

Regulatory Analysis Form		This space for use by IRRC RECEIVED
(1) Agency Department of Environmental Protection Bureau of Air Quality		99 FEB 17 PM 12:18 Harbison INDEPENDENT REGULATORY REVIEW COMMISSION
(2) I.D. Number (Governor's Office Use) 7-339		IRRC Number: 2007
(3) Short Title Surface Coating Processes (RBI #4)		
(4) PA Code Cite 25 PA Code §§ 121.1, 129.52, 129.101-107, 139.4, 139.14	(5) Agency Contacts & Telephone Numbers Primary Contact: Sharon Freeman, 717-783-1303 Secondary Contact: Barbara Sexton, 717-783-1303	
(6) Type of Rulemaking (Check One) <input checked="" type="checkbox"/> Proposed Rulemaking <input type="checkbox"/> Final Order Adopting Regulation <input type="checkbox"/> Final Order, Proposed Rulemaking Omitted	(7) Is a 120-Day Emergency Certification Attached? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes: By the Attorney General <input type="checkbox"/> Yes: By the Governor	
(8) Briefly explain the regulation in clear and nontechnical language. The proposed amendments add new definitions, revise or delete certain existing definitions in § 121.1. The proposed amendments to § 129.52 delete the existing language concerning the requirement to adjust to a standard solvent density of 7.36 pounds per gallon and to a solids basis; propose VOC content limits and calculations using units of pounds of VOC per gallon of coating solids and per pound of coating solids; add equations for use in calculating the 30 day rolling average VOC content for diptanks; revise the recordkeeping requirements to require data specifically appropriate to the compliance calculations; add an exemption for small quantities of coatings used for touch-up and repair; and convert the existing Table I to a volume-solids-based and weight-solids-based table of compliance limits. The proposed amendments also add §§ 129.101-129.107, Wood Furniture Manufacturing Operations, adopting the federal guidance published in EPA-453/R-96-007, Control of Volatile Organic Compound Emissions From Wood Furniture Manufacturing Operations. In addition, this proposal includes minor amendments to Chapter 139 including a correction for the name of the Department in § 139.4, and the addition of several applicable terms in § 139.14 (relating to test methods and procedures).		
(9) State the statutory authority for the regulation and any relevant state or federal court decisions. These amendments are proposed under the authority of the Air Pollution Control Act (35 P.S. §§ 4001-4015).		

Regulatory Analysis Form

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

The revisions to §§ 121.1, 129.52, 139.4 and 139.14 which were identified during the Regulatory Basics Initiative are not mandated by any federal or state law, court order or federal regulation.

The proposed requirements in §§ 129.101-129.107 are mandated under Section 182 of the Clean Air Act. These provisions will implement EPA's presumptive RACT requirements established in the CTG document issued by EPA entitled "Control of Volatile Organic Compound Emissions from Wood Furniture Manufacturing Operations," EPA-453/R-96-007 (61 FR 25223, May 20, 1996). The Department should have submitted a SIP revision to EPA by May 20, 1997 requiring affected sources to comply with the presumptive RACT provisions by May 20, 1998.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

The proposed surface coating regulation changes are the fourth in a series of changes implementing the Department's Regulatory Basics Initiative. Section 129.52 was addressed in the RBI review of Regulations Which Lack Clarity, Regulations With Significant Noncompliance and Regulations Imposing Disproportionate Costs.

The provisions in Sections 129.101-129.107 are being proposed to implement the presumptive RACT in the CTG document for wood furniture manufacturing operations (61 FR 25223, May 20, 1996). On September 27, 1996, EPA issued an addendum to the CTG document requiring States to submit a revision to the State Implementation Plan for the wood furniture manufacturing industry no later than May 20, 1997 (61 FR 50823). The proposed amendments establish coating emission limitations to reduce VOC emissions from affected sources in ozone nonattainment areas.

(12) State the public health, safety, environmental or general welfare risks associated with non-regulation.

The regulations provide for controlling the emission of VOCs from surface coating processes. VOCs contribute to the formation of ground-level ozone. Ground-level ozone contributes to: impairment of lung function and other respiratory diseases in humans and animals; foliar damage of crops, forests, and ornamental plants; and haze, which reduces ground-level visibility and sometimes interferes with aviation. Use of organic solvents in the workplace can also expose workers to high levels of volatile organic compounds and other toxic chemicals.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

Approximately 370 non-wood surface coating and 80 wood furniture manufacturing facilities are currently regulated under the existing provisions. These facilities will benefit from the simpler, expressed equations for calculating the VOC content of surface coatings by not needing to hire consultants to analyze records and calculate the compliance. The proposed amendments also prescribe specific recordkeeping requirements, thereby reducing the FTEs (full time equivalents) of work needed for recordkeeping and reporting. The projected savings are estimated to be .25 FTE per facility per year at an average salary and benefits of \$50,000 for the 450 facilities, for estimated total savings of \$5,625,000.

Regulatory Analysis Form

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effect as completely as possible and approximate the number of people who will be adversely affected.)

The proposed regulations should not adversely affect the regulated community, citizens of the Commonwealth or governmental entities.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

Approximately 450 facilities are currently evaluated for compliance with the existing regulations, including about 80 wood surface coating facilities. Approximately 20 of these wood surface coating facilities have submitted case-by-case RACT determinations which should already include the CTG requirements for wood furniture manufacturing operations. Some of the additional 60 wood furniture manufacturing operations may become subject to compliance evaluations under the proposed §§ 129.101-129.107 based on the actual or potential to emit VOC threshold limits of 25 tons or more of VOCs per year. The Department does not expect many of those facilities to meet the VOC threshold limits to subject the facilities to regulation under the proposed requirements in §§ 129.101-129.107.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

The public and regulated industry provided comments in 1996 in response to the Department's Regulatory Basics Initiative. The proposed amendments were presented to the Air Quality Technical Advisory Committee (AQTAC) on October 3, 1997, and January 16, 1998, for their review and comment. The proposed amendments have been revised to address concerns raised by the AQTAC members. At its May 29, 1998 meeting, AQTAC concurred with the Department's recommendation to submit this proposal to the EQB for consideration as a proposed rulemaking.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

The approximately 450 surface coating facilities currently regulated should realize a savings through reduced recordkeeping and consulting costs. Recordkeeping requirements are specifically stated in the proposed regulations. The necessary VOC content calculations are clearly expressed in the proposed revisions to § 129.52, reducing the need to hire consultants to review records and calculate compliance. Companies are expected to reduce recordkeeping and reporting efforts by about .25 FTE per facility per year at an average salary and benefits of \$50,000, producing a savings of approximately \$5,625,000 per year. The approximately 20 wood furniture manufacturing operations which would be subject to the proposed §§ 129.101-129.107 provisions have already implemented the additional recordkeeping and reporting requirements as part of their case-by-case RACT determinations. These RACT submittals should be approved by EPA as SIP revisions prior to the effective date of the final rulemaking.

Regulatory Analysis Form

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

Because local governments do not own surface coating facilities, the proposed amendments are not expected to have either positive or negative impact on local governments.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting or consulting procedures which may be required.

The proposed amendments will have no effect on the costs to the Commonwealth for inspection and compliance monitoring of the existing regulated non-wood furniture manufacturing operations.

The proposed amendments will impose no additional costs on the Commonwealth for the inspection and compliance monitoring at the additional affected wood furniture manufacturing operations because the facilities are currently being inspected to determine compliance with requirements for surface coating in 25 Pa. Code § 129.52 and reasonably available control technology in 25 Pa. Code §§ 129.91-129.95.

The proposed amendments will impose no additional costs on state governmental entities that own or operate affected surface coating operations.

(20) In the table below, provide an estimate of the fiscal savings and cost associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community	5,625,000	5,906K	6,201K	6,512K	6,837K	7,179K
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
Total Savings	5,625,000	5,906K	6,201K	6,512K	6,837K	7,179K
COSTS:						
Regulated Community						
Local Government						
State Government						
Total Costs	0	0	0	0	0	0
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses	0	0	0	0	0	0

Regulatory Analysis Form

(20a) Explain how the cost estimates listed above were derived.

The cost savings to the 450 surface coating operations are based on a reduction of .25 FTE per facility per year in recordkeeping and reporting efforts, at an average salary and benefits of \$50,000 for a total of \$5,625,000 for the current FY.

Estimates for the future fiscal years are based on an average rate of inflation of 5% per year.

(20b) Provide the past three year expenditure history for programs affected by the regulation.

(in millions of dollars)

Program	FY-3	FY-2	FY-1	Current FY
	94-95	95-96	96-97	97-98
Air Quality	21.7	23	25.1	27
				(estimated)

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

The anticipated savings realized by these proposed regulatory changes are estimated to be \$5,625,000 due to reduced recordkeeping and reporting requirements.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

The revisions, in part, implement changes recommended in the Department's Regulatory Basics Initiative. The presumptive RACT requirements for the wood furniture manufacturing industry are mandated under the Clean Air Act. Therefore, no nonregulatory alternatives were considered.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

The existing non-wood furniture manufacturing operations regulations are being streamlined per the Regulatory Basics Initiative.

The adoption of the proposed amendments for wood furniture manufacturing operations regulations will implement the CTG requirements in EPA's "Control of Volatile Organic Compound Emissions From Wood Furniture Manufacturing Operations" (EPA-453/R-96-007). The emission limits for VOC content specified in existing wood furniture manufacturing operations regulations in Table I, category 11 are being revised to be expressed in the same manner, pounds of VOC per pound of coating solids, as the VOC emission limits proposed in §§ 129.101-129.107.

Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

The existing wood furniture manufacturing operations provisions in § 129.52(f) and Table I, category 11 are being retained, in addition to adopting the provisions of CTG issued by EPA for wood furniture manufacturing operations as required by the Clean Air Act. The existing requirements for wood furniture manufacturing operations are being retained to ensure that the Commonwealth does not inadvertently reduce the amount of VOC emissions currently controlled and accounted for in the Commonwealth's emission reduction plans. The Department is specifically requesting comments on this aspect of the proposed rulemaking.

(25) How does the regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

The Clean Air Act requires States to submit a revision to the SIP to establish RACT for the control of emissions from each category of VOC sources covered by a CTG issued by the EPA Administrator. The CTGs establish a "presumptive norm" for RACT sources located in ozone nonattainment areas. Consequently, the VOC emission limitations in § 129.52 are consistent with the standards adopted by other states to implement the CTGs for surface coating operations including cans, metal coils, paper, fabric, automobiles, light duty trucks and metal furniture. The proposed requirements in §§ 129.101-129.107 for the control of VOC emissions from wood furniture manufacturing operations are based on the CTG issued by EPA on May 20, 1996 and should, therefore be consistent with the presumptive RACT requirements that affect approximately 900 facilities in other states. Therefore, the proposed surface coating amendments and the adoption of standards to implement the CTG for wood furniture manufacturing operations should not put Pennsylvania at a competitive disadvantage with those operations in other states.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

The proposed amendments are not anticipated to affect other existing or proposed regulations of the Department or other state agencies.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

The Department recommends that public hearings be held in Pittsburgh, Harrisburg, Williamsport and Conshohocken during the 60-day public comment period.

Regulatory Analysis Form

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

The proposed amendments will require all affected surface coating operations to keep records for each coating, thinner, and other component as supplied of the: gallons used; mix ratio; density or specific gravity; weight percent of total volatiles, water, solids and exempt solvents; volume percent of the solids; VOC content; and the VOC content of each coating as applied. The proposed amendments will require affected surface coating facilities which use diptanks to keep records documenting 30-day rolling averages of the VOC content of the coatings in the diptank. These records are required to be submitted to the Department according to a schedule prescribed by the Department.

Wood surface coating facilities currently are required to retain their records for 2 years pursuant to § 129.52 and do not have a work practices requirement. The proposed §§ 129.101-129.107 provisions require the approximately 20 affected facilities to retain their records for at least 5 years. These records include certified product data sheets for each coating, documentation of VOC content of any solvent or other component added to the coating before application and the VOC content of each coating as applied, in lbs VOC/lb coating solids. The owners or operators of the facilities must implement work practices and keep additional records relating to the work practice standards, including a work implementation plan, operator training program, leak inspection and maintenance program, and cleaning and washoff solvent accounting system.

Affected wood furniture manufacturing facilities applying coating using continuous coaters must keep records of solvent and coating additions to the continuous reservoir and of viscosity measurements. When demonstrating compliance through the use of a control system, facility operators must keep records to support both the required and the actual overall control efficiency and the site-specific operating parameter values. The affected facilities must also submit and maintain copies of the initial compliance reports and the semi-annual continuous compliance reports.

The approximately 20 affected wood manufacturing facilities have implemented the work practices and additional recordkeeping changes already as part of their case-by-case RACT determinations, which should be approved by EPA as a SIP revision prior to the effective date of the final rulemaking.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

These amendments may affect small businesses. Compliance assistance is available to this affected group through the Department's Small Business Assistance Program. The proposed amendments allow affected facilities to use one of three methods or a combination of methods to comply with the presumptive RACT requirements and do not mandate the use of control devices requiring significant capital investments.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

The effective date is anticipated to be late-1999. The regulations will become effective upon publication in the *Pennsylvania Bulletin* as final rulemaking.

Regulatory Analysis Form

(31) Provide the schedule for continual review of the regulation.

The regulations will be reviewed in accordance with the sunset review schedule published by the Department.

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU
(Pursuant to Commonwealth Documents Law)

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INDEPENDENT REGULATORY
REVIEW COMMISSION

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality. Attorney General

[Signature]

(DEPUTY ATTORNEY GENERAL)

[Date]

DATE OF APPROVAL

Check if applicable
Copy not approved. Objections attached.

Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:

DEPARTMENT OF ENVIRONMENTAL PROTECTION
ENVIRONMENTAL QUALITY BOARD

(AGENCY)

7-339

DOCUMENT/FISCAL NOTE NO. _____

DATE OF ADOPTION: _____

BY: *[Signature]* _____

TITLE: JAMES M. SEIF, CHAIRMAN
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

Copy below is hereby approved as to form and legality. Executive or Independent Agency

[Signature]

DATE OF APPROVAL

[Date]

DATE OF APPROVAL

(Deputy General Counsel)
(Chief Counsel, Independent Agency)
(Strike inapplicable title)

Check if applicable. No Attorney General approval or objection within 30 days after submission.

NOTICE OF
PROPOSED RULEMAKING
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ENVIRONMENTAL QUALITY BOARD

Surface Coating Processes (RBI #4)

25 Pa. Code Chapters 121, 129 and 139
(Sections 121.1, 129.52, 129.101-107, 139.4, 139.14)

NOTICE OF PROPOSED RULEMAKING
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ENVIRONMENTAL QUALITY BOARD

25 Pa. Code Chapters 121, 129 and 139
“Surface Coating Processes and Wood Furniture
Manufacturing Operations” (RBI #4)

Preamble

The Environmental Quality Board (“EQB”) proposes to amend 25 *Pa. Code* Chapters 121, 129 and 139 (relating to general provisions, standards for sources and sampling and testing methods and procedures) as set forth in Annex A.

The proposed rulemaking provides procedures for determining compliance with volatile organic compound (VOC) emission limits for the surface coating processes in §129.52. These amendments include an averaging approach for evaluating VOC emissions from diptanks; an exemption for small quantities of coatings; and revision of the existing Table I to express VOC emission standards in surface coating processes in volume-solids-based and weight-solids-based emission limits. The amendments also establish presumptive reasonably available control technology (RACT) requirements for wood furniture manufacturing operations in §§129.101-129.107. The presumptive RACT requirements, based on EPA’s Control Techniques Guidelines (CTG), apply statewide to wood furniture manufacturing facilities with actual or potential emissions of 25 tons per year or more of VOCs.

