Dichloroethane)
50000	Formaldehyde
76448	Heptachlor
118741	Hexachlorobenzene
87683	Hexachlorobutadiene
77474	Hexachlorocyclopentadiene
67721	Hexachloroethane
822060	Hexamethylene-1, 6-diisocyanate
680319	Hexamethylphosphoramide
110543	Hexane
302012	Hydrazine
7647010	Hydrochloric acid
7664393	Hydrogen fluoride (Hydrofluoric acid)
123319	Hydroquinone
78591	Isophorone
58899	Lindane (all isomers)
108316	Maleic anhydride
67561	Methanol
72435	Methoxychlor

CAS Number	Chemical Name
74839	Methyl bromide (Bromomethane)
74873	Methyl chloride (Chloromethane)
71556	Methyl chloroform (1,1,1-Trichloroethane)
60344	Methyl hydrazine
74884	Methyl iodide (Iodomethane)
108101	Methyl isobutyl ketone (Hexone)
624839	Methyl isocyanate
80626	Methyl methacrylate
1634044	Methyl tert butyl ether
101144	4,4-Methylene bis(2-chloroaniline)
75092	Methylene chloride (Dichloromethane)
101688	Methylene diphenyl diisocyanate (MDI)
101779	4,4-Methylenedianiline
91203	Naphthalene
98953	Nitrobenzene
92933	4-Nitrobiphenyl
100027	4-Nitrophenol
79469	2-Nitropropane
684935	N-Nitroso-N-methylurea
62759	N-Nitrosodimethylamine
59892	N-Nitrosomorpholine
56382	Parathion
82688	Pentachloronitrobenzene (Quintobenzene)
87865	Pentachlorophenol
108952	Phenol
106503	p-Phenylenediamine
75445	Phosgene
7803512	Phosphine
7723140	Phosphorus
85449	Phthalic anhydride
1336363	Polychlorinated biphenyls (Aroclors)
1120714	1,3-Propane sultone
57578	beta-Propiolactone
123386	Propionaldehyde
114261	Propoxur (Baygon)
78875	Propylene dichloride (1,2-Dichloropropane)
75569	Propylene oxide
75558	1,2-Propylenimine (2-Methyl aziridine)
91225	Quinoline
106514	Quinone
100425	Styrene
96093	Styrene oxide
1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin
79345	1,1,2,2-Tetrachloroethane

CAS Number	Chemical Name
127184	Tetrachloroethylene (Perchloroethylene)
7550450	Titanium tetrachloride
108883	Toluene
95807	2,4-Toluene diamine
584849	2,4-Toluene diisocyanate
95534	o-Toluidine
8001352	Toxaphene (chlorinated camphene)
120821	1,2,4-Trichlorobenzene
79005	1,1,2-Trichloroethane
79016	Trichloroethylene
95954	2,4,5-Trichlorophenol
88062	2,4,6-Trichlorophenol
121448	Triethylamine
1582098	Trifluralin
540841	2,2,4-Trimethylpentane
108054	Vinyl acetate
593602	Vinyl bromide
75014	Vinyl chloride
75354	Vinylidene chloride (1,1-Dichloroethylene)
95476	o-Xylenes
108383	m-Xylenes
106423	p-Xylenes
0	Antimony Compounds
0	Arsenic Compounds (inorganic including arsine)
0	Beryllium Compounds
0	Cadmium Compounds
0	Chromium Compounds
0	Cobalt Compounds
0	Coke Oven Emissions
0	Cyanide Compounds *1
0	Glycol ethers *2
0	Lead Compounds
0	Manganese Compounds
0	Mercury Compounds
0	Fine mineral fibers *3
0	Nickel Compounds
0	Polycylic Organic Matter *4
0	Radionuclides (including radon) *5
0	Selenium Compounds

NOTE: For all listings above which contain the word "compounds" and for glycol ethers, the following applies: Unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical (i.e., antimony, arsenic, etc.) as part of that chemical's infrastructure.

*1 X'CN where X=H' or any other group where a formal dissociation may occur. For example KCN or $Ca(CN)_2$

*2 Includes mono- and di- ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-(OCH_2CH_2)n-OR' where

n = 1, 2, or 3

R = alkyl or aryl groups

R' = R, H, or groups which, when removed, yield glycol ethers with the structure: R-(OCH_2CH)n-OH. Polymers are excluded from the glycol category.

*3 Includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter 1 micrometer or less.

*4 Includes organic compounds with more than one benzene ring, and which have a boiling point greater than or equal to 100°C.

*5 A type of atom which spontaneously undergoes radioactive decay.

and,

(II) Is subject to any standard, limitation, prohibition, or other federally enforceable requirement established pursuant to 40 CFR part 63.

(B) In addition to complying with the provisions of this section, the owner or operator of any such source may be required to obtain an operating permit issued in accordance with Chapter 6, Section 3 of the WAQSR.

(C) An owner or operator of a stationary source that emits (or has the potential to emit, without considering controls) one or more hazardous air pollutants who determines that the source is not subject to a relevant standard or other requirement established under this section, shall keep a record of the applicability determination as specified in Chapter 5, Section 3(l)(ii)(C).

(iii) Applicability of This Section After a Relevant Standard Has Been Set.

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

(B) If a relevant standard has been established under this section, the owner or operator of an affected source may be required to obtain an operating permit in accordance with Chapter 6, Section 3. Emission standards established in this section for area sources will specify whether:

(I) The Administrator will have the option to exclude area sources affected by that standard from the requirement to obtain an operating permit (i.e., the standard will exempt the category of area sources altogether from the permitting requirement);

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

(III) Area sources affected by that emission standard are immediately subject to the requirement to apply for and obtain an operating permit. If a standard fails to specify what the permitting requirements will be for area sources affected by that standard, then area sources that are subject to the standard will be subject to the requirements to obtain an operating permit without deferral. If the owner or operator is required to obtain an operating permit, the application for such a permit shall be in accordance with Chapter 6, Section 3 of the WAQSR.

(C) If the owner or operator of an existing source obtains an extension of compliance for such source in accordance with the provisions of 40 CFR part 63, Subpart D, the owner or operator shall comply with all requirements of this section except those requirements that are specifically overridden in the extension of compliance for that source.

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

(iv) Applicability of Permit Program Before a Relevant Standard Has Been Set Under This Section. The owner or operator of a stationary source located or proposed for location in Wyoming may be required to obtain an operating permit in accordance with Chapter 6, Section 3 (or revise such a permit if one has already been issued to the source) before a relevant standard is established under this section.

(e) Definitions. The terms used in this section and the designated subparts are defined in the Act or in this subsection as follows:

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

"Actual emissions" is defined in 40 CFR part 63, Subpart D for the purpose of granting a compliance extension for an early reduction of hazardous air pollutants.

"Administrator" means the Administrator of the Division of Air Quality, Wyoming Department of Environmental Quality.

"Affected source", for the purposes of this section, means the stationary source, the group of stationary sources, or the portion of a stationary source that is regulated by a relevant standard or other requirement established pursuant to section 112 of the Act. Each relevant standard will define the "affected source" for the purposes of that standard. The term "affected source", as used in this section, is separate and distinct from any other use of that term in EPA regulations. Sources regulated under Chapter 5, Section 2 of these regulations are not affected sources for the purposes of Chapter 5, Section 3.

"Alternative emission limitation" means conditions established pursuant to sections 112(i)(5) or 112(i)(6) of the Act by the EPA or the Administrator.

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

"Alternative test method" means any method of sampling and analyzing for an air pollutant that is not a test method in 40 CFR part 63 and that has been demonstrated to the Administrator's satisfaction, using Method 301 in 40 CFR part 63, Appendix A, to produce results adequate for the Administrator's determination that it may be used in place of a test method specified in this section.

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

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

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

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

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

(ii) A description as follows:

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

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

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

(iii) A compliance schedule, as defined in this subsection; and

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

"Compliance schedule" means:

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

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

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

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

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

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

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

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

"Effective date" means:

(i) With regard to an emission standard in this section, the date of promulgation in the Federal Register. The effective date is designated in the applicable subparts of the national emission standards for hazardous air pollutants (NESHAP) referenced in Chapter 5, Section 3(b) and contained in 40 CFR part 63, or

(ii) With regard to an alternative emission limitation or equivalent emission limitation determined by the Administrator, the date that the alternative emission limitation or equivalent emission limitation becomes effective according to the provisions of this section.

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

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

"EPA" means the Administrator of the United States Environmental Protection Agency or the Administrator's designee.

"Equivalent emission limitation" means the maximum achievable control technology emission limitation (MACT emission limitation) for hazardous air pollutants that the Administrator determines on a case-by-case basis, pursuant to section 112(g) or section 112(j) of the Act, to be equivalent to the emission standard that would apply to an affected source if such standard had been promulgated by the EPA under 40 CFR part 63 pursuant to section 112(d) or section 112(h) of the Act.

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

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

"Federally enforceable" means all limitations and conditions that are enforceable by the EPA and citizens under the Act or that are enforceable under other statutes administered by the EPA.