This proposal was adopted by the Board at its meeting of September 15, 1998.

A. Effective Date

These amendments will be effective immediately upon publication in the *Pennsylvania Bulletin* as final rulemaking.

B. Contact Persons

For further information, contact Terry Black, Chief, Regulation and Policy Development Section, Division of Compliance and Enforcement, Bureau of Air Quality, Rachel Carson State Office Building, 12th Floor, P.O. Box 8468, Harrisburg, PA 17105-8468, telephone: (717) 787-1663; or Joyce E. Epps, Assistant Counsel, Bureau of Regulatory Counsel, Office of Chief Counsel,

NOTICE OF PROPOSED RULEMAKING

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
ENVIRONMENTAL QUALITY BOARD**

**25 Pa. Code Chapters 121, 129 and 139
"Surface Coating Processes and Wood Furniture
Manufacturing Operations" (RBI #4)**

Preamble

The Environmental Quality Board ("EQB") proposes to amend 25 Pa. Code Chapters 121, 129 and 139 (relating to general provisions, standards for sources and sampling and testing methods and procedures) as set forth in Annex A.

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Rachel Carson State Office Building, 9th Floor, P.O. Box 8464, Harrisburg, PA 17105-8464, telephone: (717) 787-7060.

Persons with a disability may use the AT&T Relay Service by calling 1-800-654-5984 (TDD users) or 1-800-654-5988 (voice users). This proposal is available through the DEP Web site (<http://www.dep.state.pa.us>).

C. Statutory Authority

The proposed rulemaking is being made under the authority of Section 5(a)(1) of the Air Pollution Control Act, (35 P.S. §4005(a)(1)), which grants to the EQB the authority to adopt rules and regulations for the prevention, control, reduction and abatement of air pollution in the Commonwealth.

D. Background and Purpose

These proposed amendments include regulatory changes which implement the Bureau of Air Quality's Regulatory Basics Initiative (RBI) mandated under the "Directive on Review of Existing Regulations and Technical Guidance" issued by Secretary Seif on August 4, 1995 and Executive Order 1996-1, (Regulatory Review and Promulgation). The RBI changes for the surface coating provisions in §129.52 (relating to surface coating processes) are the fourth in a series of amendments to the air resources regulations. The proposed revisions to §129.52 delete existing language to adjust coatings to a standard solvent density of 7.36 pounds per gallon and to a solids basis. The proposed amendments calculate and express VOC emission standards in volume-solids-based and weight-solids-based emission limits and add criteria to allow for emission averaging of VOCs from diptanks on a 30-day rolling average basis. An exemption for small quantities of coatings used for touch-up and repair is also included in this proposal.

These amendments establish presumptive RACT requirements for certain wood furniture manufacturing operations. Section 183(a) of the Clean Air Act requires the U.S. Environmental Protection Agency to issue CTG for 11 categories of stationary sources of volatile organic compounds (VOCs). On May 20, 1996, EPA published a CTG document for control of VOCs from wood furniture manufacturing operations including wood furniture finishing, cleaning and washoff (61 *Fed. Reg.* 25223, May 20, 1996). The wood furniture manufacturing operations CTG establish a "presumptive norm" RACT for the control of affected stationary sources. The standards apply statewide to wood furniture manufacturing facilities located in the ozone transport region or marginal, moderate, serious and severe ozone nonattainment areas or that emit or have the potential to emit 25 tons per year or more of VOCs. The CTG and a model rule for wood furniture manufacturing operations were developed by EPA

after reaching consensus among representatives from the environmental community, the wood furniture industry, and state permitting agencies.

On September 27, 1996, EPA published an addendum to the CTG which specified dates for the adoption and implementation of the standards. The notice required states that had not adopted an EPA-approvable RACT rule for wood furniture manufacturing facilities to submit a RACT rule to EPA on or before May 20, 1997 as a revision to the State Implementation Plan (SIP). State rules should require affected sources to install and operate required control devices and implement procedures to demonstrate compliance no later than May 20, 1998 (61 *Fed. Reg.* 50823, September 27, 1996). In keeping with the RBI, the required wood furniture manufacturing provisions shall be no more stringent than the federal CTG.

The Department consulted with the Air Quality Technical Advisory Committee (AQTAC) during the development of the proposed rulemaking. On January 16, 1998, and May 29, 1998, the AQTAC recommended that the proposed rulemaking be submitted to the EQB for consideration. Following promulgation of the proposed amendments to Chapters 121, 129 and 139 (relating to general provisions; standards for sources; and sampling and testing methods and procedures), the provisions will be submitted to EPA as a SIP revision.

E. Summary of Regulatory Requirements

This proposed rulemaking implements the fourth series of changes under the Department's Regulatory Basics Initiative for air resources regulations and establishes criteria to implement the presumptive RACT requirements for wood furniture manufacturing operations. The presumptive RACT requirements are governed by limitations on VOC emissions and the implementation of work practice standards. A summary of the proposed rulemaking follows:

CHAPTER 121. GENERAL PROVISIONS

The proposed amendments to Section 121.1 (relating to definitions) include the following definitions which are based on 40 CFR Part 63, Subpart JJ (relating to National Emission Standards for Wood Furniture Manufacturing Operations) and the CTG document for the control of VOCs from wood furniture manufacturing operations: "alternative method", "as applied", "as supplied", "basecoat", "CPDS--certified product data sheet", "coating", "coating solids (or solids)", "compliant coating", "continuous coater", "conventional air spray", "enamel", "equivalent method", "MSDS--material safety data sheet", "nonpermanent final finish", "normally closed container", "operating parameter value", "pollution prevention", "sealer", "stain", "strippable spray booth coating", "substrate", "thinner", "touch-up and repair", "washoff operations",

“waterborne coating”, “wood furniture”, “wood furniture component”, and “wood furniture manufacturing operations”.

This proposed rulemaking deletes the following terms from Section 121.1: “semi-transparent spray stains”, “semitransparent wiping and glazing stains” and “wood cabinet and furniture finishing”.

These amendments also include revisions to the following existing definitions:

“Miscellaneous metal parts and products” -- The proposed revisions delete the phrase “but not limited to” and expand the *Standard Industrial Classification Codes* from 3300 through 3900 to 3999.

“Process” -- The amendments to the term “process” correct a grammatical error and include “operations” necessary for the completion of a transformation to produce a physical or chemical change in the definition.

“Surface coating process” -- The changes to the definition specify that the surface coating process is the application and solidification of a coating onto or into a substrate as the substrate proceeds through the equipment and activities of the manufacturing process.

“Topcoat” -- The proposal deletes the existing definition of “topcoat” and defines the term “topcoat” as the last film-building coating applied to a substrate in a surface coating process. The term does not include non-permanent final finishes.

VOC -- Volatile Organic Compound -- The proposed amendment to the VOC definition adds 40 CFR §51.100, the federal citation for VOCs determined by the EPA Administrator to have negligible photochemical reactivity.

Washcoat -- The proposed revisions delete “low solids” and includes a solids content by weight of 12.0 percent or less in accordance with the “washcoat” definition in the CTG and model rule for wood furniture manufacturing operations.

CHAPTER 129. SOURCES OF VOCS

§129.52. Surface coating processes.

The proposed amendments include the following revisions to this section:

§129.52(b)(1) - The proposed amendments delete the existing regulatory language requiring adjustment to a standard solvent density and a solids basis.

This adjustment is incorporated into revisions to Table I (relating to allowable content of VOCs in surface coatings by process).

§129.52(b)(1)(i) - This proposed change adds an equation for calculating the VOC content on the basis of weight of VOC per volume of coating solids to be used in evaluating compliance for Table I categories 1 through 10. This clarification is in response to the RBI report on Regulations Which Lack Clarity. The existing equation in §129.52(b)(2) is not expressed in a format to allow for easy calculation of compliance.

§129.52(b)(1)(ii) - This proposed amendment adds the equation for calculating the VOC content of a dip coating on a 30-day rolling average basis. The methodology for calculating the VOC content includes the gallons of make-up solvent added to the coating in the dip tank over any consecutive 30-day period to replace evaporated solvent. The specific viscosity of the coating being applied would be maintained in accordance with the guidance published in EPA-340/1-86-016, *A Guide for Surface Coating Calculations*.

§129.52(b)(1)(iii) - This amendment adds a simple equation for calculating the VOC content on the basis of weight of VOC per weight of coating solids. This methodology is used to evaluate compliance with Table I, category 11, and with Table IV in the proposed §§129.101-129.107.

§129.52(b)(1)(iv) - This proposed amendment adds the equation for calculating the VOC content of dip coating during a wood furniture manufacturing on a 30-day rolling average basis. This method of calculating the VOC content includes the gallons of make-up solvent added to the coating in the dip tank over any consecutive 30-day period to replace evaporated solvent and therefore maintain a specific viscosity of the coating being applied, according to guidance published in *A Guide for Surface Coating Calculations* (EPA-340/1-86-016). The proposed revision also specifies that sampling and testing is done in accordance with the methods in Chapter 139 in order to reference the various methods, particularly for volume solids analysis, developed by the American Society for Testing and Materials (ASTM) which will be included in revisions to the Source Testing Manual.

§129.52(b)(2) - The existing equation for calculating the percentage of emission reductions needed to comply if using control equipment is deleted. A new equation is proposed for calculating the overall efficiency of the control system based on the new units of measurement in Table I (weight of VOC per volume of solids and weight of VOC per weight of solids).

§129.52(c) - This amendment deletes the existing list of required records and adds recordkeeping requirements that are appropriate to the required analytical methods used to evaluate compliance as specified in the Source

Testing Manual. This change also emphasizes the need for facilities to keep records of volume solids content.

§129.52(g) - Moves the existing requirement for maintaining records for 2 years from the existing §129.52(c) to a separate subsection to emphasize and add clarity to the amendments.

§129.52(h) - This proposed amendment adds an exemption from VOC emission limitations for small quantities of coatings used for determination of product quality and commercial acceptance, touch-up and repair and other small quantity coatings. Subsection (h) requires the owner or operator to submit a written request to the Department to exempt quantities of coating which do not exceed 50 gallons a year for a single coating and a total of 200 gallons each year for all coatings combined for the facility. The Department's written approval must be obtained prior to use of the exempted coatings.

WOOD FURNITURE MANUFACTURING OPERATIONS

§129.101 General provisions and applicability.

The proposed requirements in §129.101 (relating to general provisions and applicability) provide that the provisions in §§129.101-129.107 apply to each wood furniture manufacturing facility located in a county included in the northeast ozone transport region or in a county designated as severe, serious, moderate or marginal ozone nonattainment and which emits or has the potential to emit 25 tons or more per year of VOCs from wood furniture manufacturing operations. These requirements are in addition to the wood cabinet and furniture finishing provisions in §129.52. The most stringent VOC emission limitation will apply to a wood furniture manufacturing operation that meets the threshold limits for both §129.52 (relating to surface coating processes) and §§129.101-129.107.

Subsection (b) requires the owners or operators of existing wood furniture manufacturing operations to also comply with the requirements in §129.52 (relating to surface coating processes). If the actual emissions or potential to emit (PTE) for VOCs is 25 tons per year or greater, the owner or operator of the wood furniture manufacturing facility must comply with the requirements of §§129.101-129.107 within one year from the effective date of the final rulemaking. The compliance deadline does not apply to facilities that have obtained EPA-approved SIP revisions for RACT prior to the adoption of §§129.101-129.107 as a final-form regulation. Major VOC-emitting wood furniture manufacturing operations will no longer be subject to the RACT requirements in §§129.91-129.95 (relating to stationary sources of NO_x and VOCs) because EPA has issued a CTG for the control of VOC emissions from wood furniture manufacturing operations (61 *Fed. Reg.* 25223, May 20, 1996).

Subsection (c) provides a compliance deadline for the owner or operator of an existing wood furniture manufacturing facility which increases its actual emissions or its potential to emit to 25 tons per year or more of VOCs from wood furniture manufacturing operations after the effective date of this proposal. Within one year after increasing actual VOC emissions or the potential to emit to 25 tons per year or more, the owner or operator of the affected facility must comply with the requirements of §§129.101-129.107. The newly proposed presumptive RACT requirements for wood manufacturing operations would not apply to facilities with EPA-approved SIP revisions for RACT prior to the adoption of this proposal.

The general provisions also exempt from the VOC emission limits in §129.102, Table IV, a small quantity of coatings used exclusively for determination of product quality and commercial acceptance, touch-up and repair and other small quantity coatings provided use of the coatings is approved in writing by the Department prior to use. Subsection (f) requires the owner or operator to submit a written request to the Department to exempt quantities of coating which do not exceed 50 gallons per year for a single coating and a total of 200 gallons per year for all coatings combined for the facility. The Department's written approval must be obtained prior to use of the exempted coatings.

§129.102. Emission standards.

This section lists in Table IV (relating to emission limits of VOC for wood furniture manufacturing sealers, topcoats and strippable spray booth coating, as applied) the emission limits of VOCs for wood furniture manufacturing sealers, topcoats and strippable spray booth coatings that are actually used for coating the substrate. Facility owners or operators are authorized to demonstrate compliance with the emission standards by using either of the following or a combination of the methods including the use of sealers, topcoats and strippable spray booth coatings with a VOC content equal to or less than the standard specified in Table IV; an emissions averaging approach which meets the requirements in §129.107 (relating to emissions averaging); a control system that will achieve a reduction in emissions equivalent to 0.8 lb VOC/lb solids for topcoats and 1.9 lb VOC/lb solids for sealers, as applied. The proposed emission limit for high solids topcoats is 1.8 lb VOC/lb solids, as applied and 1.9 lb VOC/lb solids, as applied for high solids sealers. An allowable emissions limit equal to 2.3 lb VOC/lb solids, as applied, is proposed for the use of acid-cured alkyd amino vinyl sealers. When using acid-cured alkyd amino conversion varnish topcoats, the VOC emissions limit is 2.0 lb VOC/lb solids, as applied. These proposed emission limits for sealers and topcoats are equivalent to coatings with a solids content of approximately 32 to 35 percent by weight.

§129.103. Work practice standards.

This section establishes work practice standards to reduce VOC emissions from wood furniture manufacturing operations. The proposed work practice standards include the development of a work practice implementation plan which includes an operator training program, leak inspection and maintenance plan, and a cleaning and washoff solvent accounting system. Subsection (a) requires the owner or operator of a facility subject to the requirements in §§129.101-129.107 to develop and maintain a work practice implementation plan no later than 60 days after the compliance date. The work practice implementation plan must include an operator training program, leak inspection and maintenance plan, a cleaning and washoff solvent accounting system, spray booth cleaning requirements, storage requirements and application equipment requirements. The owner or operator of the wood furniture manufacturing facility must comply with each provision of the work practice implementation plan. If the Department determines that the work practice implementation plan does not adequately address the criteria specified in §§129.103(b)-129.103(j), the owner or operator must revise the plan.

Subsection (b) describes the elements of the operator training program. A copy of the required operator training program must be maintained with the work practice implementation plan. All new and existing personnel, including contract personnel, who are involved in coating, cleaning or washoff operations or implementation of the requirements in §§129.101-129.107 must complete the operator training program. The proposal requires any new personnel hired after date of publication of the final rulemaking to be trained upon hiring. The operator training program must be completed within 6 months of the date of publication of the final rule by employees hired before the effective date of the rule.

Subsection (c) specifies the requirements for the proposed leak inspection and maintenance plan. The plan must address the required monthly visual inspections of equipment used to transfer or apply coatings or solvents and procedures for documenting the date and results of each inspection and any repairs that were made. The plan must also include procedures to address the detection and repair of leaks. At a minimum, an attempt to repair the leaks must begin no later than 5 working days after the leak is detected. Final repairs to the system must be made within 15 working days, unless new equipment is being installed to repair the system. When installing new equipment, repairs must be completed no later than 3 months from the date a leak is detected.

Subsection (d) describes the requirements pertaining to the cleaning and washoff solvent accounting system. A solvent accounting form must be developed for recording the following:

- (1) The quantity and type of solvent used each month for washoff and cleaning;
- (2) The number of pieces washed off and the reason for the washoff;
- (3) The net quantity of spent solvent generated from each activity. The net quantity of spent solvent is equivalent to the total amount of solvent that is generated from the activity minus any solvent that is reused onsite for operations other than cleaning or washoff and any solvent that was sent offsite for disposal.

Subsection (e) specifies the work practices for spray booth cleaning. Unless a spray booth is being refurbished, the use of a strippable spray booth material with a VOC content no greater than 8.0 percent by weight of VOC is required for cleaning spray booth components other than conveyors, continuous coaters and their enclosures, or metal filters. If the spray booth is being refurbished, no more than one gallon of solvent may be used to prepare the booth prior to applying the booth coating.

Proposed §129.103 also includes work practice standards for the storage of equipment, line cleaning, spray gun cleaning and washoff operations. Subsection (g) describes the work practice standards for application equipment and limits the use of conventional air spray guns. The use of conventional air spray guns is prohibited unless the air spray guns are used in accordance with the procedures in §129.103 (g)(1)-(6). Conventional air spray guns may be used to automatically apply coatings that have a VOC content less than or equal to 1.0 lb VOC/lb solids (1.0 kg VOC/kg solids), as applied. The use of air spray guns for touch-up and repair coatings is allowed if the coatings are applied after completion of the wood furniture manufacturing operation. The coatings must also be applied after the stain and before any other type of coating is applied and the coatings are applied from a container that has a volume of no more than 2.0 gallons. The proposed amendments also prohibit the use of conventional air spray guns if the cumulative total coating is more than 5.0 percent of the total gallons of coating used during a semiannual reporting period.

§129.104. Compliance procedures and monitoring requirements.

This section describes compliance procedures and monitoring requirements used to demonstrate compliance with the proposed presumptive RACT requirements for wood furniture manufacturing operations. The owner or operator of a facility subject to the emission standards of §129.102 must

demonstrate compliance through the use of compliant coatings, use of add-on control devices, an emissions averaging approach or a combination of the compliance methods. When a combination of compliance options are selected, the owner or operator must demonstrate compliance with each applicable compliance technique. When compliant coatings are being used, the owner or operator must maintain certified product data sheets for each coating. If a solvent or other VOC is added to the coating before application, the facility must account for the dilution and maintain documentation showing the VOC content of the coating as applied, in lb VOC/lb solids.

Initial Compliance

Subsection (b) describes the requirements for initial compliance. The owners or operators of a facility demonstrating compliance through the use of compliant coatings must submit an initial compliance status report in accordance with §129.106(b). In accordance with subsection (b)(1), the initial compliance report must indicate that compliant sealers, topcoats and strippable spray booth coatings are being used by the facility.

Subsection (b)(2) explains the initial compliance requirements for facilities using a continuous coater to apply sealers, topcoats, or both. In order to demonstrate initial compliance, the owners or operators are required to submit an initial compliance status report which specifies that compliant sealers, topcoats or both, as determined by the VOC content of the coating in the reservoir and as calculated from records, are being used. The report must also specify that compliant sealers, topcoats or both, as determined by the VOC content of the coating in the reservoir, are being used and the viscosity of the coating in the reservoir is being monitored. The data provided must show a correlation between the viscosity and the VOC content of the coating in the reservoir.

Subsection (b)(3) requires users of control systems to include the operating parameter values to be monitored for the capture device and the results of the initial performance testing in the initial compliance report. The procedures and test methods must meet the requirements specified in Chapter 139 (relating to sampling and testing).

Continuous compliance demonstrations.

The owners or operators of wood furniture manufacturing operations subject to the requirements of this proposal must submit a compliance certification with the semiannual report required under §129.106(c). Facilities using compliant coatings to demonstrate compliance are required to maintain records that prove that the coatings are compliant. The compliance certification must also state that compliant sealers, topcoats or both and

strippable spray booth coatings have been used each day in the semiannual reporting period.

Section 129.104(c)(2) explains the continuous compliance requirements for facilities using continuous coaters to apply sealers or topcoats. The compliance certification submitted to the Department must include a statement that compliant sealers, topcoats or both have been used each day in the semiannual reporting period. If the facility has not been in compliance continually, the certification must specify the days of noncompliance and the reasons for noncompliance.

Subsection (c)(3) specifies the requirement for facilities which demonstrate compliance by using a control system. Owners or operators of affected sources are required to install, calibrate, maintain and operate monitoring equipment that has

been approved, in writing, by the Department. If the facility is using a control system that is not described in §129.104, approval by the Department must be obtained prior to using the control system. The request for approval of the control system includes the following: a description of the system, test data verifying the performance of the system, the appropriate operating parameter values that will be monitored and the monitoring device that will be used to demonstrate continuous compliance with the standard.

The compliance certification for the control system must specify that the control system has not been operated at a daily average value greater than or less than (as appropriate) the operating parameter value for each day in the semiannual reporting period. If the control system exceeds the operating parameter values, the certification must identify the days of noncompliance and the reasons for noncompliance.

Each owner or operator of a facility subject to the work practice standards of §129.103 shall demonstrate continuous compliance by following the work practice implementation plan and submitting a compliance certification which states that the work practice implementation plan is being followed, or should otherwise identify the periods of noncompliance with the work practice standards and the reasons for noncompliance.

Subsection (d) requires compliance certifications to be signed by a responsible official of the company. In addition to the certification requirements of this section, the responsible official must state that, based on information and belief formed after reasonable inquiry, the statements and information in the documents are true, accurate and complete.

§129.105. Recordkeeping requirements.

This section establishes recordkeeping requirements for wood furniture manufacturing operations. The owners or operators of affected facilities must keep records adequate to demonstrate compliance with the requirements in §§129.101-129.107. The records shall be maintained for at least 5 years. This section also includes specific recordkeeping requirements for facilities using compliant coatings, continuous coaters, and control systems. The recordkeeping requirements include the following:

- (1) A certified product data sheet for each coating and strippable spray booth coating.
- (2) Records of the VOC content as applied, lb VOC/lb solids (kg VOC/kg solids), of each coating and strippable spray booth coating and copies

of data sheets documenting how the as-applied values were determined. Facilities applying sealers, topcoats or both using continuous coaters must also keep records of solvent and coating additions to the continuous coater reservoir and viscosity measurements.

Subsection (d) prescribes additional recordkeeping requirements for control systems which include copies of the calculations to support the equivalency of using a control system and records of the daily average value of each continuously monitored parameter for each operating day. If all recorded values for a monitored parameter are within the range established during the initial performance test, the owner or operator may record that all values were within the range rather than calculating and recording an average for that day.

Subsection (e) specifies that copies of the work practice implementation plan and all records associated with meeting the requirements of that plan must be maintained onsite. The records kept for the work practice implementation plan must satisfy the recordkeeping requirements for applicable provisions of the work practice implementation plan including the operator training program, the leak inspection and maintenance plan, cleaning and washoff solvent accounting system and restrictions on the use of conventional air spray guns.

§129.106. Reporting requirements.

This section establishes reporting requirements for wood furniture manufacturing operations subject to the requirements of §§129.101-129.107. The owner or operator of a facility using a control system must submit an initial notification to the Department that meets the requirements of 40 CFR §63.9(b). This submittal notifies the Department that VOC emissions from the facility meet or exceed the applicability threshold for the presumptive RACT requirements for wood furniture manufacturing operations.

Subsection (b) requires owners or operators of affected facilities to submit an initial compliance report to the Department no later than 60 days after the compliance date. The report must include the items required by §129.104(b).

Subsection (c) requires the submittal of semiannual reports certifying compliance for the previous 6 months of wood furniture manufacturing operations. The first report should be submitted to the Department within 30 calendar days after the end of the first 6-month period following the compliance date. Subsequent reports must be submitted within 30 calendar days after the end of each 6-month period following the first report.

§129.107. Special provisions for facilities using an emissions averaging approach.

This section allows the owners or operators of manufacturing operations to comply with the VOC emission limitations by averaging emissions across wood furniture finishing lines. The wood furniture manufacturing operation may use stains, basecoats, washcoats, sealers and topcoats in an emissions averaging program which meets the equivalency requirements in §129.51(a). The facility may use other coatings for its emissions averaging program if the averaging approach meets the equivalency requirements. The averaging program submitted to the Department for approval prior to use must include a summary of the reasons why the facility would like to comply with the emission limitations through an equivalency determination using emissions averaging procedures. The program summary will also include an explanation of how averaging can be used to meet the emission limitations and a description of the types of coatings that will be included in the facility's emissions averaging program. An additional 10% reduction in emissions is required under subsection (b) for affected facilities using an emissions averaging approach.

Subsection (e) specifies that the baseline for each coating included in the emissions averaging program shall be the lower of the actual or allowable emission rate as of the effective date of this proposal. The baseline emission rate for the facility cannot be higher than what was presumed in the 1990 emissions inventory for the facility unless the Department has accounted for the increase in emissions as growth.

Subsection (f) provides that the quantification procedures used in the emissions averaging program must demonstrate that the facility's actual emissions are less than the allowable emissions.

Subsection (g) requires that the written summary of the emissions averaging program submitted to the Department include monitoring, recordkeeping and reporting procedures that will allow Department inspectors and owners or operators of facilities using an averaging approach to determine the facility's compliance status on a daily basis. The monitoring, recordkeeping and reporting procedures must also include methods for determining required data when monitoring, recordkeeping and reporting violations result in missing, inadequate or erroneous monitoring and recordkeeping.

Chapter 139. Sampling and Testing

Subchapter A. Sampling and Testing Methods and Procedures

§139.4. References.

The proposed revisions to this section reflect name changes for the Department of Environmental Protection and the Bureau of Air Quality.

§139.14. Emissions of VOCs.

The amendments to this section require that the test methods and procedures for the content of total volatiles, solids, exempt solvents and water and the coating density be equivalent to those listed in §§139.4 (1) and (5) (relating to references).

F. Benefits and Costs

Executive Order 1996-1 requires a cost/benefit analysis of the proposed regulation.

Benefits

Compliance with the proposed amendments will reduce VOC emissions to the atmosphere. Implementation of the proposed work practice standards will reduce emissions from cleaning operations. The restrictions on the use of conventional air spray guns will result in less overspraying and will therefore reduce the amount of solid waste generated from overspraying. Emission reductions resulting from this proposal are also expected to reduce worker exposure to VOC emissions and other pollutants.

Compliance Costs

The proposed amendments will affect approximately 450 surface coating facilities, including 80 wood furniture manufacturing facilities, which are currently subject to recordkeeping and reporting requirements. Approximately 20 of the major wood furniture manufacturing operations that would be subject to this proposal have submitted case-by-case RACT determinations to EPA for approval as SIP revisions. EPA has indicated that case-by-case RACT determinations for wood furniture manufacturing operations must, at a minimum, meet the requirements of the CTG for wood furniture manufacturing operations in order to be approvable as a SIP revision. Consequently, these provisions should be approved by EPA as a SIP revision prior to the adoption of this proposal as a final rulemaking.

The proposed amendments to §129.52 (relating to surface coating processes) will result in estimated savings of \$5,625,000 for approximately 450 affected facilities. These cost savings are based on a reduction of .25 FTE per facility per year in recordkeeping and reporting efforts, at an average salary of \$50,000 for a total of \$5,625,000 for the current fiscal year.

Compliance Assistance Plan

Compliance assistance will be provided to affected facilities that are engaged in surface coating processes or the manufacture of wood furniture or wood furniture components. The Department will utilize the Pennsylvania Small Business Assistance Program and its ongoing regional compliance assistance program to assist small businesses in understanding and complying with the proposed amendments to Chapter 129.

Pollution Prevention

The proposed work practice standards for the wood furniture manufacturing industry will reduce VOC emissions from affected sources. The proposed restrictions on the use of conventional air spray guns will reduce the amount of VOCs emitted and the amount of solid waste generated from wood finishing operations. In addition, the implementation of operator training programs will also reduce emissions and prevent pollution from wood finishing, clean-up and washoff operations.

Paperwork Requirements

These proposed amendments contain recordkeeping and reporting provisions needed to demonstrate compliance with the requirements of the proposed surface coating and wood furniture manufacturing requirements. The owner or operator of an affected facility which complies with the wood furniture manufacturing provisions in §§129.101-129.107 must prepare and maintain a work practice implementation plan including work practices for operator training, leak inspection and maintenance planning and cleaning and washoff solvent accounting. The owners or operators of affected facilities must also prepare and maintain records of work practice plan activities, use of compliant coatings or an alternative methodology. The facilities must also validate and verify information used to demonstrate compliance and prepare and maintain compliance certification records. However, the paperwork requirements will vary for facilities using compliant coatings, add-on air pollution control equipment or an emissions averaging approach to demonstrate compliance with the presumptive RACT requirements.

Any wood furniture manufacturing facility complying with the case-by-case RACT determinations or the National Emission Standards for

Hazardous Air Pollutants (NESHAP) will have the same work practice standards and application equipment requirements. We expect that the majority of the remaining 60 wood furniture manufacturing facilities will be subject to the NESHAP for wood furniture manufacturing operations in 40 CFR Part 63 Subpart JJ. These facilities will already have developed and implemented the paperwork requirements associated with the work practice standards such as operator training, inspection and maintenance planning, cleaning and washoff solvent accounting prior to the effective date of the final rulemaking.

G. Sunset Review

This regulation will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulation effectively fulfills the goals for which it was intended.

H. Regulatory Review

Under Section 5(a) of the Regulatory Review Act, the Act of June 30, 1989 (P.L. 73, No. 19) (71 P.S. §§745.1-745.15), the Department submitted a copy of the proposed rulemaking on February 17, 1999, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed amendments, the Department has provided the Commission and the Committees with a copy of a detailed regulatory analysis form prepared by the Department. A copy of this material is available to the public upon request.

If the Commission has any objections to any portion of the proposed amendments, it will notify the Department within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for the Department, the Governor, and the General Assembly to review these objections before final publication of the regulation.

I. Public Comments

Written Comments -- Interested persons are invited to submit comments, suggestions, or objections regarding the proposed regulation to the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17105-8477). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by May 10, 1999 (within 65 days of publication in the *Pennsylvania Bulletin*). Interested persons may also submit a summary of their comments to

the Board. The summary may not exceed one page in length and must also be received by May 10, 1999 (65 days following publication in the *Pennsylvania Bulletin*. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulation will be considered.