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

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

"Hazardous air pollutant" means any air pollutant listed in or pursuant to section 112(b) of the Act, and listed in subsection (d)(ii)(A)(I) of this section.

"Issuance" of an operating permit will occur, in accordance with Chapter 6, Section 3.

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

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

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

"New source" means any affected source the construction or reconstruction of which is commended after the EPA first proposes a relevant emission standard under 40 CFR part 63.

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

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

"Operating permit" or "part 70 permit" means any permit or group of permits covering a source under Chapter 6, Section 3 that is issued, renewed, amended, or revised pursuant to Chapter 6, Section 3.

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

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

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

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

"Permit modification" means a change to an operating permit as defined in Chapter 6, Section 3 of the WAQSR.

"Permit program" means the comprehensive State operating permit system established pursuant to title V of the Act (42 U.S.C. 7661) and regulations in Chapter 6, Section 3.

"Permit revision" means any permit modification or administrative permit amendment to an operating permit as defined in Chapter 6, Section 3.

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

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

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

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

"Regulation promulgation schedule" means the schedule for the promulgation of emission standards under 40 CFR part 63, established by the EPA pursuant to section 112(e) of the Act and published in the Federal Register.

"Relevant standard" means:

(i) An emission standard;

(ii) An alternative emission standard;

(iii) An alternative emission limitation; or

(iv) An equivalent emission limitation established pursuant to section 112 of the Act that applies to the stationary source, the group of stationary sources, or the portion of a stationary source regulated by such standard or limitation.

A relevant standard may include or consist of a design, equipment, work practice, or operational requirement, or other measure, process, method, system, or technique (including prohibition of emissions) that the EPA establishes for new or existing sources to which such standard or limitation applies. Every relevant standard established

pursuant to section 112 of the Act includes the provisions of Chapter 5, Section 3 and all applicable appendices that are referenced in that standard.

"Responsible official" means one of the following:

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

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

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

(ii) For a Partnership or Sole Proprietorship: a general partner or the proprietor, respectively.

(iii) For a Municipality, State, Federal, or Other Public Agency: either a principal executive officer or ranking elected official. For the purposes of this section, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of the EPA).

(iv) For Affected Sources (as defined in this section) Applying for or Subject to an Operating Permit: "responsible official" shall have the same meaning as defined in Chapter 6, Section 3.

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

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

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

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

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

"State" means the State of Wyoming.

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

"Test method" means the validated procedure for sampling, preparing, and analyzing for an air pollutant specified in a relevant standard as the performance test procedure. The test method may include methods described in an appendix of 40 CFR part 63 or methods validated for an application through procedures in Method 301 of 40 CFR part 63, Appendix A.

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

"WAQSR" means the Wyoming Air Quality Standards and Regulations promulgated under the Wyoming Environmental Quality Act, W.S. §35-11-101 et seq.

(f) Units and Abbreviations. The abbreviations and symbols for the units of measure used in this section, are defined as follows:

(i) System International (SI) Units of Measure:

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

W = watt
Ω = ohm
µg = microgram = 10^{-6} gram
µl = microliter = 10^{-6} liter

(ii) Other Units of Measure:

Btu = British thermal unit
°C = degree Celsius (centigrade)
cal = calorie
cfm = cubic feet per minute
cc = cubic centimeter
cu ft = cubic feet
d = day
dcf = dry cubic feet
dcm = dry cubic meter
dscf = dry cubic feet at standard conditions
dscm = dry cubic meter at standard conditions
eq = equivalent
°F = degree Fahrenheit
ft = feet
ft^2 = square feet
ft^3 = cubic feet
gal = gallon
gr = grain
g-eq = gram equivalent
g-mole = gram mole
hr = hour
in. = inch
in. H_2O = inches of water
K = 1,000
kcal = kilocalorie
lb = pound
lpm = liter per minute
meq = milliequivalent
min = minute
MW = molecular weight
oz = ounces
ppb = parts per billion
ppbw = parts per billion by weight
ppbv = parts per billion by volume
ppm = parts per million
ppmw = parts per million by weight
ppmv = parts per million by volume
psia = pounds per square inch absolute
psig = pounds per square inch gage

°R = degree Rankine
scf = cubic feet at standard conditions
scfh = cubic feet at standard conditions per hour
scm = cubic meter at standard conditions
sec = second
sq ft = square feet
std = at standard conditions
v/v = volume per volume
yd^2 = square yards
yr = year

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

(g) Prohibited Activities and Circumvention.

(i) Prohibited Activities.

(A) No owner or operator subject to the provisions of this section shall operate any affected source in violation of the requirements of this section except under:

(I) An extension of compliance granted by the EPA under this section; or

(II) An extension of compliance granted under this section by the Administrator; or

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

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

(C) No owner or operator of an affected source, who is required under this section to obtain an operating permit, shall operate such source except in compliance with the provisions of this section and the applicable requirements of Chapter 6, Section 3.

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

(I) An operating permit has been issued to that source; or

(II) If an operating permit has been issued to that source, whether such permit has been revised or modified to incorporate the emission standard.

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

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

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

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

(iii) Severability. Notwithstanding any requirement incorporated into an operating permit obtained by an owner or operator subject to the provisions of this section, the provisions of this section are federally enforceable.

(h) Compliance With Standards and Maintenance Requirements.

(i) Applicability.

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

(I) The Administrator has granted an extension of compliance consistent with paragraph (viii) of this subsection; or

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

(B) If an area source that otherwise would be subject to an emission standard or other requirement established under this section if it were a major

source subsequently increases its emissions of hazardous air pollutants (or its potential to emit hazardous air pollutants) such that the source is a major source, such source shall be subject to the relevant emission standard or other requirement.

(ii) Compliance Dates for New and Reconstructed Sources.

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

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

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

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

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

(D) The owner or operator of an affected source for which construction or reconstruction is commenced after the proposal date of a relevant standard established pursuant to section 112(d) of the Act but before the proposal date of a relevant standard established pursuant to section 112(f) shall comply with the emission standard under section 112(f) not later than the date 10 years after the date construction or reconstruction is commenced, except that, if the section 112(f) standard is promulgated more than 10 years after construction or reconstruction is commenced, the owner or operator shall comply with the standard as provided in paragraphs (ii)(A) and (ii)(B) of this subsection.

(E) The owner or operator of a new source that is subject to the compliance requirements of paragraph (ii)(C) or paragraph (ii)(D) of this subsection shall notify the Administrator in accordance with subsection (k)(iv) of this section.

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

(iii) Compliance Dates for Existing Sources.

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

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

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

(iv) Operation and Maintenance Requirements.

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

(II) Malfunctions shall be corrected as soon as practicable after their occurrence in accordance with the startup, shutdown, and malfunction plan required in paragraph (iv)(C) of this subsection.

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

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

(C) Startup, Shutdown, and Malfunction Plan.

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

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

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

(3.) Reduce the reporting burden associated with periods of startup, shutdown, and malfunction (including corrective action taken to

restore malfunctioning process and air pollution control equipment to its normal or usual manner of operation).

(II) During periods of startup, shutdown, and malfunction, the owner or operator of an affected source shall operate and maintain such source (including associated air pollution control equipment) in accordance with the procedures specified in the startup, shutdown, and malfunction plan developed under paragraph (iv)(C)(I) of this subsection.

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

(IV) If an action taken by the owner or operator during a startup, shutdown, or malfunction (including an action taken to correct a malfunction) is not consistent with the procedures specified in the affected source's startup, shutdown, and malfunction plan, the owner or operator shall record the actions taken for that event and shall report such actions with 24 hours after commencing actions inconsistent with the plan, followed by a letter within 7 working days after the end of the event, in accordance with subsection (l)(iv)(E) (unless the owner or operator makes alternative reporting arrangements, in advance, with the Administrator [see subsection (l)(iv)(E)(II)].

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

(VI) To satisfy the requirements of this subsection to develop a startup, shutdown, and malfunction plan, the owner or operator may use the

affected source's standard operating procedures (SOP) manual, or an Occupational Safety and Health Administration (OSHA) or other plan, provided the alternative plans meet all the requirements of this subsection and are made available for inspection when requested by the Administrator.

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

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

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

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

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

(v) Compliance With Nonopacity Emission Standards.

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

(B) Methods for Determining Compliance.

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

(II) The Administrator will determine compliance with nonopacity emission standards in this section by evaluation of an owner or operator's conformance with operation and maintenance requirements, including the evaluation of monitoring data, as specified in subsection (h)(iv) and applicable subparts of this section.

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

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

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

(3.) The performance test was conducted and the resulting data were reduced using EPA-approved test methods and procedures, as specified in subsection (i)(v) of this section; and

(4.) The performance test was appropriately quality-assured, as specified in subsection (i)(iii) of this section.