Electronic Comments -- Comments may be submitted electronically to the Board at RegComments@dep.state.pa.us. A subject heading of the proposal and return name and address must be included in each transmission. Comments submitted electronically must also be received by the Board by May 10, 1999 (65 days from the date of publication in the *Pennsylvania Bulletin*).

J. Public Hearings

The Environmental Quality Board will hold four (4) public hearings for the purpose of accepting comments on this proposal. The hearings will be held at 10:00 a.m. as follows:

- | | |
|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| April 6, 1999 | Department of Environmental Protection
Southwest Regional Office
400 Waterfront Drive
Pittsburgh, Pa. |
| April 7, 1999 | Department of Environmental Protection
Southcentral Regional Office
Susquehanna River Conference Room
909 Elmerton Avenue
Harrisburg, Pa. |
| April 8, 1999 | Department of Environmental Protection
Southeast Regional Office
Suite 6010, Lee Park
555 North Lane
Conshohocken, Pa. |
| April 9, 1999 | Department of Environmental Protection
Northcentral Regional Office
208 W. Third Street
Williamsport, Pa. |

The Department is specifically requesting comments on the following issues:

(1) Whether the Department should require the owners or operators of wood furniture manufacturing facilities with a potential to emit 25 tons per year or more of VOC emissions to comply with both the surface coating requirements in §129.52 and the proposed presumptive RACT requirements in §§129.101-129.107.

(2) Whether the Department should adopt the reporting requirements in 40 CFR §§63.7-63.10. These general reporting provisions specify timeframes for reporting performance test results, monitoring parameter values, and excess performance test results. EPA's model rule for wood furniture manufacturing operations provides the general MACT reporting requirements as an optional State presumptive RACT program component.

Persons wishing to present testimony at a hearing are requested to contact Kate Coleman at the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to ten minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation in order to participate should contact Kate Coleman at (717) 787-4526, or through the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate their needs.

BY

James M. Seif
Chairman

ANNEX A

Title 25. Environmental Protection

Part I. Department of Environmental Protection

Subpart C. Protection of Natural Resources

Article III. Air Resources

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CHAPTER 121. GENERAL PROVISIONS

§ 121.1. Definitions.

The definitions in section 3 of the act (35 P. S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

ALTERNATIVE METHOD—A METHOD OF SAMPLING AND ANALYZING FOR AN AIR POLLUTANT THAT IS NOT A REFERENCE OR EQUIVALENT METHOD BUT HAS BEEN DEMONSTRATED TO THE SATISFACTION OF THE ADMINISTRATOR TO, IN SPECIFIC CASES, PRODUCE RESULTS ADEQUATE FOR A DETERMINATION OF COMPLIANCE.

* * * * *

AS APPLIED—THE VOC AND SOLIDS CONTENT OF A COATING THAT IS ACTUALLY USED TO COAT THE SUBSTRATE. THE TERM INCLUDES THE CONTRIBUTION OF MATERIALS USED FOR IN-HOUSE DILUTION OF THE COATING.

AS SUPPLIED—THE VOC AND SOLIDS CONTENT OF A COATING AS SOLD AND DELIVERED TO THE END USER.

* * * * *

BASECOAT—A COAT OF COLORED MATERIAL, USUALLY OPAQUE, THAT IS ORDINARILY APPLIED BEFORE GRAINING INKS, GLAZING COATS, OR OTHER OPAQUE COATINGS AND IS USUALLY COVERED WITH AN APPLICATION OF TOPCOAT FOR PROTECTION.

* * * * *

CPDS--CERTIFIED PRODUCT DATA SHEET—FOR PURPOSES OF WOOD FURNITURE MANUFACTURING OPERATIONS, DOCUMENTATION FURNISHED BY A COATING SUPPLIER OR AN OUTSIDE LABORATORY FOR A COATING, STRIPPABLE SPRAY BOOTH COATING OR SOLVENT THAT PROVIDES:

(i) THE HAZARDOUS AIR POLLUTANT (HAP) CONTENT BY PERCENT WEIGHT CALCULATED FROM DATA MEASURED USING THE EPA REFERENCE METHOD 311 OR AN EQUIVALENT OR ALTERNATIVE METHOD;

(ii) THE VOC CONTENT AS POUNDS OF VOC PER POUND OF COATING SOLIDS CALCULATED FROM DATA MEASURED USING THE EPA REFERENCE METHOD 24 OR AN EQUIVALENT OR ALTERNATIVE METHOD. BATCH FORMULATION DATA MAY BE USED IF IT IS DEMONSTRATED TO THE SATISFACTION OF THE ADMINISTRATOR THAT THE COATING DOES NOT RELEASE ADDITIONAL VOC AS REACTION BYPRODUCTS DURING THE CURE (THAT IS, ALL OF THE VOC IS SOLVENT). THE VOC CONTENT STATED SHOULD REPRESENT THE MAXIMUM VOC EMISSION POTENTIAL OF THE COATING, STRIPPABLE SPRAY BOOTH COATING OR SOLVENT.

* * * * *

COATING—FOR PURPOSES OF WOOD FURNITURE MANUFACTURING OPERATIONS, A PROTECTIVE, DECORATIVE OR FUNCTIONAL MATERIAL APPLIED IN A THIN LAYER TO A SURFACE. THE TERM INCLUDES PAINTS, TOPCOATS, CLEAR COATS, VARNISHES, SEALERS, STAINS, WASHCOATS, BASECOATS, INKS AND TEMPORARY PROTECTIVE COATINGS.

* * * * *

COATING SOLIDS (OR SOLIDS)--THE PART OF THE COATING WHICH REMAINS AFTER THE COATING IS DRIED OR CURED. SOLIDS CONTENT IS DETERMINED USING DATA FROM EPA REFERENCE METHOD 24 OR AN ALTERNATIVE METHOD.

* * * * *

COMPLIANT COATING—A COATING THAT MEETS THE APPLICABLE EMISSION LIMITS SPECIFIED IN 25 PA CODE CHAPTER 129.

* * * * *

CONTINUOUS COATER--A SURFACE COATING PROCESS THAT CONTINUOUSLY APPLIES COATINGS ONTO PARTS MOVING ALONG A CONVEYOR. COATINGS THAT ARE NOT TRANSFERRED TO THE PART ARE RECYCLED TO A RESERVOIR. SEVERAL TYPES OF APPLICATION METHODS CAN BE USED WITH A CONTINUOUS

COATER INCLUDING SPRAYING, CURTAIN COATING, ROLL COATING, DIP COATING AND FLOW COATING.

* * * * *

CONVENTIONAL AIR SPRAY—A SPRAY COATING APPLICATION METHOD IN WHICH THE COATING IS ATOMIZED BY MIXING IT WITH COMPRESSED AIR AND APPLIED AT AN AIR PRESSURE GREATER THAN 10 POUNDS PER SQUARE INCH (GAUGE) AT THE POINT OF ATOMIZATION. THE TERM DOES NOT INCLUDE:

- (i) AIRLESS AND AIR ASSISTED AIRLESS SPRAY TECHNOLOGIES;
- (ii) ELECTROSTATIC SPRAY TECHNOLOGY.

* * * * *

ENAMEL—A COAT OF COLORED MATERIAL, USUALLY OPAQUE, THAT IS APPLIED AS A PROTECTIVE TOPCOAT OVER A BASECOAT, PRIMER OR PREVIOUSLY APPLIED ENAMEL COAT. THE TERM INCLUDES A COATING THAT MAY BE APPLIED AS A TOPCOAT OVER THE ENAMEL.

EQUIVALENT METHOD—A METHOD OF SAMPLING AND ANALYZING FOR AN AIR POLLUTANT THAT HAS BEEN DEMONSTRATED TO THE SATISFACTION OF THE ADMINISTRATOR TO HAVE A CONSISTENT AND QUANTITATIVELY KNOWN RELATIONSHIP TO THE REFERENCE METHOD UNDER SPECIFIC CONDITIONS.

* * * * *

MSDS--MATERIAL SAFETY DATA SHEET—THE DOCUMENTATION REQUIRED FOR HAZARDOUS CHEMICALS BY THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) HAZARD COMMUNICATION STANDARD (29 CFR PART 1910) FOR A SOLVENT, CLEANING MATERIAL, COATING OR OTHER MATERIAL THAT IDENTIFIES SELECT REPORTABLE HAZARDOUS INGREDIENTS OF THE MATERIAL, SAFETY AND HEALTH CONSIDERATIONS AND HANDLING PROCEDURES.

* * * * *

Miscellaneous metal parts and products--Items made of ferrous or nonferrous metals, including[, but not limited to,] large farm machinery, small farm machinery, small appliances, commercial and industrial machinery, fabricated metal products, and items listed under the *Standard Industrial Classification Code*§ 3300 through [3900] 3999. The term does not include cans, coils, automobiles, light-duty trucks, metal furniture, magnet wire, large appliances, fully assembled exteriors of airplanes and automobile refinishing and customized

top coating of automobiles and trucks, if production since January 1, 1987, has not exceeded 34 vehicles per day.

* * * * *

NONPERMANENT FINAL FINISH—A MATERIAL SUCH AS A WAX, POLISH, NONOXIDIZING OIL OR SIMILAR SUBSTANCE THAT MUST BE PERIODICALLY REAPPLIED TO A SUBSTRATE OVER ITS LIFETIME TO MAINTAIN OR RESTORE THE MATERIAL'S EFFECT.

* * * * *

NORMALLY CLOSED CONTAINER—A CONTAINER THAT IS CLOSED UNLESS AN OPERATOR IS ACTIVELY ENGAGED IN ACTIVITIES SUCH AS EMPTYING OR FILLING THE CONTAINER.

* * * * *

OPERATING PARAMETER VALUE—A MINIMUM OR MAXIMUM VALUE ESTABLISHED FOR A CONTROL SYSTEM OR PROCESS PARAMETER THAT, IF ACHIEVED BY ITSELF OR IN COMBINATION WITH ONE OR MORE OTHER OPERATING PARAMETER VALUES, DETERMINES THAT AN OWNER OR OPERATOR HAS COMPLIED WITH AN APPLICABLE EMISSION LIMIT.

* * * * *

POLLUTION PREVENTION—SOURCE REDUCTION AND OTHER PRACTICES THAT REDUCE OR ELIMINATE THE CREATION OF POLLUTANTS THROUGH CHANGES WITHIN THE PRODUCTION PROCESS, INCLUDING PROCESS MODIFICATIONS, FEEDSTOCK SUBSTITUTIONS, IMPROVEMENTS IN FEEDSTOCK PURITY, SHIPPING AND PACKING MODIFICATIONS, HOUSEKEEPING AND MANAGEMENT PRACTICES, INCREASES IN THE EFFICIENCY OF MACHINERY AND RECYCLING WITHIN A PROCESS. THIS TERM DOES NOT INCLUDE OUT-OF-PROCESS RECYCLING, TREATMENT AND SAFE DISPOSAL.

* * * * *

Process—A method, reaction or operation in which materials are handled or whereby materials undergo physical change—that is, the size, shape, appearance, temperature, state or other physical property of the material is altered—or chemical change—that is, a substance with different chemical composition or properties [are] IS formed or created. The term includes all

of the equipment, OPERATIONS and facilities necessary for the completion of the transformation of the materials to produce a physical or chemical change. There may be several processes in series or parallel necessary to the manufacture of a product.

* * * * *

SEALER—A COATING USED TO SEAL THE PORES OF A WOOD SUBSTRATE BEFORE ADDITIONAL COATINGS ARE APPLIED.

* * * * *

[Semitransparent spray stains--Colored liquids and toners applied to wood to change or to enhance the surface without concealing the surface, including, but not limited to, toners and nongrain-raising stains.]

[Semitransparent wiping and glazing stains--Colored liquids applied to wood to enhance the grain character and to partially fill the porous surface of the wood.]

* * * * *

STAIN— FOR PURPOSES OF WOOD FURNITURE MANUFACTURING OPERATIONS, A COLOR COAT HAVING A SOLIDS CONTENT BY WEIGHT OF NO MORE THAN 8.0 PERCENT THAT IS APPLIED IN SINGLE OR MULTIPLE COATS DIRECTLY TO THE SUBSTRATE. THE TERM INCLUDES NONGRAIN RAISING STAINS, EQUALIZER STAINS, SAP STAINS, BODY STAINS, NO-WIPE STAINS, PENETRATING STAINS, AND TONERS.

* * * * *

STRIPPABLE SPRAY BOOTH COATING—A COATING THAT:

(i) IS APPLIED TO A SPRAY BOOTH WALL TO PROVIDE A PROTECTIVE FILM TO RECEIVE OVERSPRAY DURING A SURFACE COATING PROCESS INCLUDING WOOD FURNITURE MANUFACTURING OPERATIONS;

(ii) IS SUBSEQUENTLY PEELED OFF AND DISPOSED;

(iii) BY ACHIEVING (i) AND (ii), REDUCES OR ELIMINATES THE NEED TO USE SOLVENTS TO CLEAN SPRAY BOOTH WALLS.

SUBSTRATE—THE SURFACE ONTO WHICH A COATING IS APPLIED OR INTO WHICH A COATING IS IMPREGNATED.

* * * * *

Surface coating process--The application and solidification of a coating ONTO OR INTO A SUBSTRATE AS THE SUBSTRATE PROCEEDS THROUGH THE EQUIPMENT AND ACTIVITIES OF THE MANUFACTURING PROCESS.

* * * * *

THINNER—A VOLATILE LIQUID THAT IS USED TO DILUTE COATINGS (TO REDUCE VISCOSITY, COLOR STRENGTH OR SOLIDS CONTENT OR TO MODIFY DRYING CONDITIONS). THE TERM INCLUDES DILUENT, MAKEUP SOLVENT OR REDUCER.

* * * * *

Topcoat--[A clear liquid which provides the final protective and aesthetic properties to wood finishes.] THE LAST FILM-BUILDING COATING THAT IS APPLIED TO WOOD FURNITURE OR A WOOD FURNITURE COMPONENT SUBSTRATE IN A SURFACE COATING PROCESS. THE TERM DOES NOT INCLUDE NON-PERMANENT FINAL FINISHES.

* * * * *

TOUCH-UP AND REPAIR—THE APPLICATION OF COATINGS TO COVER MINOR FINISHING IMPERFECTIONS.

* * * * *

VOC--Volatile Organic Compound--An organic compound which participates in atmospheric photochemical reactions; that is, an organic compound other than those which the Administrator of the EPA designates IN 40 CFR § 51.100 as having negligible photochemical reactivity.

* * * * *

[Wash coat]WASHCOAT--[Low solids, c]Clear liquids HAVING A SOLIDS CONTENT BY WEIGHT OF 12 PERCENT OR LESS, applied over [semitransparent] stains and toners to protect the color coats and to set the fibers for subsequent sanding or to separate spray stains from wiping stains to enhance color depth.

* * * * *

WASHOFF OPERATIONS—THOSE OPERATIONS IN WHICH SOLVENT IS USED TO REMOVE COATING FROM A SUBSTRATE.

* * * * *

WATERBORNE COATING—A COATING THAT CONTAINS MORE THAN FIVE PERCENT WATER BY WEIGHT IN ITS VOLATILE FRACTION.