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

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

(C) Finding of compliance. The Administrator will make a finding concerning an affected source's compliance with a nonopacity emission standard, as specified in paragraphs (v)(A) and (v)(B) of this subsection, upon obtaining all the compliance information required by the relevant standard (including the written reports of performance test results, monitoring results, and other information, if applicable) and any information available to the Administrator needed to determine whether proper operation and maintenance practices are being used.

(vi) Use of an Alternative Nonopacity Emission Standard.

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

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

(C) The EPA may establish general procedures in an applicable subpart that accomplish the requirements of paragraphs (vi)(A) and (vi)(B) of this subsection.

(vii) Compliance With Opacity and Visible Emission Standards.

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

(B) Methods for Determining Compliance.

(I) The Administrator will determine compliance with opacity and visible emission standards in this section based on the results of the test method specified in an applicable subpart. Whenever a continuous opacity monitoring system (COMS) is required to be installed to determine compliance with numerical opacity emission standards in this section, compliance with opacity emission standards in this section shall be determined by using the results from the COMS. Whenever an opacity emission test method is not specified, compliance with opacity emission

standards in this section shall be determined by conducting observations in accordance with Test Method 9 in 40 CFR part 60, Appendix A or the method specified in paragraph (vii)(F)(II) of this subsection. Whenever a visible emission test method is not specified, compliance with visible emission standards in this section shall be determined by conducting observations in accordance with Test Method 22 in 40 CFR part 60, Appendix A.

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

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

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

(3.) The opacity or visible emission test was conducted and the resulting data were reduced using EPA-approved test methods and procedures, as specified in subsection (i)(v) of this section; and

(4.) The opacity or visible emission test was appropriately quality-assured, as specified in subsection (i)(iii) of this section.

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

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

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

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

required, opacity or visible emission observations shall be conducted within 120 days after the compliance date for an existing or modified source; or

(2.) If visibility or other conditions prevent the opacity or visible emission observations from being conducted concurrently with the initial performance test required under subsection (i), or within the time period specified in paragraph (vii)(D)(I)(1.) of this subsection, the source's owner or operator shall reschedule the opacity or visible emission observations as soon after the initial performance test, or time period, as possible, but not later than 30 days thereafter, and shall advise the Administrator of the rescheduled date. The rescheduled opacity or visible emission observations shall be conducted (to the extent possible) under the same operating conditions that existed during the initial performance test conducted under subsection (i). The visible emissions observer shall determine whether visibility or other conditions prevent the opacity or visible emission observations from being made concurrently with the initial performance test in accordance with procedures contained in Test Method 9 or Test Method 22 in 40 CFR part 60, Appendix A.

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

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

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

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

(F) Use of a Continuous Opacity Monitoring System.

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

(II) Whenever an opacity emission test method has not been specified in an applicable subpart, or an owner or operator of an affected source is required to conduct Test Method 9 observations (see 40 CFR part 60, Appendix A), the owner or operator may submit, for compliance purposes, COMS data results produced during any performance test required under subsection (l) in lieu of Method 9 data. If the owner or operator elects to submit COMS data for compliance with the opacity emission standard, the Administrator shall be notified of that decision, in writing, simultaneously with the notification under subsection (l)(ii) of the date the performance test is scheduled to begin. Once the owner or operator of an affected source has notified the Administrator to that effect, the COMS data results will be used to determine opacity compliance during subsequent performance tests required under subsection (l), unless the owner or operator notifies the Administrator in writing to the contrary not later than with the notification under subsection (l)(ii) of the date the subsequent performance test is scheduled to begin.

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

(IV) The owner or operator of an affected source using a COMS for compliance purposes is responsible for demonstrating compliance with the performance evaluation requirements of subsection (j)(v), that the COMS has been properly maintained, operated, and data quality-assured, as specified in subsection (j)(iii) and subsection (j)(iv), and that the resulting data have not been altered in any way.

(V) Except as provided in paragraph (vii)(F)(II) of this subsection, the results of continuous monitoring by a COMS that indicate that the opacity at the time visual observations were made was not in excess of the emission standard are probative but not conclusive evidence of the actual opacity of an emission, provided that the affected source proves that, at the time of the alleged violation, the instrument used was properly maintained, as specified in subsection (j)(iii), and met Performance Specification 1 in 40 CFR part 60, Appendix B, and that the resulting data have not been altered in any way.

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

(H) Adjustment to an Opacity Emission Standard.

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

(II) The EPA may grant such a petition upon a demonstration by the owner or operator that:

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

(2.) The performance tests were performed under the conditions established by the EPA; and

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

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

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

(viii) Extension of Compliance With Emission Standards.

(A) Until an extension of compliance has been granted by the Administrator under this paragraph, the owner or operator of an affected source subject to the requirements of this subsection shall comply with all applicable requirements of this section.

(B) Extension of Compliance for Early Reductions and Other Reductions.

(I) Early Reductions. Pursuant to section 112(i)(5) of the Act, if the owner or operator of an existing source demonstrates that the source has achieved a reduction in emissions of hazardous air pollutants in accordance with the provisions of 40 CFR part 63, Subpart D, the Administrator will grant the owner or operator an extension of compliance with specific requirements of this section, as specified in 40 CFR part 63, Subpart D.

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

(C) Request for Extension of Compliance. Paragraphs (viii)(D) through (viii)(G) of this subsection concern requests for an extension of compliance with a relevant standard under this section [except requests for an extension of compliance under paragraph (viii)(B)(I) of this subsection will be handled through procedures specified in 40 CFR part 63, Subpart D].

(D) (I) (1.) The owner or operator of an existing source who is unable to comply with a relevant standard established under this section pursuant to section 112(d) of the Act may request that the Administrator grant an extension allowing the source up to 1 additional year to comply with the standard, if such additional period is necessary for the installation of controls. An additional extension of up to 3 years may be added for mining waste operations, if the 1-year extension of compliance is insufficient to dry and cover mining waste in order to reduce emissions of any hazardous air pollutant. The owner or operator of an affected source who has requested an extension of compliance under this paragraph and who is otherwise required to obtain an operating permit shall apply for such permit or apply to have the source's operating permit revised to incorporate the conditions of the extension of compliance. The conditions of an extension of compliance granted under this paragraph will be incorporated into the affected source's operating permit according to the provisions of Chapter 6, Section 3.

(2.) Any request under this paragraph for an extension of compliance with a relevant standard shall be submitted in writing to the Administrator not later than 12 months before the affected source's compliance date [as specified in paragraphs (ii) and (iii) of this subsection] for sources that are not including

emission points in an emissions average, or not later than 18 months before the affected source's compliance date [as specified in paragraphs (ii) and (iii) of this subsection] for sources that are including emission points in an emissions average. Emission standards established under this section may specify alternative dates for the submittal of requests for an extension of compliance if alternatives are appropriate for the source categories affected by those standards, e.g., a compliance date specified by the standard is less than 12 (or 18) months after the standard's effective date.

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

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

(F) (I) The request for a compliance extension under paragraph (viii)(D) of this subsection shall include the following information:

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

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

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

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

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

d. The date by which final compliance is to be achieved;

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

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

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

(G) Advice on requesting an extension of compliance may be obtained from the Administrator.

(H) Approval of Request for Extension of Compliance. Paragraphs (viii)(I) through (viii)(N) of this subsection concern approval of an extension of compliance requested under paragraphs (viii)(D) through (viii)(F) of this subsection.

(I) Based on the information provided in any request made under paragraphs (viii)(D) through (viii)(F) of this subsection, or other information, the Administrator may grant an extension of compliance with an emission standard, as specified in paragraphs (viii)(D) and (viii)(E) of this subsection.

(J) The extension will be in writing and will:

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

(II) Specify the termination date of the extension;

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

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

(V) (1.) Under paragraph (viii)(D), specify any additional conditions that the Administrator deems necessary to assure installation of the necessary controls and protection of the health of persons during the extension period; or

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

(K) The owner or operator of an existing source that has been granted an extension of compliance under paragraph (viii)(J) of this subsection may be required to submit to the Administrator progress reports indicating whether the steps toward compliance outlined in the compliance schedule have been reached. The contents of the progress reports and the dates by which they shall be submitted will be specified in the written extension of compliance granted under paragraph (viii)(J) of this subsection.

(L) (I) The Administrator will notify the owner or operator in writing of approval or intention to deny approval of a request for an extension of compliance within 30 calendar days after receipt of sufficient information to evaluate a request submitted under paragraph (viii)(D)(I) or (viii)(E) of this subsection. The 30-day approval or denial period will begin after the owner or operator has been notified in writing that the application is complete. The Administrator will notify the owner or operator in writing of the status of the application, that is, whether the application contains sufficient information to make a determination, within 30 calendar days after receipt of the original application and within 30 calendar days after receipt of any supplementary information that is submitted.

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

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

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

(2.) Notice of opportunity for the owner or operator to present in writing, within 15 calendar days after notification of the intended denial,

additional information or arguments to the Administrator before further action on the request.

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

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

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

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

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

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

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

(N) The Administrator may terminate an extension of compliance at an earlier date than specified if any specification under paragraph (viii)(J)(III) or (viii)(J)(IV) of this subsection is not met.