* * * * *

[Wood cabinet and furniture finishing] WOOD FURNITURE--[The application of liquids to products] A PRODUCT MADE OF WOOD, A WOOD PRODUCT SUCH AS RATTAN OR WICKER, OR AN ENGINEERED WOOD PRODUCT SUCH AS PARTICLEBOARD THAT IS manufactured under the following[:] *Standard Industrial Classification Codes* : 2434 (Wood kitchen cabinets), 2511 (Wood household furniture, except upholstered), 2512 (Wood household furniture, upholstered), 2517 (Wood television, radio, phonograph, and sewing machine cabinets), 2519 (HOUSEHOLD FURNITURE, NOT ELSEWHERE CLASSIFIED), 2521 (Wood office furniture), 2531 (Public building and related furniture), 2541 (WOOD OFFICE AND STORE FIXTURES, PARTITIONS, SHELVING, AND LOCKERS), [and] 2599 (Furniture and fixtures, not elsewhere classified) OR 5712 (FURNITURE STORES).

WOOD FURNITURE COMPONENT—A PART THAT IS USED IN THE MANUFACTURE OF WOOD FURNITURE. THE TERM INCLUDES DRAWER SIDES, CABINET DOORS, SEAT CUSHIONS AND LAMINATED TOPS.

WOOD FURNITURE MANUFACTURING OPERATIONS—THE COATING, CLEANING AND WASHOFF OPERATIONS ASSOCIATED WITH THE PRODUCTION OF WOOD FURNITURE OR WOOD FURNITURE COMPONENTS.

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CHAPTER 129. STANDARDS FOR SOURCES

* * * * *

§ 129.52. Surface coating processes.

* * * * *

WOOD FURNITURE MANUFACTURING OPERATIONS

[Editor's Note: The following sections are new and have been printed in regular type to enhance readability.]

- § 129.101. General provisions and applicability.
- § 129.102. Emission standards.
- § 129.103. Work practice standards.
- § 129.104. Compliance procedures and monitoring requirements.
- § 129.105. Recordkeeping requirements.
- § 129.106. Reporting requirements.
- § 129.107. Special provisions for facilities using an emissions averaging approach.

* * * * *

SOURCES OF VOCs

§ 129.52. Surface coating processes.

(a) This section applies to [all] A surface coating [processes] PROCESS CATEGORY, regardless of the size of the facility, which [emit] EMITS or [have] HAS emitted VOCs into the outdoor atmosphere in quantities greater than 3 pounds (1.4 kilograms) per hour, 15 pounds (7 kilograms) per day or 2.7 TONS (2,455 kilograms) [tons] per year during any calendar year since January 1, 1987.

(b) A person may not cause or permit the emission into the outdoor atmosphere of VOCs from a surface coating process CATEGORY listed in Table I, unless one of the following limitations is met:

(1) The [weight of VOCs per gallon of coating (minus water)] VOC CONTENT OF EACH COATING AS APPLIED is equal to or less than the [level] STANDARD specified in Table I [after adjustment to a standard solvent density of 7.36 pounds per gallon and to a solids basis].

(i) THE VOC CONTENT EXPRESSED IN UNITS OF WEIGHT OF VOC PER VOLUME OF COATING SOLIDS SHALL BE CALCULATED AS FOLLOWS:

$$\text{VOC} = (W_o)(D_c)/V_n$$

WHERE:

VOC = VOC CONTENT IN LB VOC/GAL OF COATING SOLIDS

W_o = WEIGHT PERCENT OF VOC (W_v - W_w - W_{ex})

W_v = WEIGHT PERCENT OF TOTAL VOLATILES (100% - WEIGHT PERCENT SOLIDS)

W_w = WEIGHT PERCENT OF WATER

W_{ex} = WEIGHT PERCENT OF EXEMPT SOLVENT(S)

D_c = DENSITY OF COATING, LB/GAL, AT 25°C

V_n = VOLUME PERCENT OF SOLIDS OF THE LIQUID COATING.

(ii) THE VOC CONTENT OF A DIP COATING, EXPRESSED IN UNITS OF WEIGHT OF VOC PER VOLUME OF COATING SOLIDS SHALL BE DETERMINED ON A 30-DAY ROLLING AVERAGE BASIS USING THE FOLLOWING EQUATION:

$$\text{VOC}_A = \frac{\sum_i (W_{oi} \times D_{ci} \times Q_i) + \sum_j (W_{oj} \times D_{dj} \times Q_j)}{\sum_i (V_{ni} \times Q_i)}$$

WHERE:

VOC_A = VOC CONTENT IN LB VOC/GAL OF COATING SOLIDS FOR A GIVEN DIP COATING ON A 30 DAY ROLLING AVERAGE BASIS

W_{oi} = PERCENT VOC BY WEIGHT OF EACH COATING (i) ADDED TO THE DIP TANK, EXPRESSED AS A DECIMAL FRACTION (I.E. 55% = 0.55)

D_{ci} = DENSITY OF EACH COATING (i) ADDED TO THE DIP TANK, IN POUNDS PER GALLON

Q_i = QUANTITY OF EACH COATING (i) ADDED TO THE DIP TANK, IN GALLONS

V_{ni} = PERCENT SOLIDS BY VOLUME OF EACH COATING (i) ADDED TO THE DIP TANK, EXPRESSED AS A DECIMAL FRACTION

W_{oj} = PERCENT VOC BY WEIGHT OF EACH DILUENT (J) ADDED TO THE DIP TANK, EXPRESSED AS A DECIMAL FRACTION

D_{dj} = DENSITY OF EACH DILUENT (J) ADDED TO THE DIP TANK, IN POUNDS PER GALLON

Q_j = QUANTITY OF EACH DILUENT (J) ADDED TO THE DIP TANK, IN GALLONS

(iii) THE VOC CONTENT EXPRESSED IN UNITS OF WEIGHT OF VOC PER WEIGHT OF COATING SOLIDS SHALL BE CALCULATED AS FOLLOWS:

$$\text{VOC}_B = (W_v) / (W_n)$$

WHERE:

VOC_B = VOC CONTENT IN LB VOC/LB OF COATING SOLIDS

W_v = WEIGHT PERCENT OF VOC (W_v - W_w - W_{ex})

W_v = WEIGHT PERCENT OF TOTAL VOLATILES (100% - WEIGHT PERCENT SOLIDS)

W_w = WEIGHT PERCENT OF WATER

W_{ex} = WEIGHT PERCENT OF EXEMPT SOLVENT(S)

W_n = WEIGHT PERCENT OF SOLIDS OF THE LIQUID COATING

(iv) THE VOC CONTENT OF A WOOD FURNITURE DIP COATING, EXPRESSED IN UNITS OF WEIGHT OF VOC PER WEIGHT OF COATING SOLIDS, SHALL BE DETERMINED ON A 30- DAY ROLLING AVERAGE BASIS USING THE FOLLOWING EQUATION:

$$\text{VOC}_C = \frac{\sum_i (W_{oi} \times D_{ci} \times Q_i) + \sum_j (W_{oj} \times D_{dj} \times Q_j)}{\sum_i (W_{ni} \times D_{ci} \times Q_i)}$$

WHERE:

VOC_C = VOC CONTENT IN LB VOC/LB OF COATING SOLIDS FOR A GIVEN WOOD FURNITURE DIP COATING ON A 30- DAY ROLLING AVERAGE BASIS

W_{oi} = PERCENT VOC BY WEIGHT, EXPRESSED AS A DECIMAL FRACTION (I.E. 55% = 0.55), OF EACH COATING (i) ADDED TO THE DIP TANK

D_{ci} = DENSITY OF EACH COATING (i) ADDED TO THE DIP TANK, IN POUNDS PER GALLON

Q_i = QUANTITY OF EACH COATING (i) ADDED TO THE DIP TANK, IN GALLONS

W_{ni} = PERCENT SOLIDS BY WEIGHT OF EACH COATING (i) ADDED TO THE DIP TANK, EXPRESSED AS A DECIMAL FRACTION

W_{oj} = PERCENT VOC BY WEIGHT OF EACH DILUENT (J) ADDED TO THE DIP TANK, EXPRESSED AS A DECIMAL FRACTION

D_{dj} = DENSITY OF EACH DILUENT (J) ADDED TO THE DIP TANK, IN POUNDS PER GALLON

Q_j = QUANTITY OF EACH DILUENT (J) ADDED TO THE DIP TANK, IN GALLONS

(v) SAMPLING AND TESTING SHALL BE DONE IN ACCORDANCE WITH THE PROCEDURES AND TEST METHODS SPECIFIED IN CHAPTER 139 (RELATING TO SAMPLING AND TESTING).

(2) The overall weight of VOCs emitted to the atmosphere is reduced through the use of vapor recovery or incineration or another method which is acceptable under §129.51(a) (relating to general). [by a specific percentage if the percentage is determined as follows:]

$$[\% \text{ reduction} = 100 \left[1 - \frac{[X]}{[Y (1 - Z_1)]} \right]]$$

$$[\frac{[Y]}{[X (1 - Z_2)]}]$$

[where X = pounds of VOC per gallon of coating (minus water) for present coating]

[Y = pounds of VOC per gallon of coating (minus water) found in Table I]

[Z₁ = density of VOC in pounds per gallon for present coating]

[Z₂ = standard solvent density (7.36 pounds per gallon)]

THE OVERALL EFFICIENCY OF A CONTROL SYSTEM, AS DETERMINED BY THE TEST METHODS AND PROCEDURES SPECIFIED IN CHAPTER 139 (RELATING TO SAMPLING AND TESTING), SHALL BE NO LESS THAN THE EQUIVALENT OVERALL EFFICIENCY CALCULATED BY THE FOLLOWING EQUATION:

$$O = (1 - E/V) \times 100$$

WHERE:

V = THE VOC CONTENT OF THE COATING AS APPLIED, IN LB VOC/GAL OF COATING SOLIDS OR LB VOC/LB OF COATING SOLIDS.

E = TABLE I LIMIT IN LB VOC/GAL OF COATING SOLIDS OR LB VOC/LB OF COATING SOLIDS; AND

O = OVERALL CONTROL EFFICIENCY.

(c) A facility, regardless of the facility's annual emission rate, which contains surface coating processes shall maintain records sufficient to demonstrate compliance with this section. At a minimum, a facility shall maintain daily records of the [gallons of coating used, the coating density before and after addition of diluents, the gallons of diluents used and the density of the diluents, the gallons of water contained in the coating and the weight percent of the organic volatiles in the coating. The records shall be maintained for 2 years and shall be submitted to the Department on a schedule reasonably prescribed by the Department.] FOLLOWING:

(1) THE FOLLOWING PARAMETERS FOR EACH COATING, THINNER AND OTHER COMPONENT AS SUPPLIED:

(i) THE COATING, THINNER OR COMPONENT NAME AND IDENTIFICATION NUMBER:

(ii) THE GALLONS USED:

(iii) THE MIX RATIO:

(iv) THE DENSITY OR SPECIFIC GRAVITY:

(v) THE WEIGHT PERCENT OF TOTAL VOLATILES, WATER, SOLIDS AND EXEMPT SOLVENTS:

(vi) THE VOLUME PERCENT OF SOLIDS:

(2) THE VOC CONTENT OF EACH COATING, THINNER AND OTHER COMPONENT AS SUPPLIED:

(3) THE VOC CONTENT OF EACH COATING AS APPLIED.

(d) The solvents methyl chloroform (1,1,1-trichloroethane) and methylene chloride are exempt from control under this section and §129.67 (relating to graphic arts systems). A surface coating process which seeks to comply with this section through the use of an exempt solvent may not be included in any alternative standards.

(e) If more than one emission limitation under miscellaneous metal parts and products applies to a specific coating, the least stringent emission limitation applies.

(f) A person may not cause or permit the emission into the outdoor atmosphere of VOCs from the application of wood cabinet and furniture coatings unless the coatings are applied using electrostatic, airless, curtain coating, roll coating, hand roller, hand brush, flow coating, dip coating or high volume-low pressure application equipment. Air atomized sprays may be used to apply other coatings if the volume of the other coatings is less than 5% by volume of the total coating used at the facility or to apply final repair coatings.

(g) THE RECORDS SHALL BE MAINTAINED FOR 2 YEARS AND SHALL BE SUBMITTED TO THE DEPARTMENT ON A SCHEDULE REASONABLY PRESCRIBED BY THE DEPARTMENT.

(h) THE VOC STANDARDS IN TABLE I OF THIS SECTION DO NOT APPLY TO A COATING USED EXCLUSIVELY FOR DETERMINING PRODUCT QUALITY AND COMMERCIAL ACCEPTANCE, TOUCH-UP AND REPAIR AND OTHER SMALL QUANTITY COATINGS IF THE COATING MEETS THE FOLLOWING CRITERIA:

(1) THE QUANTITY OF COATING USED DOES NOT EXCEED 50 GALLONS PER YEAR FOR A SINGLE COATING AND A TOTAL OF 200 GALLONS PER YEAR FOR ALL COATINGS COMBINED FOR THE FACILITY:

(2) THE OWNER OR OPERATOR OF THE FACILITY REQUESTS, IN WRITING, AND THE DEPARTMENT APPROVES, IN WRITING, THE EXEMPTION PRIOR TO USE OF THE COATING.

TABLE I
 Allowable Content of VOCs in Surface Coatings by Process CATEGORY

<i>[Surface Coating Processes</i>	<i>Allowable VOC Content</i>	
	[Weight of VOC per Volume of Coating (minus water)]	
	<i>pounds per gallon kg. per liter]</i>	
[1. Can coating		
[(a) sheet basecoat	2.84	0.34]
[(b) can exterior	2.84	0.34]
[(c) interior body spray	4.25	0.51]
[(d) two piece can end exterior	4.25	0.51]
[(e) side-seam spray	5.51	0.66]
[(f) end sealing compound	3.67	0.44]
[2. Coil coating	2.60	0.31]
[3. Fabric coating	2.92	0.35]
[4. Vinyl coating	3.76	0.45]
[5. Paper coating	2.92	0.35]
[6. Automobile and light duty truck coating]		
[(a) prime coat	1.92	0.23]
[(b) top coat	2.84	0.34]
[(c) repair	4.84	0.58]
[7. Metal furniture coating	3.00	0.36]
[8. Magnet wire coating	1.67	0.20]
[9. Large appliance coating Categories 1	2.84	0.34]
[through 9 were adopted on April 17, 1979]		
[10. Miscellaneous metal parts and products]		
[adopted on April 21, 1981]		

[(a) top coats for locomotives and [heavy-duty trucks]	3.50	0.42]
[(b) hopper car and tank car interiors	3.50	0.42]
[(c) pail and drum interiors	4.30	0.52]
[(d) clear coatings	4.30	0.52]
[(e) air-dried coatings	3.50	0.42]
[(f) extreme performance coatings	3.50	0.42]
[(g) all other coatings	3.00	0.36]
[11. Wood cabinet and furniture finishing]		
[adopted on May 7, 1988]		
[(a) clear topcoat	5.9	.71]
[(b) wash coat	7.0	.84]
[(c) final repair coat	6.0	.72]
[(d) opaque ground coats and enamels	5.5	.66]
[(e) all other coatings	7.0	.84]
[(f) clear sealers	6.2	.74]

WEIGHT OF VOC PER VOLUME OF COATING SOLIDS

[Editor's Note: the following Table I in § 129.52 is new and is presented in regular type to improve readability.]