(O) The granting of an extension under this section shall not abrogate the Administrator's authority under §35-11-110 of the Wyoming Environmental Quality Act.

(ix) Exemption From Compliance With Emission Standards.

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

(i) Performance Testing Requirements.

(i) Applicability and Performance Test Dates.

(A) Unless otherwise specified, this subsection applies to the owner or operator of an affected source required to do performance testing, or another form of compliance demonstration, under a relevant standard.

(B) If required to do performance testing by a relevant standard, and unless a waiver of performance testing is obtained under this subsection or the conditions of paragraph (iii)(C)(II)(2.) of this subsection apply, the owner or operator of the affected source shall perform such tests as follows:

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

(II) Within the requirements of Chapter 6, Section 2 after initial startup for a new source that has an initial startup date after the effective date of a relevant standard; or

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

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

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

(VI) Within the requirements of Chapter 6, Section 2 after the compliance date for a new source, subject to an emission standard established pursuant to section 112(f) of the Act, for which construction or reconstruction is commenced after the proposal date of a relevant standard established pursuant to section 112(d) of the Act but before the proposal date of the relevant standard established pursuant to section 112(f) [see subsection (i)(ii)(D)]; or

(VII) When an emission standard promulgated under this section is more stringent than the standard proposed [see subsection (i)(ii)(C)], the owner or operator of a new or reconstructed source subject to that standard for which construction or reconstruction is commenced between the proposal and promulgation dates of the standard shall comply with performance testing requirements within 180 days after the standard's effective date, or within 180 days after startup of the source, whichever is later. If the promulgated standard is more stringent than the proposed standard, the owner or operator may choose to demonstrate compliance with either the proposed or the promulgated standard. If the owner or operator chooses to comply with the proposed standard initially, the owner or operator shall conduct a second performance test within 3 years and 180 days after the effective date of the standard, or after startup of the source, whichever is later, to demonstrate compliance with the promulgated standard.

(C) The Administrator may require an owner or operator to conduct performance tests at the affected source at any other time when the action is authorized by §35-11-110 of the Wyoming Environmental Quality Act.

(ii) Notification of Performance Test.

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

(B) In the event the owner or operator is unable to conduct the performance test on the date specified in the notification requirement specified in paragraph (ii)(A) of this subsection, due to unforeseeable circumstances beyond his or her control, the owner or operator shall notify the Administrator within 5 days prior to the

scheduled performance test date and specify the date when the performance test is rescheduled. This notification of delay in conducting the performance test shall not relieve the owner or operator of legal responsibility for compliance with any other applicable provisions of this section or with any other applicable Federal, State, or local requirement, nor will it prevent the Administrator from implementing or enforcing this section or taking any other action under the Wyoming Environmental Quality Act.

(iii) Quality Assurance Program.

(A) The results of the quality assurance program required in this paragraph will be considered by the Administrator when determining the validity of a performance test.

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

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

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

(IV) The owner or operator of an affected source shall submit the site-specific test plan to the Administrator upon the Administrator's request at least 60 calendar days before the performance test is scheduled to take place, that is, simultaneously with the notification of intention to conduct a performance test required under paragraph (ii) of this subsection, or on a mutually agreed upon date.

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

(C) Approval of Site-Specific Test Plan.

(I) The Administrator will notify the owner or operator of approval or intention to deny approval of the site-specific test plan (if review of the site-specific test plan is requested) within 30 calendar days after receipt of the original plan and within 30 calendar days after receipt of any supplementary information that is submitted under paragraph (iii)(C)(I)(2.) of this subsection. Before disapproving any site-specific test plan, the Administrator will notify the applicant of the Administrator's intent to disapprove the plan together with:

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

(2.) Notice of opportunity for the owner or operator to present, within 30 calendar days after notification of the intended disapproval, additional information to the Administrator before final action on the plan.

(II) In the event that the Administrator fails to approve or disapprove the site-specific test plan within the time period specified in paragraph (iii)(C)(I) of this subsection, the following conditions shall apply:

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

(2.) If the owner or operator intends to demonstrate compliance by using an alternative to any test method specified in the relevant standard, the owner or operator shall refrain from conducting the performance test until the Administrator approves the use of the alternative method when the Administrator approves the site-specific test plan (if review of the site-specific test plan is requested) or until after the alternative method is approved [see paragraph (vi) of this subsection]. If the Administrator does not approve the site-specific test plan (if review is requested) or the use of the alternative method within 30 days before the test is scheduled to begin, the performance test dates specified in paragraph (i) of this subsection may be extended such that the owner or operator shall conduct the performance test within 60 calendar days after the Administrator approves the site-specific test plan or after use of the alternative method is approved. Notwithstanding the requirements in the preceding two sentences, the owner or operator may proceed to conduct the performance test as required in this subsection (without the Administrator's prior approval of the site-specific test plan) if it is subsequently chosen to use the specified testing and monitoring methods instead of an alternative.

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

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

(2.) Prevent the Administrator from implementing or enforcing this section or taking any other action under the Wyoming Environmental Quality Act.

(D) (I) Performance Test Method Audit Program. The owner or operator shall analyze performance audit (PA) samples during each performance test. The owner or operator shall request performance audit materials 45 days prior to the test date. Cylinder audit gases may be obtained by contacting the Administrator.

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

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

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

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

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

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

(B) Safe sampling platform(s);

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

(D) Utilities for sampling and testing equipment; and

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

(v) Conduct of Performance Tests.

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

(B) Performance tests shall be conducted and data shall be reduced in accordance with the test methods and procedures set forth in this subsection, in each relevant standard, and, if required, in applicable appendices, unless the Administrator:

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

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

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

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

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

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

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

(III) Extreme meteorological conditions occur; or

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

(D) Nothing in paragraphs (v)(A) through (v)(C) of this subsection shall be construed to abrogate the Administrator's authority to require testing under §35-11-110 of the Wyoming Environmental Quality Act.

(vi) Use of an Alternative Test Method.

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

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

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

(II) Uses Method 301 in 40 CFR part 63, Appendix A to validate the alternative test method; and

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

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

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

(E) If the owner or operator uses an alternative test method for an affected source during a required performance test, the owner or operator of such source shall continue to use the alternative test method for subsequent performance tests at that affected source until approval is received from the Administrator to use another test method as allowed under subsection (i)(vi).

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

(vii) Data Analysis, Recordkeeping, and Reporting.

(A) Unless otherwise specified in a relevant standard or test method, or as otherwise approved by the Administrator in writing, results of a performance test shall include the analysis of samples, determination of emissions, and raw data. A performance test is "completed" when field sample collection is terminated. The owner or operator of an affected source shall report the results of the performance test to the Administrator before the close of business on the 60^{th} day following the completion of the performance test, unless specified otherwise in a relevant standard or as approved otherwise in writing by the Administrator [see subsection (k)(ix)]. The results of the performance test shall be submitted as part of the notification of compliance status required under subsection (k)(viii).

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

(viii) Waiver of Performance Tests.

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

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

(C) Request to Waive a Performance Test.

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

(II) If an application for a waiver of a subsequent performance test is made, the application may accompany any required compliance progress report, compliance status report, or excess emissions and continuous monitoring system performance report [such as those required under subsection (h)(viii), subsection (k)(viii), and subsection (l)(v) or specified in a relevant standard or in the source's operating permit], but it shall be submitted at least 60 days before the performance test if the site-specific test plan required under paragraph (iii) of this subsection is not submitted.

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

(D) Approval of Request to Waive Performance Test. The Administrator will approve or deny a request for a waiver of a performance test made under paragraph (viii)(C) of this subsection when the Administrator:

(I) Approves or denies an extension of compliance under subsection (h)(viii)(H); or

(II) Approves or disapproves a site-specific test plan under subsection (i)(iii)(C); or

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

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

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

(j) Monitoring Requirements.

(i) Applicability.

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

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

(B) For the purposes of this section, all CMS required under relevant standards shall be subject to the provisions of this subsection upon promulgation of performance specifications for CMS as specified in the relevant standard or otherwise by the Administrator.

(C) Additional monitoring requirements for control devices used to comply with provisions in relevant standards of this section are specified in subsection (m).

(ii) Conduct of Monitoring.

(A) Monitoring shall be conducted as set forth in this subsection and the relevant standard(s) unless the Administrator:

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

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

(III) Owners or operators with flares subject to subsection (m)(ii) are not subject to the requirements of this subsection unless otherwise specified in the relevant standard.

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

(II) If the relevant standard is a mass emission standard and the effluent from one affected source is released to the atmosphere through more than one point, the owner or operator shall install an applicable CMS at each emission point unless the installation of fewer systems is:

(1.) Approved by the Administrator; or

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

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

(iii) Operation and Maintenance of Continuous Monitoring Systems.

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

(I) The owner or operator of an affected source shall ensure the immediate repair or replacement of CMS parts to correct "routine" or otherwise predictable CMS malfunctions as defined in the source's startup, shutdown, and malfunction plan required by subsection (h)(iv)(C). The owner or operator shall keep the necessary parts for routine repairs of the affected equipment readily available. If the plan is followed and the CMS repaired immediately, this action shall be reported in the semiannual startup, shutdown, and malfunction report required under subsection (l)(iv)(E)(I).

(II) For those malfunctions or other events that affect the CMS and are not addressed by the startup, shutdown, and malfunction plan, the owner or operator shall report actions that are not consistent with the startup, shutdown, and malfunction plan within 24 hours after commencing actions inconsistent with the plan. The owner or operator shall send a follow-up report within 2 weeks after commencing

actions inconsistent with the plan that either certifies that corrections have been made or includes a corrective action plan and schedule. The owner or operator shall provide proof that repair parts have been ordered or any other records that would indicate that the delay in making repairs is beyond their control.

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

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

(C) All CMS shall be installed, operational, and the data verified as specified in the relevant standard either prior to or in conjunction with conducting performance tests under subsection (i). Verification of operational status shall, at a minimum, include completion of the manufacturer's written specifications or recommendations for installation, operation, and calibration of the system.

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

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

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

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

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

(G) (I) A CMS is out of control if:

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

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

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

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

(H) The owner or operator of a CMS that is out of control as defined in paragraph (iii)(G) of this subsection shall submit all information concerning out-of-control periods, including start and end dates and hours and descriptions of corrective actions taken, in the excess emissions and continuous monitoring system performance report required in subsection (l)(v)(C).

(iv) Quality Control Program.

(A) The results of the quality control program required in this paragraph will be considered by the Administrator when determining the validity of monitoring data.

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

(I) Initial and any subsequent calibration of the CMS;

(II) Determination and adjustment of the calibration drift of the CMS;

(III) Preventive maintenance of the CMS, including spare parts inventory;

(IV) Data recording, calculations, and reporting;

(V) Accuracy audit procedures, including sampling and analysis methods; and

(VI) Program of corrective action for a malfunctioning CMS.

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

(v) Performance Evaluation of Continuous Monitoring Systems.

(A) General. When required by a relevant standard, and at any other time the Administrator may require under §35-11-110 of the Wyoming Environmental Quality Act, the owner or operator of an affected source being monitored shall conduct a performance evaluation of the CMS. Such performance evaluation shall be conducted according to the applicable specifications and procedures described in this subsection or in the relevant standard.

(B) Notification of Performance Evaluation. The owner or operator shall notify the Administrator in writing of the date of the performance evaluation simultaneously with the notification of the performance test date required under subsection (i)(ii) or at least 60 days prior to the date the performance evaluation is scheduled to begin if no performance test is required.

(C) (I) Submission of Site-Specific Performance Evaluation Test Plan. Before conducting a required CMS performance evaluation, the owner or operator of an affected source shall develop and submit a site-specific performance evaluation test plan to the Administrator for approval upon request. The performance evaluation test plan shall include the evaluation program objectives, an evaluation program summary, the performance evaluation schedule, data quality objectives, and both an internal and external QA program. Data quality objectives are the pre-evaluation expectations of precision, accuracy, and completeness of data.

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

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

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

(V) In the event that the Administrator fails to approve or disapprove the site-specific performance evaluation test plan within the time period specified in subsection (i)(iii)(C), the following conditions shall apply:

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

(2.) If the owner or operator intends to demonstrate compliance by using an alternative to a monitoring method specified in the relevant standard, the owner or operator shall refrain from conducting the performance evaluation until the Administrator approves the use of the alternative method. If the Administrator does not approve the use of the alternative method within 30 days before the performance evaluation is scheduled to begin, the performance evaluation deadlines specified in paragraph (v)(D) of this subsection may be extended by the Administrator. The owner or operator may proceed to conduct the performance evaluation as required in this subsection (without the Administrator's prior approval of the site-specific performance evaluation test plan) if it is subsequently chosen to use the specified monitoring method(s) instead of an alternative.

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

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

(2.) Prevent the Administrator from implementing or enforcing this section or taking any other action under the Wyoming Environmental Quality Act.

(D) Conduct of Performance Evaluation and Performance Evaluation Dates. The owner or operator of an affected source shall conduct a performance evaluation of a required CMS during any performance test required under subsection (i) in accordance with the applicable performance specification as specified in the relevant standard. Notwithstanding the requirement in the previous sentence, if the owner or operator of an affected source elects to submit COMS data for compliance with a relevant opacity emission standard as provided under subsection (h)(vii)(F), a performance evaluation of the COMS shall be conducted as specified in the relevant standard, before the performance test required under subsection (i) is conducted in time to submit the results of the performance evaluation as specified in paragraph (v)(E)(II) of this subsection. If a performance test is not required, or the requirement for a performance test has been waived under subsection (i)(viii), the owner or operator of an affected source shall conduct the performance evaluation not later than 180 days after the appropriate compliance date for the affected source, as specified in subsection (i), or as otherwise specified in the relevant standard.

(E) Reporting Performance Evaluation Results.

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

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

(vi) Use of an Alternative Monitoring Method.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(III) The owner or operator may submit the information required in this paragraph well in advance of the submittal dates specified in paragraph (vi)(D)(I) above to ensure a timely review by the Administrator in order to meet the compliance demonstration date specified in this subsection or the relevant standard.

(E) Approval of Request to Use Alternative Monitoring Method.

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

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

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

(II) The Administrator may establish general procedures and criteria in a relevant standard to accomplish the requirements of paragraph (vi)(E)(I) of this subsection.

(III) If the Administrator approves the use of an alternative monitoring method for an affected source under paragraph (vi)(E)(I) of this subsection, the owner or operator of such source shall continue to use the alternative monitoring method until approval is received from the Administrator to use another monitoring method as allowed by subsection (j)(vi).

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

(I) Criteria for Approval of Alternative Procedures. An alternative to the test method for determining relative accuracy is available for affected sources with emission rates demonstrated to be less than 50 percent of the relevant standard. The owner or operator of an affected source may petition the Administrator under paragraph (vi)(F)(II) of this subsection to substitute the relative accuracy test in section 7 of Performance Specification 2 with the procedures in section 10 if the results of a performance test conducted according to the requirements in subsection (i), or other

tests performed following the criteria in subsection (i), demonstrate that the emission rate of the pollutant of interest in the units of the relevant standard is less than 50 percent of the relevant standard. For affected sources subject to emission limitations expressed as control efficiency levels, the owner or operator may petition the Administrator to substitute the relative accuracy test with the procedures in section 10 of Performance Specification 2 if the control device exhaust emission rate is less than 50 percent of the level needed to meet the control efficiency requirement. The alternative procedures do not apply if the CEMS is used continuously to determine compliance with the relevant standard.

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

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

(vii) Reduction of Monitoring Data.

(A) The owner or operator of each CMS shall reduce the monitoring data as specified in this paragraph. In addition, each relevant standard may contain additional requirements for reducing monitoring data. When additional

requirements are specified in a relevant standard, the standard will identify any unnecessary or duplicated requirements in this paragraph that the owner or operator need not comply with.

(B) The owner or operator of each COMS shall reduce all data to 6-minute averages calculated from 36 or more data points equally spaced over each 6-minute period. Data from CEMS for measurement other than opacity, unless otherwise specified in the relevant standard, shall be reduced to 1-hour averages computed from four or more data points equally spaced over each 1-hour period, except during periods when calibration, quality assurance, or maintenance activities pursuant to provisions of this section are being performed. During these periods, a valid hourly average shall consist of at least two data points with each representing a 15-minute period. Alternatively, an arithmetic or integrated 1-hour average of CEMS data may be used. Time periods for averaging are defined in subsection (e).

(C) The data may be recorded in reduced or nonreduced form (e.g., ppm pollutant and percent O_2 or ng/J of pollutant).

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

(E) Monitoring data recorded during periods of unavoidable CMS breakdowns, out-of-control periods, repairs, maintenance periods, calibration checks, and zero (low-level) and high-level adjustments shall not be included in any data average computed under this section.

(k) Notification Requirements.

(i) Applicability and General Information.

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

(B) For affected sources that have been granted an extension of compliance under 40 CFR part 63, Subpart D, the requirements of this subsection do not apply to those sources while they are operating under such compliance extensions.

(C) The owner or operator of an affected source, which is subject to the notification requirements shall submit notifications to the Administrator. The owner or operator shall send a copy of each notification submitted to the Administrator to the appropriate regional office of the EPA, to satisfy the requirements of this section for

that notification. The regional office may waive this requirement for any notifications at its discretion.

(ii) Initial Notifications.

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

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

(III) Affected sources that are required under this paragraph to submit an initial notification may use the application for approval of construction or reconstruction under Chapter 6, Section 5(a)(iii), if relevant, to fulfill the initial notification requirements of this paragraph.