Surface Coating Process Category	lbs VOC per gal coating solids	kg VOC per liter coating solids
1. Can coating		
(a) sheet basecoat	4.62	0.55
(b) can exterior	4.62	0.55
(c) interior body spray	10.05	1.20
(d) two piece can end exterior	10.05	1.20
(e) side-seam spray	21.92	2.63
(f) end sealing compound	7.32	0.88
2. Coil coating	4.02	0.48
3. Fabric coating	4.84	0.58
4. Vinyl coating	7.69	0.92
5. Paper coating	4.84	0.58
6. Automobile and light duty truck coating		
(a) (a) prime coat	2.60	0.31
(b) top coat	4.62	0.55
(c) repair	14.14	1.69
7. Metal furniture coating	5.06	0.61
8. Magnet wire coating	2.16	0.26
9. Large appliance coating	4.62	0.55
Categories 1 through 9 were adopted on April 17, 1979		
10. Miscellaneous metal parts & products		
(a) top coats for locomotives and heavy-duty trucks	6.67	0.80
(b) hopper car and tank car interiors	6.67	0.80
(c) pail and drum interiors	10.34	1.24
(d) clear coatings	10.34	1.24
(e) air-dried coatings	6.67	0.80
(f) extreme performance coatings	6.67	0.80
(g) all other coatings	5.06	0.61
Category 10 was adopted on April 21, 1981		

WEIGHT OF VOC PER WEIGHT OF COATING SOLIDS

	lbs VOC per lb coating solids	kg VOC per kg coating solids
11. Wood cabinet and furniture finishing		
(a) clear topcoat	3.0	3.0
(b) washcoat	14.3	14.3
(c) final repair coat	3.3	3.3
(d) opaque ground coats and enamels	2.2	2.2
(e) all other coatings	14.3	14.3
(f) clear sealers	3.9	3.9

Category 11 was adopted on May 7, 1988

[Editor's Note: The following sections are new and have been printed in regular type to enhance readability.]

WOOD FURNITURE MANUFACTURING OPERATIONS

§ 129.101. General provisions and applicability.

(a) Beginning on _____ (effective date of the final rulemaking), the provisions of §§ 129.101-129.107 shall apply to each wood furniture manufacturing facility located in a county included in the northeast ozone transport region or in a county designated as severe, serious, moderate or marginal ozone nonattainment that emits or has the potential to emit 25 tons or more per year of VOCs from wood furniture manufacturing operations.

(b) In addition to the requirements in § 129.52 (relating to surface coating processes), the owner or operator of an existing wood furniture manufacturing facility subject to § 129.101(a) shall comply with the requirements of §§ 129.101-129.107 within one year from _____ (effective date of the final rulemaking), except for those facilities which have RACT determinations approved by EPA as revisions to the State Implementation Plan prior to _____ (effective date of the final rulemaking).

(c) In addition to the requirements in § 129.52 (relating to surface coating processes), the owner or operator of an existing wood furniture manufacturing facility that emits or increases its potential to emit to 25 tons per year or more of VOCs from wood furniture manufacturing operations shall comply with the requirements of §§ 129.101-129.107 within one year after becoming subject to § 129.101(a), except for those facilities which have RACT determinations

approved by EPA revisions to the State Implementation Plan prior to _____
(effective date of the final rulemaking).

(d) At a minimum, a new source installed at an existing facility that is subject to the requirements of § 129.101(a) shall comply with the emission standards of § 129.102 upon installation of the new source.

(e) When subject to both § 129.52 and §§ 129.101-129.107, the more stringent limitation shall apply to the wood furniture manufacturing operation.

(f) The VOC standards in Table IV of § 129.102 do not apply to a coating used exclusively for determining product quality and commercial acceptance, touch-up and repair and other small quantity coatings when either of the following exists:

(i) The quantity of coating used does not exceed 50 gallons per year for a single coating and a total of 200 gallons per year for all coatings combined for the facility;

(ii) The owner or operator of the facility requests, in writing, and the Department approves, in writing, the exemption prior to use of the coating.

§ 129.102. Emission standards.

An owner or operator of a facility subject to §§ 129.101-129.107 shall limit VOC emissions from wood furniture manufacturing operations by using one of the following methods:

(i) Using sealers, topcoats and strippable spray booth coatings with a VOC content equal to or less than the standard specified in Table IV:

TABLE IV
Emission Limits of VOC for Wood Furniture Manufacturing Sealers, Topcoats and
Strippable Spray Booth Coatings as Applied,
in Pounds of VOC per Pound of Coating Solids (kg VOC/kg of Coating solids), by Category

(1) Waterborne Topcoats	0.8
(2) High Solids Coating Systems	
Sealer	1.9
Topcoat	1.8
(3) Acid-cured alkyd amino vinyl systems	
(i) Acid-cured alkyd amino vinyl sealer	2.3
Acid-cured alkyd amino conversion varnish topcoat	2.0
(ii) Other Sealer	1.9
Acid-cured alkyd amino conversion varnish topcoat	2.0
(iii) Acid-cured alkyd amino vinyl sealer	2.3
Other Topcoat	1.8
(4) Waterborne spray strippable booth coating	0.8

(ii) Using an emissions averaging program which meets the requirements in § 129.107.

(iii) Using a control system that will achieve a reduction in emissions equivalent to 0.8 lb VOC/lb solids for topcoats and 1.9 lbs VOC/lb solids for sealers.

(iv) Using a combination of the methods specified in §§ 129.102(i)-129.102(iii).

§ 129.103. Work practice standards.

(a) *Work practice implementation plan.* No later than _____ (60 days after the effective date of the final rulemaking) an owner or operator of a facility subject to the requirements in §§ 129.101-129.107 shall:

(1) Prepare and maintain a written work practice implementation plan that defines work practices for each wood furniture manufacturing operation and addresses the provisions in §§ 129.103(b)-129.103(j). The owner or operator of the facility shall comply with the provisions of the work practice implementation plan.

(2) Make available the written work practice implementation plan for inspection by the Department upon request. If the Department determines that the work practice implementation plan does not adequately address the criteria specified in §§ 129.103(b)-129.103(j), the Department may require that the facility owner or operator modify the plan.

(b) *Operator training program.* All new and existing personnel, including contract personnel, who are involved in coating, cleaning or washoff operations or implementation of the requirements of §§ 129.101-129.107 shall complete an operator training program.

(1) New personnel hired after _____ (effective date of the final rulemaking) shall be trained upon hiring.

(2) Existing personnel hired before the effective date of this section shall be trained within 6 months of the effective date of this section.

(3) All personnel shall be given refresher training annually.

(4) A copy of the written operator training program shall be maintained with the work practice implementation plan. The operator training program shall include the following:

(i) A list of all current personnel by name and job description that are required to be trained;

(ii) An outline of the subjects to be covered in the initial and annual refresher training sessions for each position or group of personnel;

(iii) Lesson plans for courses to be given at the initial and annual refresher training sessions that include, at a minimum, appropriate application techniques, appropriate cleaning and washoff procedures, appropriate equipment setup and adjustment to minimize coating usage and overspray, and appropriate management of cleanup wastes;

(iv) A description of the methods to be used at the completion of the initial or annual refresher training sessions to demonstrate and document successful completion;

(v) A record of the date each employee is trained.

(c) *Leak inspection and maintenance plan.* An owner or operator of a facility shall prepare and maintain with the work practice implementation plan a written leak inspection and maintenance plan which shall include the following:

(1) A minimum visual inspection frequency of once per month for all equipment used to transfer or apply coatings or solvents;

- (2) An inspection schedule;
- (3) Methods for documenting the date and results of each inspection and any repairs that were made;
- (4) The timeframe between identifying a leak and making the repair, which shall adhere to the following schedule:
 - (i) A first attempt at repairs, including tightening of packing glands, shall be made no later than 5 working days after the leak is detected;
 - (ii) Final repairs shall be made within 15 working days, unless the leaking equipment is to be replaced by a new purchase, in which case repairs shall be completed within 3 months.
- (d) *Cleaning and washoff solvent accounting system.* A solvent accounting form shall be developed to record the following:
 - (1) The quantity and type of solvent used each month for washoff and cleaning;
 - (2) The number of pieces washed off and the reason for the washoff;
 - (3) The net quantity of spent solvent generated from each activity. The net quantity of spent solvent is equivalent to the total amount of solvent that is generated from the activity minus any solvent that is reused onsite for operations other than cleaning or washoff and any solvent that was sent offsite for disposal.
- (e) *Spray booth cleaning.* An owner or operator of a facility shall not use compounds containing more than 8.0 percent by weight of VOC for cleaning spray booth components other than conveyors, continuous coaters and their enclosures, or metal filters, unless the spray booth is being refurbished. If the spray booth is being refurbished, that is, the spray booth coating or other material used to cover the booth is being replaced, the facility shall use no more than 1.0 gallon of solvent to prepare the booth prior to applying the booth coating.
- (f) *Storage requirements.* An owner or operator of a facility shall use normally closed containers for storing coating, cleaning and washoff materials.
- (g) *Application equipment requirements.* An owner or operator of a facility shall not use conventional air spray guns to apply coatings except under any of the following circumstances:
 - (1) To apply coatings that have a VOC content no greater than 1.0 lb VOC/lb solids (1.0 kg VOC/kg solids), as applied;

- (2) For touch-up and repair coatings under either of the following circumstances:
 - (i) The coatings are applied after completion of the wood furniture manufacturing operation;
 - (ii) The coatings are applied after the stain and before any other type of coating is applied, and the coatings are applied from a container that has a volume of no more than 2.0 gallons.
- (3) The spray is automated, that is, the spray gun is aimed and triggered automatically, not manually;
- (4) The emissions from the surface coating process are directed to a VOC control system;
- (5) The conventional air spray gun is used to apply coatings and the cumulative total usage of those coatings is no more than 5.0 percent of the total gallons of coating used during each semiannual reporting period;
- (6) The conventional air spray gun is used to apply stain on a part for which it is technically or economically infeasible to use any other spray application technology. To support the facility's claim of technical or economic infeasibility, a videotape, a technical report or other documentation shall be submitted to the Department showing either independently or in combination, the following:
 - (i) The production speed is too high or the part shape is too complex for one operator to coat the part, and the application station is not large enough to accommodate an additional operator;
 - (ii) The excessively large vertical spray area of the part makes it difficult to avoid sagging or runs in the stain.
- (h) *Line cleaning.* The solvent used for line cleaning shall be pumped or drained into a normally closed container.
- (i) *Spray gun cleaning.* The solvent used to clean spray guns shall be collected into a normally closed container.
- (j) *Washoff operations.* The emissions from washoff operations shall be controlled by the following:
 - (1) Using normally closed tanks for washoff;
 - (2) Minimizing dripping by tilting or rotating the part to drain as much solvent as possible.

§ 129.104. Compliance procedures and monitoring requirements.

(a) An owner or operator of a facility subject to the emission standards of § 129.102 shall demonstrate compliance with those provisions by using either or both of the following methods:

(1) To support that each sealer, topcoat and strippable spray booth coating meets the requirements of § 129.102(i):

(i) Maintain certified product data sheets for each of these coatings.

(ii) Maintain documentation showing the VOC content of the coating as applied, in lbs VOC/lb solids, if solvent or other VOC is added to the coating before application.

(iii) Perform sampling and testing in accordance with the procedures and test methods specified in Chapter 139 (relating to sampling and testing).

(2) To comply through the use of a control system as described in § 129.102(d):

(i) Calculate the required overall control efficiency needed to demonstrate compliance using the following equation:

$$O = (1 - E/C) \times 100$$

Where:

C = the VOC content of a coating as applied, lbs VOC/lb solids

E = the emission limit achieved by the affected emission point(s), lbs VOC/lb solids

O = the overall control efficiency of the control system, expressed as a percentage

(ii) Document that the value of C in the equation in § 129.104(a)(2)(i) is obtained from the VOC and solids content of the as-applied coating;

(iii) Determine the overall control efficiency of the control system using the procedures and test methods specified in Chapter 139 (relating to sampling and testing) and demonstrate that the value of O calculated by the following equation is equal to or greater than the value of O calculated by the equation in § 129.104(a)(2)(i):

$$O = (F \times N) (100)$$

Where:

F = the control device efficiency, expressed as a fraction

N = the capture device efficiency, expressed as a fraction

(b) *Initial compliance.*

(1) *Compliant coatings.* An owner or operator of a facility subject to the provisions of § 129.102(i) that is complying through the procedures in § 129.104(a)(1) shall submit an initial compliance status report as required by § 129.106(b), stating that compliant sealers, topcoats and strippable spray booth coatings are being used by the facility.

(2) *Continuous coaters.* An owner or operator of a facility subject to the provisions of § 129.102(i) that is complying through the procedures in § 129.104(a)(1) and is applying sealers, topcoats or both using continuous coaters shall demonstrate initial compliance by either:

(i) Submitting an initial compliance status report as required by § 129.106(b) stating that compliant sealers, topcoats or both, as determined by the VOC content of the coating in the reservoir and as calculated from records, are being used;

(ii) Submitting an initial compliance status report as required by § 129.106(b) stating that compliant sealers, topcoats or both, as determined by the VOC content of the coating in the reservoir, are being used and the viscosity of the coating in the reservoir is being monitored. The facility shall also provide data that demonstrates the correlation between the viscosity and the VOC content of the coating in the reservoir.

(3) *Control systems.* An owner or operator of a facility using a control system to comply with the requirements of §§ 129.101-129.107 shall demonstrate initial compliance by submitting a report to the Department that:

(i) Identifies the operating parameter value to be monitored for the capture device and discusses why the parameter is appropriate for demonstrating ongoing compliance;

(ii) Includes the results of the initial performance testing using the procedures and test methods specified in Chapter 139 (relating to sampling and testing);

(iii) Includes calculations of the overall control efficiency (O) using the equation in § 129.104(a)(2)(iii);

(iv) Defines those operating conditions of the control system critical to determining compliance and establishing operating parameter values that will ensure compliance with the standard.

(A) For compliance with a thermal incinerator, minimum combustion temperature shall be the operating parameter value.

(B) For compliance with another control system, the operating parameter value shall be established using the procedures identified in § 129.104(c)(3)(iii).

(v) An owner or operator of a facility complying with § 129.104(b)(3) shall calculate the site-specific operating parameter value as the arithmetic average of the maximum or minimum operating parameter values, as appropriate, that demonstrate compliance with the standards, using the procedures specified in Chapter 139 (relating to sampling and testing).

(4) *Work practice implementation plan.* An owner or operator of a facility subject to the work practice standards of § 129.103 shall submit an initial compliance status report as required by § 129.106(b), stating that the work practice implementation plan has been developed and procedures have been established for implementing the provisions of the plan.

(c) *Continuous compliance demonstrations.* An owner or operator of a facility subject to the requirements of §§ 129.101-129.107 shall submit, in writing, to the Department a compliance certification with the semiannual report required by § 129.106(c).

(1) *Compliant coatings.* An owner or operator of a facility subject to the provisions of § 129.102 that is complying through the procedures specified in § 129.104(a)(1) shall demonstrate continuous compliance by the following:

(i) Using compliant coatings;

(ii) Maintaining records that demonstrate the coatings are compliant;

(iii) Submitting a compliance certification which states that compliant sealers, topcoats or both and strippable spray booth coatings have been used each day in the semiannual reporting period or should otherwise identify the days of noncompliance and the reasons for noncompliance.

(2) *Continuous coaters.* An owner or operator of a facility subject to the provisions of § 129.102 that is complying through the procedures specified in § 129.104(a)(1) and is applying sealers, topcoats or both using continuous coaters shall demonstrate continuous compliance by either:

(i) Using compliant coatings as determined by the VOC content of the coating in the reservoir and as calculated from records, and submitting a compliance certification which states

that compliant sealers, topcoats or both have been used each day in the semiannual reporting period or should otherwise identify the days of noncompliance and the reasons for noncompliance.