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

(I) The name and address of the owner or operator;

(II) The address (i.e., physical location) of the affected source;

(III) An identification of the relevant standard, or other requirement, that is the basis of the notification and the source's compliance date;

(IV) A brief description of the nature, size, design, and method of operation of the source, including its operating design capacity and an identification of each point of emission for each hazardous air pollutant, or if a definitive identification is not yet possible, a preliminary identification of each point of emission for each hazardous air pollutant; and

(V) A statement of whether the affected source is a major source or an area source.

(C) The owner or operator of a new or reconstructed affected source, or a source that has been reconstructed such that it is an affected source, that has an initial startup after the effective date of a relevant standard under this section and for which an application for approval of construction or reconstruction is not required under Chapter 6, Section 5(a)(iii), shall notify the Administrator in writing that the source is subject to the relevant standard no later than 120 after initial startup. The notification shall provide all the information required in paragraphs (ii)(B)(I) through (ii)(B)(V) of this subsection, delivered or postmarked with the notification required in paragraph (ii)(E).

(D) The owner or operator of a new or reconstructed major affected source that has an initial startup after the effective date of a relevant standard under this section and for which an application for approval of construction or reconstruction is required under Chapter 6, Section 5(a)(iii) shall provide the following information in writing to the Administrator:

(I) A notification of intention to construct a new major affected source, reconstruct a major affected source, or reconstruct a major source such that the source becomes a major affected source with the application for approval of construction or reconstruction as specified in Chapter 6, Section 5(a)(iii)(A)(I);

(II) A notification of the date when construction or reconstruction was commenced, submitted simultaneously with the application for approval of construction or reconstruction, if construction or reconstruction was commenced before the effective date of the relevant standard;

(III) A notification of the date when construction or reconstruction was commenced, delivered or postmarked not later than 30 days after such date, if construction or reconstruction was commenced after the effective date of the relevant standard;

(IV) A notification of the anticipated date of startup of the source, delivered or postmarked not more than 60 days nor less than 30 days before such date; and

(V) A notification of the actual date of startup of the source, delivered or postmarked within 15 calendar days after that date.

(E) After the effective date of any relevant standard under this section, an owner or operator who intends to construct a new affected source or reconstruct an affected source subject to such standard, or reconstruct a source such that it becomes an affected source subject to such standard, shall notify the Administrator, in writing, of the intended construction or reconstruction. The notification shall be submitted as soon as practicable before the construction or reconstruction is planned to commence (but no sooner than the effective date of the relevant standard) if the

construction or reconstruction commences after the effective date of a relevant standard promulgated in this section. The notification shall be submitted as soon as practicable before startup but no later than 60 days after the effective date of a relevant standard promulgated in this section if the construction or reconstruction had commenced and initial startup had not occurred before the standard's effective date. The notification shall include all the information required for an application for approval of construction or reconstruction as specified in Chapter 6, Section 5(a)(iii). For major sources, the application for approval of construction or reconstruction may be used to fulfill the requirements of this paragraph.

(iii) Request for Extension of Compliance. If the owner or operator of an affected source cannot comply with a relevant standard by the applicable compliance date for that source, or if the owner or operator has installed BACT or technology to meet LAER consistent with subsection (h)(viii)(E) of this section a request for an extension of compliance may be submitted to the Administrator as specified in subsection (h)(viii)(D) through subsection (h)(viii)(F).

(iv) Notification That Source is Subject to Special Compliance Requirements. An owner or operator of a new source that is subject to special compliance requirements as specified in subsection (h)(ii)(C) and subsection (h)(ii)(D) shall notify the Administrator of the compliance obligations not later than the notification dates established in paragraph (ii) of this subsection for new sources that are not subject to the special provisions.

(v) Notification of Performance Test. The owner or operator of an affected source shall notify the Administrator in writing of the intention to conduct a performance test at least 60 calendar days before the performance test is scheduled to begin to allow the Administrator to review and approve the site-specific test plan required under subsection (i)(iii), if requested by the Administrator, and to have an observer present during the test.

(vi) Notification of Opacity and Visible Emission Observations. The owner or operator of an affected source shall notify the Administrator in writing of the anticipated date for conducting the opacity or visible emission observations specified in subsection (h)(vii)(D), if such observations are required for the source by a relevant standard. The notification shall be submitted with the notification of the performance test date, as specified in paragraph (v) of this subsection, or if no performance test is required or visibility or other conditions prevent the opacity or visible emission observations from being conducted concurrently with the initial performance test required under subsection (i), the owner or operator shall deliver or postmark the notification not less than 30 days before the opacity or visible emission observations are scheduled to take place.

(vii) Additional Notification Requirements for Sources With Continuous Monitoring Systems. The owner or operator of an affected source required to use a CMS by a relevant standard shall furnish the Administrator written notification as follows:

(A) A notification of the date the CMS performance evaluation under subsection (j)(v) is scheduled to begin, submitted simultaneously with the notification of the performance test date required under subsection (i)(ii). If no performance test is required, or if the requirement to conduct a performance test has been waived for an affected source under subsection (i)(viii), the owner or operator shall notify the Administrator in writing of the date of the performance evaluation at least 60 calendar days before the evaluation is scheduled to begin;

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

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

(viii) Notification of Compliance Status.

(A) The requirements of paragraphs (viii)(B) through (viii)(C) of this subsection apply when an affected source becomes subject to a relevant standard.

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

(1.) The methods that were used to determine compliance;

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

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

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

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

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

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

(II) The notification shall be sent before the close of business on the 60^{th} day following the completion of the relevant compliance demonstration activity specified in the relevant standard (unless a different reporting period is specified in a relevant standard, in which case the letter shall be sent before the close of business on the day the report of the relevant testing or monitoring results is required to be delivered or postmarked). For example, the notification shall be sent before close of business on the 60^{th} (or other required) day following completion of the initial performance test and again before the close of business on the 60^{th} (or other required) day following the completion of any subsequent required performance test. If no performance test is required but opacity or visible emission observations are required to demonstrate compliance with an opacity or visible emission standard under this section, the notification of compliance status shall be sent before close of business on the 30^{th} day following the completion of opacity or visible emission observations.

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

(D) If an owner or operator of an affected source submits estimates or preliminary information in the application for approval of construction or reconstruction required in Chapter 6, Section 5(a)(iii) in place of the actual emissions data

or control efficiencies required in paragraphs (iii)(A)(II)(8.) and (iii)(B) of Chapter 6, Section 5(a), the owner or operator shall submit the actual emissions data and other correct information as soon as available but no later than with the initial notification of compliance status required in this subsection.

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

(ix) Adjustment to Time Periods or Postmark Deadlines for Submittal and Review of Required Communications.

(A) (I) Until an adjustment of a time period or postmark deadline has been approved by the Administrator under paragraphs (ix)(B) and (ix)(C) of this subsection, the owner or operator of an affected source remains strictly subject to the requirements of this section.

(II) An owner or operator shall request the adjustment provided for in paragraphs (ix)(B) and (ix)(C) of this subsection each time changes to an applicable time period or postmark deadline specified in this section, are necessary.

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

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

(D) If the Administrator is unable to meet a specified deadline, the owner or operator will be notified of any significant delay and inform the owner or operator of the amended schedule.

(x) Change in Information Already Provided. Any change in the information already provided under this subsection shall be provided to the Administrator in writing within 15 calendar days after the change.

(l) Recordkeeping and Reporting Requirements.

(i) Applicability and General Information.

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

(B) For affected sources that have been granted an extension of compliance under 40 CFR part 63 Subpart D, the requirements of this subsection do not apply to those sources while they are operating under such compliance extensions.

(C) The owner or operator of an affected source, subject to the recordkeeping and reporting requirements shall submit reports to the Administrator. In addition, the owner or operator shall send a copy of each report submitted to the state to the appropriate regional office of the EPA, to satisfy the requirements of this subsection for that report. The regional office may waive this requirement for any reports at its discretion.

(D) 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.

(E) Periodic reports shall be submitted to the Administrator on the following schedules:

(I) All quarterly reports shall be postmarked by the 30^{th} day following the end of each calendar quarter.

(II) All semi-annual reports required in this section and the associated subparts, shall be postmarked by the 30^{th} day following the end of each calendar half.

(F) For each relevant standard established pursuant to section 112 of the Act, the schedule for submitting periodic reports applies beginning 1 year after the affected source's compliance date for that standard. Procedures governing the implementation of this provision are specified in subsection (k)(ix).

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

(H) If an owner or operator supervises one or more stationary sources affected by standards established pursuant to section 112 of the Act (as amended November 15, 1990) and standards set under 40 CFR part 60, and/or 40 CFR part 61, it may be arranged by mutual agreement between the owner or operator and the Administrator for a common schedule on which periodic reports required by each relevant (i.e., applicable) standard shall be submitted throughout the year. The allowance in the previous sentence applies beginning 1 year after the stationary source is required to be in compliance with the relevant section 112 standard, or 1 year after the stationary source is required to be in compliance with the applicable part 60 or part 61 standard, whichever is latest. Procedures governing the implementation of this provision are specified in subsection (k)(ix).

(ii) General Recordkeeping Requirements.

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

(B) The owner or operator of an affected source subject to the provisions of this section shall maintain relevant records for such source of:

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

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

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

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

(V) All information necessary to demonstrate conformance with the affected source's startup, shutdown, and malfunction plan [see subsection (h)(iv)(C)] when all actions taken during period of startup, shutdown, and malfunction

(including corrective actions to restore malfunctioning process and air pollution control equipment to its normal or usual manner of operation) are consistent with the procedures specified in such plan. (The information needed to demonstrate conformance with the startup, shutdown, and malfunction plan may be recorded using a "checklist", or some other effective form of recordkeeping, in order to minimize the recordkeeping burden for conforming events);

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

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

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

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

(X) All CMS calibration checks;

(XI) All adjustments and maintenance performed on CMS;

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

(XIII) All emission levels relative to the criterion for obtaining permission to use an alternative to the relative accuracy test, if the source has been granted such permission under subsection (j)(vi)(F); and

(XIV) All documentation supporting initial notifications and notifications of compliance status under subsection (k).

(C) Recordkeeping Requirement for Applicability Determinations. If an owner or operator determines that his or her stationary source that emits (or has the potential to emit, without considering controls) one or more hazardous air pollutants is not subject to a relevant standard or other requirement established under this section, the owner or operator shall keep a record of the applicability determination on site at the source for a period of 5 years after the determination, or until the source changes its operations to become an affected source, whichever comes first. The record of the applicability determination shall include an analysis (or other information) that

demonstrates why the owner or operator believes the source is unaffected (e.g., because the source is an area source). The analysis (or other information) shall be sufficiently detailed to allow the Administrator to make a finding about the source's applicability status with regard to the relevant standard or other requirement. If relevant, the analysis shall be performed in accordance with requirements established in subparts of this section for this purpose for particular categories of stationary sources. If relevant, the analysis should be performed in accordance with EPA guidance materials published to assist sources in making applicability determinations under section 112, if any.

(iii) Additional Recordkeeping Requirements for Sources With Continuous Monitoring Systems. In addition to complying with the requirements specified in paragraphs (ii)(A) and (ii)(B) of this subsection, the owner or operator of an affected source required to install a CMS by a relevant standard shall maintain records for such source of:

(A) All required CMS measurements (including monitoring data recorded during unavoidable CMS breakdowns and out-of-control periods);

(B) The date and time identifying each period during which the CMS was inoperative except for zero (low-level) and high-level checks;

(C) The date and time identifying each period during which the CMS was out of control, as defined in subsection (j)(iii)(G);

(D) The specific identification (i.e., the date and time of commencement and completion) of each period of excess emissions and parameter monitoring exceedances, as defined in the relevant standard(s), that occurs during startups, shutdowns, and malfunctions of the affected source;

(E) The specific identification (i.e., the date and time of commencement and completion) of each time period of excess emissions and parameter monitoring exceedances, as defined in the relevant standard(s), that occurs during periods other than startups, shutdowns, and malfunctions of the affected source;

(F) The nature and cause of any malfunction (if known);

(G) The corrective action taken or preventive measures adopted;

(H) The nature of the repairs or adjustments to the CMS that was inoperative or out of control;

(I) The total process operating time during the reporting period; and

(J) All procedures that are part of a quality control program developed and implemented for CMS under subsection (j)(iv).

(K) In order to satisfy the requirements of paragraphs (iii)(F) through (iii)(H) of this subsection and to avoid duplicative recordkeeping efforts, the owner or operator may use the affected source's startup, shutdown, and malfunction plan or records kept to satisfy the recordkeeping requirements of the startup, shutdown, and malfunction plan specified in subsection (h)(iv), provided that such plan and records adequately address the requirements of paragraphs (iii)(F) through (iii)(H).

(iv) General Reporting Requirements.

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

(B) Reporting Results of Performance Tests. The results of any performance test performed as required in subsection (i) of Chapter 5, Section 3, or as required in the applicable subparts of 40 CFR part 63 shall be submitted to the Administrator. The owner or operator of an affected source shall report the results of the performance test before the close of business on the 60^{th} day following the completion of the performance test, unless specified otherwise in a relevant standard or as approved otherwise in writing by the Administrator. The results of the performance test shall be submitted as part of the notification of compliance status required under subsection (k)(viii).

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

(D) Progress Reports. The owner or operator of an affected source who is required to submit progress reports as a condition of receiving an extension of compliance under subsection (h)(viii) shall submit such reports to the Administrator by the dates specified in the written extension of compliance.

(E) (I) Periodic Startup, Shutdown, and Malfunction Reports. If actions taken by an owner or operator during a startup, shutdown, or malfunction of an

affected source (including actions taken to correct a malfunction) are consistent with the procedures specified in the source's startup, shutdown, and malfunction plan [see subsection (h)(iv)(C)], the owner or operator shall state such information in a startup, shutdown, and malfunction report. Reports shall only be required if a startup, shutdown, or malfunction occurred during the reporting period. The startup, shutdown, and malfunction report shall consist of a letter, containing the name, title, and signature of the owner or operator or other responsible official who is certifying its accuracy, that shall be submitted to the Administrator semiannually (or on a more frequent basis if specified otherwise in a relevant standard or as established otherwise by the Administrator in the source's operating permit). The startup, shutdown, and malfunction report shall be delivered or postmarked by the 30th day following the end of each calendar half (or other calendar reporting period, as appropriate). If the owner or operator is required to submit excess emissions and continuous monitoring system performance (or other periodic) reports under this section, the startup, shutdown, and malfunction reports required under this paragraph may be submitted simultaneously with the excess emissions and continuous monitoring system performance (or other) reports. If startup, shutdown, and malfunction reports are submitted with excess emissions and continuous monitoring system performance (or other periodic) reports, and the owner or operator receives approval to reduce the frequency of reporting for the latter under paragraph (v) of this subsection, the frequency of reporting for the startup, shutdown, and malfunction reports also may be reduced if the Administrator does not object to the intended change. The procedures to implement the allowance in the preceding sentence shall be the same as the procedures specified in paragraph (v)(C) of this subsection.

(II) Immediate Startup, Shutdown, and Malfunction Reports. Notwithstanding the allowance to reduce the frequency of reporting for periodic startup, shutdown, and malfunction reports under paragraph (iv)(E)(I) of this subsection, any time an action taken by an owner or operator during a startup, shutdown, or malfunction (including actions taken to correct a malfunction) is not consistent with the procedures specified in the affected source's startup, shutdown, and malfunction plan, the owner or operator shall report the actions taken for that event within 24 hours of the malfunction followed by a letter within 7 working days after the end of the event. The immediate report required under this paragraph shall consist of a telephone call (or facsimile [FAX] transmission) to the Administrator within 24 hours of the malfunction, and it shall be followed by a letter, delivered or postmarked within 7 working days after the end of the event, that contains the name, title, and signature of the owner or operator or other responsible official who is certifying its accuracy, explaining the circumstances of the event, the reasons for not following the startup, shutdown, and malfunction plan, and whether any excess emissions and/or parameter monitoring exceedances are believed to have occurred. Procedures governing the arrangement of alternative reporting requirements under this paragraph are specified in subsection (k)(ix). Alternative reporting requirements may be established as allowed by the source's operating permit.

(v) Additional Reporting Requirements for Sources With Continuous Monitoring Systems.

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

(B) Reporting Results of Continuous Monitoring System Performance Evaluations.

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

(II) The owner or operator of an affected source using a COMS to determine opacity compliance during any performance test required under subsection (i) and described in subsection (h)(vii)(F) shall furnish the Administrator two or, upon request, three copies of a written report of the results of the COMS performance evaluation conducted under subsection (j)(v). The copies shall be furnished at least 15 calendar days before the performance test required under subsection (i) is conducted.

(C) Excess Emissions and Continuous Monitoring System Performance Report and Summary Report.

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

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

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

(3.) The CMS data are to be used directly for compliance determination and the source experienced excess emissions, in which case quarterly reports shall be submitted. Once a source reports excess emissions, the source shall follow a quarterly reporting format until a request to reduce reporting frequency under paragraph (v)(C)(II) of this subsection is approved.

(II) Request to Reduce Frequency of Excess Emissions and Continuous Monitoring System Performance Reports. Notwithstanding the frequency of

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

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

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

(3.) The Administrator does not object to a reduced frequency of reporting for the affected source, as provided in paragraph (v)(C)(III) of this subsection, and

(4.) The operating permit for the source allows the reduction in frequency of reporting.

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

(IV) As soon as CMS data indicate that the source is not in compliance with any emission limitation or operating parameter specified in the relevant standard, the frequency of reporting shall revert to the frequency specified in the relevant standard, and the owner or operator shall submit an excess emissions and continuous monitoring system performance (and summary) report for the noncomplying emission points at the next appropriate reporting period following the noncomplylling event. After demonstrating ongoing compliance with the relevant standard for another full year, the

owner or operator may again request approval from the Administrator to reduce the frequency of reporting for that standard, as provided for in paragraphs (v)(C)(II) and (v)(C)(III) of this subsection.