(ii) Using compliant coatings, as determined by the VOC content of the coating in the reservoir, maintaining a viscosity of the coating in the reservoir that is no less than the viscosity of the initial coating by monitoring the viscosity with a viscosity meter or by testing the viscosity of the initial coating and retesting the viscosity of the coating in the reservoir each time solvent is added, maintaining records of solvent additions and submitting a compliance certification which states that compliant sealers, topcoats or both, as determined by the VOC content of the coating in the reservoir, have been used each day in the semiannual reporting period. Additionally, the certification shall state that the viscosity of the coating in the reservoir has not been less than the viscosity of the initial coating, that is, the coating that is initially mixed and placed in the reservoir, for any day in the semiannual reporting period or should otherwise identify the days of noncompliance and the reasons for noncompliance.

(3) *Control systems.* An owner or operator of a facility subject to the provisions of § 129.102 that is complying through the use of a control system shall demonstrate continuous compliance by the following:

(i) Installing, calibrating, maintaining and operating monitoring equipment approved, in writing, by the Department.

(ii) Using a device to monitor the site-specific operating parameter value established in accordance with § 129.104(b)(3)(i).

(iii) Where a thermal incinerator is used, a temperature monitoring device equipped with a continuous recorder is required and shall be installed in the firebox or in the ductwork immediately downstream of the firebox at a location before any substantial heat exchange occurs.

(iv) An owner or operator using a control system not listed in § 129.104 shall submit, in writing, to the Department a description of the system, test data verifying the performance of the system, the appropriate operating parameter values that will be monitored and the monitoring device that will be used to demonstrate continuous compliance with the standard and receive, in writing, the Department's approval prior to use.

(v) An owner or operator of a facility shall not operate the control system at a daily average value greater than or less than (as appropriate) the operating parameter value. The daily average value shall be calculated as the average of all values for a monitored parameter recorded during the operating day.

(vi) Submitting a compliance certification which states that the control system has not been operated at a daily average value greater than or less than (as appropriate) the operating parameter value for each day in the semiannual reporting period or should otherwise identify the days of noncompliance and the reasons for noncompliance.

(4) *Work practice implementation plan.* An owner or operator of a facility subject to the work practice standards of § 129.103 shall demonstrate continuous compliance by following the work practice implementation plan and submitting a compliance certification which states that the work practice implementation plan is being followed, or should otherwise identify the periods of noncompliance with the work practice standards and the reasons for noncompliance.

(d) The compliance certification shall be signed by a responsible official of the company that owns or operates the facility. In addition to the certification requirements of this section, the certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the documents are true, accurate and complete.

§ 129.105. Recordkeeping requirements.

(a) The owner or operator of a wood furniture manufacturing operation shall keep records to demonstrate compliance with the requirements in §§ 129.101-129.107. The records shall be maintained for at least 5 years.

(b) *Compliant coatings.* The following records shall be maintained to demonstrate compliance with § 129.102:

(1) A certified product data sheet for each coating and strippable spray booth coating subject to the emission limits of § 129.102;

(2) The VOC content as applied, lbs VOC/lb solids (kg VOC/kg solids), of each coating and strippable spray booth coating subject to the emission limits of § 129.102, and copies of data sheets documenting how the as-applied values were determined.

(c) *Continuous coaters.* The owner or operator of a facility subject to the emission limits of § 129.102 that is complying through the procedures specified in § 129.104(a)(1) and is applying sealers, topcoats or both using continuous coaters shall maintain the records required by § 129.105(a) and records of the following:

- (1) Solvent and coating additions to the continuous coater reservoir;
- (2) Viscosity measurements.

(d) *Control systems.* The owner or operator of a facility complying through the procedures specified in § 129.104(a)(2) by using a control system shall maintain the following records:

(1) Copies of the calculations to support the equivalency of using a control system, as well as the data that are necessary to support the calculation of C and E in § 129.104(a)(2)(i) and O in § 129.104(a)(2)(iii);

(2) Records of the daily average value of each continuously monitored parameter for each operating day. If all recorded values for a monitored parameter are within the range established during the initial performance test, the owner or operator may record that all values were within the range rather than calculating and recording an average for that day;

(e) *Work practice implementation plan.* The owner or operator of a facility subject to the work practice standards of § 129.103 shall maintain on-site copies of the work practice implementation plan and all records associated with fulfilling the requirements of that plan, including:

- (1) Records demonstrating that the operator training program is in place;
- (2) Records maintained in accordance with the leak inspection and maintenance plan;
- (3) Records associated with the cleaning and washoff solvent accounting system;
- (4) Records associated with the limitation on the use of conventional air spray guns showing total coating usage and the percentage of coatings applied with conventional air spray guns for each semiannual reporting period;
- (5) Records showing the VOC content of compounds used for cleaning booth components, except for solvent used to clean conveyors, continuous coaters and their enclosures, and/or metal filters;

(6) Copies of logs and other documentation developed to demonstrate that the other provisions of the work practice implementation plan are followed.

(f) In addition to the recordkeeping requirements of § 129.105(a), the owner or operator of a facility that complies with §§ 129.103 or 129.104(a)(1) shall maintain a copy of the compliance certifications submitted in accordance with § 129.106(c) for each semiannual period following the compliance date.

(g) The owner or operator of a facility shall maintain a copy of all other information submitted with the initial status report required by § 129.106(b) and the semiannual reports required by § 129.106(c).

§ 129.106. Reporting requirements.

(a) *Initial notification.* The owner or operator of a facility subject to this requirement shall submit to the Department an initial notification which meets the requirements of 40 CFR § 63.9(b).

(b) *Initial compliance report date.* The initial compliance report shall be submitted to the Department no later than 60 days after the compliance date specified in §§ 129.101(b) and (c). The report shall include the items required by § 129.104(b).

(c) *Semiannual compliance report dates.* When demonstrating compliance in accordance with the requirements in §§ 129.104(a)(1) or (2), a semiannual report covering the previous 6 months of wood furniture manufacturing operations shall be submitted to the Department according to the following schedule:

(1) The first report shall be submitted within 30 calendar days after the end of the first 6-month period following the compliance date specified in §§ 129.101(b) and (c).

(2) Subsequent reports shall be submitted within 30 calendar days after the end of each 6-month period following the first report.

(3) Each semiannual report shall include the information required by §§ 129.104(c) and (d), a statement of whether the facility was in compliance or noncompliance and, if the facility was in noncompliance, the measures taken to bring the facility into compliance.

§ 129.107. Special provisions for facilities using an emissions averaging approach.

(a) An owner or operator of a facility subject to the emission limitations in § 129.102 may use an emissions averaging approach which meets the equivalency requirements in § 129.51(a) to achieve compliance with the requirements of §§ 129.52 or 129.101-129.107.

(b) When complying with the requirements of §§ 129.52 or 129.101-129.107 through emissions averaging, an additional 10 percent reduction in emissions shall be achieved when compared to a facility using a compliant coatings approach to meet the requirements of §§ 129.101-129.107.

(c) *Program goals and rationale.* When using an emissions averaging program, the following shall be submitted to the Department in writing:

(1) A summary of the reasons why the facility would like to comply with the emission limitations through an equivalency determination using emissions averaging procedures.

(2) A summary of how averaging can be used to meet the emission limitations.

(d) *Program scope.* A description of the types of coatings that will be included in the facility's emissions averaging program shall also be submitted to the Department in writing.

(1) Stains, basecoats, washcoats, sealers and topcoats may all be used in the emissions averaging program.

(2) The facility may choose other coatings for its emissions averaging program, provided the program meets the equivalency requirements in § 129.51(a).

(3) Coatings that are applied using continuous coaters may only be used in an emissions averaging program if the facility can determine the amount of coating used each day.

(4) A daily averaging period shall be used, except under the following conditions:

(i) A longer averaging period may be used if the owner or operator of the facility demonstrates in writing to the satisfaction of the Department that the emissions do not fluctuate significantly on a day-to-day basis.

(ii) The owner or operator of the facility requests in writing and the Department approves in writing the longer averaging period.

(e) *Program baseline.* The baseline for each coating included in the emissions averaging program shall be the lower of the actual or allowable emission rate as of the effective date of the

requirements in §§ 129.101-129.107. In no case shall the facility baseline emission rate be higher than what was presumed in the 1990 emissions inventory for the facility unless the Department has accounted for the increase in emissions as growth.

(f) *Quantification procedures.* The emissions averaging program shall specify methods and procedures for quantifying emissions. Quantification procedures for VOC content are included in Chapter 139 (relating to sampling and testing). The quantification procedures shall also include methods to determine the usage of each coating and shall be accurate enough to ensure that the facility's actual emissions are less than the allowable emissions.

(g) *Monitoring, recordkeeping and reporting.* A written summary of the monitoring, recordkeeping and reporting procedures that will be used to demonstrate compliance on a daily basis, when using an emissions averaging approach, shall be submitted to the Department.

(1) The monitoring, recordkeeping and reporting procedures shall be structured in such a way that inspectors and facility owners or operators can determine a facility's compliance status for any day.

(2) The monitoring, recordkeeping and reporting procedures shall include methods for determining required data when monitoring, recordkeeping and reporting violations result in missing, inadequate or erroneous monitoring and recordkeeping.

CHAPTER 139. SAMPLING AND TESTING

Subchapter A. SAMPLING AND TESTING METHODS AND PROCEDURES

§ 139.4. References.

* * * * *

(5) Source Testing Manual, Commonwealth of Pennsylvania, Department of Environmental [Resources] PROTECTION, Bureau of Air Quality [Control], Post Office Box 8468, Harrisburg, Pennsylvania 17105-8468, including future revisions as noted in § 139.5(b) (relating to revisions to the source testing manual and continuous source monitoring manual).

* * * * *

STATIONARY SOURCES

§ 139.14. Emissions of VOCs.

(a) The following are applicable to tests for determining volatile organic content:

(1) Test methods and procedures for the [volatile organic content,] TOTAL VOLATILES CONTENT, SOLIDS CONTENT, EXEMPT SOLVENT CONTENT, water content and density of surface coatings shall be equivalent to those specified in § 139.4(1) and (5) (relating to references).

* * * * *

40 CFR Sections 63-7-63.10
MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY (MACT)

§ 63.7

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

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

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

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

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

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

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

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

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

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

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

(15) [Reserved]

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

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

§ 63.7 Performance testing requirements.

(a) *Applicability and performance test dates.* (1) Unless otherwise specified, this section applies to the owner or operator of an affected source required to do performance testing, or another form of compliance demonstration, under a relevant standard.

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

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

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

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

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

§ 63.7

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

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

(vii) [Reserved]; or

(viii) [Reserved]; or

(ix) When an emission standard promulgated under this part is more stringent than the standard proposed (see § 63.6(b)(3)), the owner or operator of a new or reconstructed source subject to that standard for which construction or reconstruction is commenced between the proposal and promulgation dates of the standard shall comply with performance testing requirements within 180 days after the standard's effective date, or within 180 days after startup of the source, whichever is later. If the promulgated standard is more stringent than the proposed standard, the owner or operator may choose to demonstrate compliance with either the proposed or the promulgated standard. If the owner or operator chooses to comply with the proposed standard initially, the owner or operator shall conduct a second performance test within 3 years and 180 days after the effective date of the standard, or after startup of the source, whichever is later, to demonstrate compliance with the promulgated standard.

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

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

(2) In the event the owner or operator is unable to conduct the performance test on the date specified in the notification requirement specified in paragraph (b)(1) of this section, due to unforeseeable circumstances beyond his or her control, the owner or operator shall notify the Administrator within 5 days prior to the scheduled performance test date and specify the date when the perform-

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

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

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

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

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

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

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

(3) *Approval of site-specific test plan.* (i) The Administrator will notify the owner or operator of approval or intention to deny approval of the site-specific test plan (if review of the site-specific test plan is requested) within 30 calendar days after receipt of the original plan and within 30 calendar

days after receipt of any supplementary information that is submitted under paragraph (c)(3)(i)(B) of this section. Before disapproving any site-specific test plan, the Administrator will notify the applicant of the Administrator's intention to disapprove the plan together with—

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

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

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

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

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

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

(A) Relieve an owner or operator of legal responsibility for compliance with any applicable

provisions of this part or with any other applicable Federal, State, or local requirement; or

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

(4)(i) *Performance test method audit program.*

The owner or operator shall analyze performance audit (PA) samples during each performance test. The owner or operator shall request performance audit materials 45 days prior to the test date. Cylinder audit gases may be obtained by contacting the Cylinder Audit Coordinator, Quality Assurance Division (MD-77B), Atmospheric Research and Exposure Assessment Laboratory (AREAL), U.S. EPA, Research Triangle Park, North Carolina 27711. All other audit materials may be obtained by contacting the Source Test Audit Coordinator, Quality Assurance Division (MD-77B), AREAL, U.S. EPA, Research Triangle Park, North Carolina 27711.

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

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

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

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

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

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

(2) Safe sampling platform(s);

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

(4) Utilities for sampling and testing equipment; and

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

(e) *Conduct of performance tests.* (1) Performance tests shall be conducted under such conditions as the Administrator specifies to the owner or operator based on representative performance

§ 63.7

(i.e., performance based on normal operating conditions) of the affected source. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test, nor shall emissions in excess of the level of the relevant standard during periods of startup, shutdown, and malfunction be considered a violation of the relevant standard unless otherwise specified in the relevant standard or a determination of noncompliance is made under § 63.6(e). Upon request, the owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of performance tests.

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

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

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

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

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

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

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

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

(iii) Extreme meteorological conditions occur; or

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

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

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

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

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

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

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

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

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

(5) If the owner or operator uses an alternative test method for an affected source during a required performance test, the owner or operator of such source shall continue to use the alternative test method for subsequent performance tests at that affected source until he or she receives approval from the Administrator to use another test method as allowed under § 63.7(f).

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

(g) *Data analysis, recordkeeping, and reporting.*

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

(2) [Reserved]

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

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

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

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

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

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

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

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

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

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

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

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

§ 63.8 Monitoring requirements.

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

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

§ 63.8

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

(3) [Reserved]

(4) Additional monitoring requirements for control devices used to comply with provisions in relevant standards of this part are specified in § 63.11.

(b) *Conduct of monitoring.* (1) Monitoring shall be conducted as set forth in this section and the relevant standard(s) unless the Administrator—

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

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

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

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

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

(A) Approved by the Administrator; or

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

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

(c) *Operation and maintenance of continuous monitoring systems.* (1) The owner or operator of an affected source shall maintain and operate each CMS as specified in this section, or in a relevant

standard, and in a manner consistent with good air pollution control practices.

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

(ii) For those malfunctions or other events that affect the CMS and are not addressed by the startup, shutdown, and malfunction plan, the owner or operator shall report actions that are not consistent with the startup, shutdown, and malfunction plan within 24 hours after commencing actions inconsistent with the plan. The owner or operator shall send a 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 his or her control.

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

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

(3) All CMS shall be installed, operational, and the data verified as specified in the relevant standard either prior to or in conjunction with conducting performance tests under § 63.7. Verification of operational status shall, at a minimum, include completion of the manufacturer’s written specifications or recommendations for installation, operation, and calibration of the system.