(V) Content and Submittal Dates for Excess Emissions and Monitoring System Performance Reports. All excess emissions and monitoring system performance reports and all summary reports, if required, shall be delivered or postmarked by the 30th day following the end of each calendar half or quarter, as appropriate. Written reports of excess emissions or exceedances of process or control system parameters shall include all the information required in paragraphs (iii)(B) through (iii)(I) of this subsection, in subsection (j)(iii)(G) and subsection (j)(iii)(H), and in the relevant standard, and they shall contain the name, title, and signature of the responsible official who is certifying the accuracy of the report. When no excess emissions or exceedances of a parameter have occurred, or a CMS has not been inoperative, out of control, repaired, or adjusted, such information shall be stated in the report.

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

(1.) The company name and address of the affected source;

(2.) An identification of each hazardous air pollutant monitored at the affected source;

(3.) The beginning and ending dates of the reporting period;

(4.) A brief description of the process units;

(5.) The emission and operating parameter limitations specified in the relevant standards(s);

(6.) The monitoring equipment manufacturer(s) and model number(s);

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

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

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

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

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

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

(13.) The date of the report.

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

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

(D) Reporting Continuous Opacity Monitoring System Data Produced During a Performance Test. The owner or operator of an affected source required to use a COMS shall record the monitoring data produced during a performance test required under subsection (i) and shall furnish the Administrator a written report of the monitoring results. The report of COMS data shall be submitted simultaneously with the report of the performance test results required in paragraph (iv)(B) of this subsection.

(vi) Waiver of Recordkeeping or Reporting Requirements.

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

(B) Recordkeeping or reporting requirements may be waived upon written application to the Administrator if, in the Administrator's judgment, the affected source is achieving the relevant standard(s), or the source is operating under an extension of compliance, or the owner or operator has requested an extension of compliance and the Administrator is still considering that request.

(C) If an application for a waiver of recordkeeping or reporting is made, the application shall accompany the request for an extension of compliance under subsection (h)(viii), any required compliance progress report or compliance status report required under this section [such as under subsection (h)(viii) and subsection (k)(viii)] or in the source's operating permit, or an excess emissions and continuous monitoring system performance report required under paragraph (v) of this subsection, whichever is applicable. The application shall include whatever information the owner or operator considers useful to convince the Administrator that a waiver of recordkeeping or reporting is warranted.

(D) The Administrator will approve or deny a request for a waiver of recordkeeping or reporting requirements under this paragraph when the Administrator:

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

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

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

(IV) It is determined that the Administrator is capable of waiving these requirements under the source's operating permit in accordance with Chapter 6, Section 3.

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

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

(m) Control Device Requirements.

(i) Applicability. This subsection contains requirements for control devices used to comply with provisions in relevant standards. These requirements apply only to affected sources covered by relevant standards referring directly or indirectly to this subsection.

(ii) Flares.

(A) Owners or operators using flares to comply with the provisions of this section shall monitor these control devices to assure that they are operated and maintained in conformance with their designs. Applicable subparts will provide provisions stating how owners or operators using flares shall monitor these control devices.

(B) Flares shall be steam-assisted, air-assisted, or non-assisted.

(C) Flares shall be operated at all times when emissions may be vented to them.

(D) Flares shall be designed for and operated with no visible emissions, except for periods not to exceed a total of 5 minutes during any 2 consecutive hours. Test Method 22 in 40 CFR part 60, Appendix A shall be used to determine the compliance of flares with the visible emission provisions of this section. The observation period is 2 hours and shall be used according to Method 22.

(E) Flares shall be operated with a flame present at all times. The presence of a flare pilot flame shall be monitored using a thermocouple or any other equivalent device to detect the presence of a flame.

(F) Flares shall be used only with the net heating value of the gas being combusted at 11.2 MJ/scm (300 Btu/scf) or greater if the flare is steam-assisted or air-assisted; or with the net heating value of the gas being combusted at 7.45 MJ/scm (Btu/scf) or greater if the flare is non-assisted. The net heating value of the gas being combusted in a flare shall be calculated using the following equation:

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

Where:

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

K = Constant = $1.740 x 10^{-7} \left(\frac{1}{ppmv}\right)\left(\frac{g-mole}{scm}\right)\left(\frac{MJ}{kcal}\right)$

where the standard temperature for (g-mole/scm) is 20°C.

C_i = Concentration of sample component i in ppmv on a wet basis, as measured for organics by Test Method 18 and measured for hydrogen and carbon monoxide by American Society for Testing and Materials (ASTM) D1946-90 (2006) Standard Practice for Analysis of Reformed Gas by Gas Chromatography.

H_i = Net heat of combustion of sample component i, kcal/g-mole at 25°C and 760 mm Hg. The heats of combustion may be determined using ASTM D4809-00 (2005) Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter (Precision Method) if published values are not available or cannot be calculated.

n = Number of sample components.

(G) (I) Steam-assisted and nonassisted flares shall be designed for and operated with an exit velocity less than 18.3 m/sec (60 ft/sec), except as provided in paragraphs (ii)(G)(II) and (ii)(G)(III) of this subsection. The actual exit velocity of a flare shall be determined by dividing by the volumetric flow rate of gas being combusted (in units of emission standard temperature and pressure), as determined by Test Methods 2, 2A, 2C, or 2D in 40 CFR part 60, Appendix A, as appropriate, by the unobstructed (free) cross-sectional area of the flare tip.

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

(III) Steam-assisted and nonassisted flares designed for and operated with an exit velocity, as determined by the method specified in paragraph (ii)(G)(I) of this subsection, less than the velocity V_{max}, as determined by the method specified in this paragraph, but less than 122 m/sec (400 ft/sec) are allowed. The maximum permitted velocity, V_{max}, for flares complying with this paragraph shall be determined by the following equation:

$$Log_{10}(V_{max}) = \frac{H_T + 28.80}{31.7}$$

Where:
V_{max} = Maximum permitted velocity, m/sec.
28.8 = Constant.
31.7 = Constant.
H_T = The net heating value as determined in paragraph (ii)(F) of this subsection.

(H) Air-assisted flares shall be designed and operated with an exit velocity less than the velocity V_{max}. The maximum permitted velocity, V_{max}, for air-assisted flares shall be determined by the following equation:

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

Where:
V_{max} = Maximum permitted velocity, m/sec.
8.706 = Constant.
0.7084 = Constant.
H_T = The net heating value as determined in paragraph (ii)(F) of this subsection.

(n) Availability of Information and Confidentiality.

(i) Availability of Information.

(A) With the exception of information protected through sections 35-11-1101(a) and 35-11-205(d) of the Wyoming Environmental Quality Act and subsection (n)(ii), all reports, records, and other information collected by the Administrator under this section, are available to the public. In addition, a copy of each permit application, compliance plan (including the schedule of compliance), notification of compliance status, excess emissions and continuous monitoring systems performance report, and operating permit is available to the public, consistent with protections recognized in section 205(d) of the Wyoming Environmental Quality Act.

(B) The availability to the public of information provided to or otherwise obtained by the Administrator under this section shall be governed by section 35-11-1101 and section 205(d) of the Wyoming Environmental Quality Act.

(ii) Confidentiality.

(A) As provided in sections 35-11-1101(a) and 35-11-205(d) of the Wyoming Environmental Quality Act, upon a satisfactory showing that records, reports or information or particular parts thereof, other than emission and pollution data, if made public would divulge trade secrets, the records, reports or information or particular portions thereof shall be treated as confidential by the Administrator. The Administrator may also request that the applicant provide this information directly to the EPA.

(I) An applicant who submits information which is desired to be held confidential may do so by stamping the information as "CONFIDENTIAL" and submitting it in a separate envelope marked "CONFIDENTIAL".

(B) The contents of an operating permit shall not be entitled to protection under this subsection; however, information submitted as part of an application for an operating permit may be entitled to protection from disclosure.

Section 4. **Incorporation by reference.**

(a) Code of Federal Regulations (CFR). All Code of Federal Regulations (CFRs), including their Appendices, cited in this Chapter, revised and published as of July 1, 2008, not including any later amendments, are incorporated by reference. Copies of the Code of Federal Regulations are available for public inspection and copies can be obtained at cost from the Department of Environmental Quality, Division of Air Quality, 122 W. 25th Street, Cheyenne, Wyoming 82002. Copies of the CFRs can also be obtained at cost from Government Institutes, 15200 NBN Way, Building B, Blue Ridge Summit, PA 17214.

(b) American Society for Testing and Materials (ASTM). All ASTM standards cited in this Chapter, revised and published as of July 1, 2008, not including any later amendments, are incorporated by reference. Copies of the ASTM standards are available for public inspection and copies can be obtained at cost from the Department of Environmental Quality, Division of Air Quality, 122 W. 25th Street, Cheyenne, Wyoming 82002. Copies can also be obtained at cost from the American Society for Testing and Materials, 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959.