(4) Except for system breakdowns, out-of-control periods, repairs, maintenance periods, calibration checks, and zero (low-level) and high-level calibration drift adjustments, all CMS, including

COMS and CEMS, shall be in continuous operation and shall meet minimum frequency of operation requirements as follows:

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

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

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

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

(7)(i) A CMS is out of control if—

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

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

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

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

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

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

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

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

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

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

(iv) Data recording, calculations, and reporting;

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

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

§ 63.8

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

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

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

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

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

(iii) The owner or operator of an affected source shall submit the site-specific performance evaluation

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

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

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

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

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

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

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

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

(4) *Conduct of performance evaluation and performance evaluation dates*. The owner or operator of an affected source shall conduct a performance

§ 63.8

evaluation of a required CMS during any performance test required under § 63.7 in accordance with the applicable performance specification as specified in the relevant standard. Notwithstanding the requirement in the previous sentence, if the owner or operator of an affected source elects to submit COMS data for compliance with a relevant opacity emission standard as provided under § 63.6(h)(7), he/she shall conduct a performance evaluation of the COMS as specified in the relevant standard, before the performance test required under § 63.7 is conducted in time to submit the results of the performance evaluation as specified in paragraph (e)(5)(ii) of this section. If a performance test is not required, or the requirement for a performance test has been waived under § 63.7(h), the owner or operator of an affected source shall conduct the performance evaluation not later than 180 days after the appropriate compliance date for the affected source, as specified in § 63.7(a), or as otherwise specified in the relevant standard.

(5) Reporting performance evaluation results.

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

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

(f) Use of an alternative monitoring method—

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

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

(i) Alternative monitoring requirements when installation of a CMS specified by a relevant standard would not provide accurate measurements

due to liquid water or other interferences caused by substances within the effluent gases;

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

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

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

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

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

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

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

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

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

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

§ 63.8

site-specific performance evaluation plan (if requested) or at least 60 days before the performance evaluation is scheduled to begin.

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

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

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

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

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

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

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

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

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

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

(iii) *Rescission of approval to use alternative to relative accuracy test.* The Administrator will review the permission to use an alternative to the CEMS relative accuracy test and may rescind such permission if the CEMS data from a successful completion of the alternative relative accuracy procedure indicate that the affected source's emissions are approaching the level of the relevant standard. The criterion for reviewing the permission is that the collection of CEMS data shows that emissions have exceeded 70 percent of the relevant standard for any averaging period, as specified in the relevant standard. For affected sources subject to emission limitations expressed as control efficiency levels, the criterion for reviewing the permission is that the collection of CEMS data shows that exhaust emissions have exceeded 70 percent of the level needed to meet the control efficiency requirement for any averaging

period, as specified in the relevant standard. The owner or operator of the affected source shall maintain records and determine the level of emissions relative to the criterion for permission to use an alternative for relative accuracy testing. If this criterion is exceeded, the owner or operator shall notify the Administrator within 10 days of such occurrence and include a description of the nature and cause of the increased emissions. The Administrator will review the notification and may rescind permission to use an alternative and require the owner or operator to conduct a relative accuracy test of the CEMS as specified in section 7 of Performance Specification 2.

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

(2) The owner or operator of each COMS shall reduce all data to 6-minute averages calculated from 36 or more data points equally spaced over each 6-minute period. Data from CEMS for measurement other than opacity, unless otherwise specified in the relevant standard, shall be reduced to 1-hour averages computed from four or more data points equally spaced over each 1-hour period, except during periods when calibration, quality assurance, or maintenance activities pursuant to provisions of this part are being performed. During these periods, a valid hourly average shall consist of at least two data points with each representing a 15-minute period. Alternatively, an arithmetic or integrated 1-hour average of CEMS data may be used. Time periods for averaging are defined in § 63.2.

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

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

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

§ 63.9 Notification requirements.

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

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

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

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

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

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

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

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

§ 63.9

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

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

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

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

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

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

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

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

(i) A notification of intention to construct a new major affected source, reconstruct a major affected source, or reconstruct a major source such that the source becomes a major affected source with the application for approval of construction or reconstruction as specified in § 63.5(d)(1)(i);

(ii) A notification of the date when construction or reconstruction was commenced, submitted simultaneously with the application for approval of construction or reconstruction, if construction or

reconstruction was commenced before the effective date of the relevant standard;

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

(iv) 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.

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

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

(d) *Notification that source is subject to special compliance requirements.* An owner or operator of a new source that is subject to special compliance requirements as specified in § 63.6(b)(3) and § 63.6(b)(4) shall notify the Administrator of his/

her compliance obligations not later than the notification dates established in paragraph (b) of this section for new sources that are not subject to the special provisions.

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

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

(g) *Additional notification requirements for sources with continuous monitoring systems.* The owner or operator of an affected source required to use a CMS by a relevant standard shall furnish the Administrator written notification as follows:

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

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

(3) A notification that the criterion necessary to continue use of an alternative to relative accuracy testing, as provided by § 63.8(f)(6), has been ex-

ceeded. The notification shall be delivered or postmarked not later than 10 days after the occurrence of such exceedance, and it shall include a description of the nature and cause of the increased emissions.

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

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

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

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

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

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

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

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

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

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

§ 63.10

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

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

(4) [Reserved]

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

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

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

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

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

owner or operator and the Administrator. An owner or operator who wishes to request a change in a time period or postmark deadline for a particular requirement shall request the adjustment in writing as soon as practicable before the subject activity is required to take place. The owner or operator shall include in the request whatever information he or she considers useful to convince the Administrator that an adjustment is warranted.

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

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

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

§ 63.10 Recordkeeping and reporting requirements.

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

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

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

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

(ii) After a State has been delegated the authority to implement and enforce recordkeeping and reporting requirements established under this part, the owner or operator of an affected source in

§ 63.10

such State subject to such requirements shall submit reports to the delegated State authority (which may be the same as the permitting authority). In addition, if the delegated (permitting) authority is the State, the owner or operator shall send a copy of each report submitted to the State to the appropriate Regional Office of the EPA, as specified in paragraph (a)(4)(i) of this section. The Regional Office may waive this requirement for any reports at its discretion.

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

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

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

required to be in compliance with the applicable part 60 or part 61 standard, whichever is latest. Procedures governing the implementation of this provision are specified in § 63.9(i).

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

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

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

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

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

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

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

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

(vii) All required measurements needed to demonstrate compliance with a relevant standard (including, but not limited to, 15-minute averages of CMS data, raw performance testing measurements, and raw performance evaluation measurements,

§ 63.10

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 part, if the source has been granted a waiver under paragraph (f) of this section;

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

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

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

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

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

(2)–(4) [Reserved]

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

(6) The date and time identifying each period during which the CMS was out of control, as defined in § 63.8(c)(7);

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

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

(9) [Reserved]

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

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

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

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

(14) All procedures that are part of a quality control program developed and implemented for CMS under § 63.8(d).

(15) In order to satisfy the requirements of paragraphs (c)(10) through (c)(12) of this section and to avoid duplicative recordkeeping efforts, the owner or operator may use the affected source's startup, shutdown, and malfunction plan or records kept to satisfy the recordkeeping requirements of the startup, shutdown, and malfunction plan specified in § 63.6(e), provided that such plan and records adequately address the requirements of paragraphs (c)(10) through (c)(12).

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

(2) *Reporting results of performance tests.* Before a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall report the results of any performance test under § 63.7 to the Administrator. After a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall

report the results of a required performance test to the appropriate permitting authority. The owner or operator of an affected source shall report the results of the performance test to the Administrator (or the State with an approved permit program) before the close of business on the 60th day following the completion of the performance test, unless specified otherwise in a relevant standard or as approved otherwise in writing by the Administrator. The results of the performance test shall be submitted as part of the notification of compliance status required under § 63.9(h).

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

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

(5)(i) *Periodic startup, shutdown, and malfunction reports.* If actions taken by an owner or operator during a startup, shutdown, or malfunction of an affected source (including actions taken to correct a malfunction) are consistent with the procedures specified in the source's startup, shutdown, and malfunction plan [see § 63.6(e)(3)], the owner or operator shall state such information in a startup, shutdown, and malfunction report. Reports shall only be required if a startup, shutdown, or malfunction occurred during the reporting period. The startup, shutdown, and malfunction report shall consist of a letter, containing the name, title, and signature of the owner or operator or other responsible official who is certifying its accuracy, that shall be submitted to the Administrator semi-annually (or on a more frequent basis if specified otherwise in a relevant standard or as established otherwise by the permitting authority in the source's title V permit). The startup, shutdown, and malfunction report shall be delivered or post-marked by the 30th day following the end of each calendar half (or other calendar reporting period,

as appropriate). If the owner or operator is required to submit excess emissions and continuous monitoring system performance (or other periodic) reports under this part, the startup, shutdown, and malfunction reports required under this paragraph may be submitted simultaneously with the excess emissions and continuous monitoring system performance (or other) reports. If startup, shutdown, and malfunction reports are submitted with excess emissions and continuous monitoring system performance (or other periodic) reports, and the owner or operator receives approval to reduce the frequency of reporting for the latter under paragraph (e) of this section, the frequency of reporting for the startup, shutdown, and malfunction reports also may be reduced if the Administrator does not object to the intended change. The procedures to implement the allowance in the preceding sentence shall be the same as the procedures specified in paragraph (e)(3) of this section.

(ii) *Immediate startup, shutdown, and malfunction reports.* Notwithstanding the allowance to reduce the frequency of reporting for periodic startup, shutdown, and malfunction reports under paragraph (d)(5)(i) of this section, any time an action taken by an owner or operator during a startup, shutdown, or malfunction (including actions taken to correct a malfunction) is not consistent with the procedures specified in the affected source's startup, shutdown, and malfunction plan, the owner or operator shall report the actions taken for that event within 2 working days after commencing actions inconsistent with the plan followed by a letter within 7 working days after the end of the event. The immediate report required under this paragraph shall consist of a telephone call (or facsimile (FAX) transmission) to the Administrator within 2 working days after commencing actions inconsistent with the plan, and it shall be followed by a letter, delivered or postmarked within 7 working days after the end of the event, that contains the name, title, and signature of the owner or operator or other responsible official who is certifying its accuracy, explaining the circumstances of the event, the reasons for not following the startup, shutdown, and malfunction plan, and whether any excess emissions and/or parameter monitoring exceedances are believed to have occurred. Notwithstanding the requirements of the previous sentence, after the effective date of an approved permit program in the State in which an affected source is located, the owner or operator may make alternative reporting arrangements, in advance, with the permitting authority in that State. Procedures governing the arrangement of alternative reporting requirements under this paragraph are specified in § 63.9(i).

(e) *Additional reporting requirements for sources with continuous monitoring systems—(1)*

§ 63.10

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

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

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

(3) *Excess emissions and continuous monitoring system performance report and summary report.*

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

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

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

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

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

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

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

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

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

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

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

- (A) The company name and address of the affected source;
- (B) An identification of each hazardous air pollutant monitored at the affected source;
- (C) The beginning and ending dates of the reporting period;
- (D) A brief description of the process units;
- (E) The emission and operating parameter limitations specified in the relevant standard(s);
- (F) The monitoring equipment manufacturer(s) and model number(s);
- (G) The date of the latest CMS certification or audit;
- (H) The total operating time of the affected source during the reporting period;
- (I) An emission data summary (or similar summary if the owner or operator monitors control system parameters), including the total duration of excess emissions during the reporting period (recorded in minutes for opacity and hours for gases), the total duration of excess emissions expressed as a percent of the total source operating time during that reporting period, and a breakdown of the total duration of excess emissions during the reporting period into those that are due to startup/shutdown, control equipment problems, process problems, other known causes, and other unknown causes;

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

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

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

(M) The date of the report.

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

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

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

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

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

§ 63.11

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

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

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

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

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

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

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

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

§ 63.11 Control device requirements.

(a) *Applicability.* This section 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 section.

(b) *Flares.* (1) Owners or operators using flares to comply with the provisions of this part shall monitor these control devices to assure that they are operated and maintained in conformance with their designs. Applicable subparts will provide provisions stating how owners or operators using flares shall monitor these control devices.

(2) Flares shall be steam-assisted, air-assisted, or non-assisted.

(3) Flares shall be operated at all times when emissions may be vented to them.

(4) Flares shall be designed for and operated with no visible emissions, except for periods not to exceed a total of 5 minutes during any 2 consecutive hours. Test Method 22 in appendix A of part 60 of this chapter shall be used to determine the compliance of flares with the visible emission provisions of this part. The observation period is 2 hours and shall be used according to Method 22.

(5) Flares shall be operated with a flame present at all times. The presence of a flare pilot flame shall be monitored using a thermocouple or any other equivalent device to detect the presence of a flame.

(6) 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 (200 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:

$$ER16MR94.000$$

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 =

$$ER16MR94.001$$

where the standard temperature for (g-mole/scm) is 20 °C.

C_i = Concentration of sample component i in ppmv on a wet basis, as measured for organics by Test Method 18 and measured for hydrogen and carbon monoxide by American Society for Testing and Materials (ASTM) D1946-77 (incorporated by reference as specified in § 63.14).

H_i = Net heat of combustion of sample component i , kcal/g-mole at 25 °C and 760 mm Hg. The heats of combustion may be determined using ASTM D2382-76 (incorporated by reference as specified in § 63.14) if published values are not available or cannot be calculated.

n = Number of sample components.

(7)(i) Steam-assisted and nonassisted flares shall be designed for and operated with an exit velocity less than 18.3 m/sec (60 ft/sec), except as provided in paragraphs (b)(7)(ii) and (b)(7)(iii) of this section. The actual exit velocity of a flare shall be determined by dividing by the volumetric flow

**ENVIRONMENTAL QUALITY BOARD
NOTICE OF PUBLIC HEARINGS**

**PROPOSED AMENDMENTS TO PENNSYLVANIA'S
AIR QUALITY REGULATIONS AND THE STATE IMPLEMENTATION PLAN**

Surface Coating Processes and Wood Furniture Manufacturing Operations (RBI #4)

The Environmental Quality Board (EQB) will hold four public hearings to accept comments on the fourth in a series of regulatory proposals implementing changes to Pennsylvania's air resource regulations resulting from the Regulatory Basics Initiative (RBI). The RBI began in August 1995 with the Department of Environmental Protection's (DEP) review of existing regulations to determine those which were more stringent than federal law and regulations, those which lacked clarity, and those which imposed disproportionate costs on the regulated community.

This proposal clarifies existing requirements in Chapter 129.52 for surface coating processes by adding equations necessary for calculating the allowable VOC emission limitations for each surface coating process category. The proposal also revises Table I of Chapter 129 by adding solids-based compliance limits, allows monthly averaging to determine dip tank compliance and provides an exemption for small-quantity coating use, primarily for touch-up and repair. New requirements are added for wood furniture manufacturing operations that emit or have the potential to emit 25 tons per year (tpy) or more of VOCs. These requirements are based on the Environmental Protection Agency's (EPA) Control Techniques Guidelines (CTG) for the industry which were issued in May 1996. The regulation, if approved, will be submitted to the Environmental Protection Agency (EPA) as a revision to the State Implementation Plan (SIP).

Specific comment is requested on two issues: 1) whether to require wood furniture manufacturing facilities with a potential to emit 25 tpy or more of VOCs to comply with both the surface coating requirements and the proposed presumptive reasonably available control technology (RACT) requirements, and 2) whether to adopt the general reporting requirements in 40 CFR Sections 63.7-63.10, which specify timeframes for reporting performance test results, monitoring parameter values, and excess performance test results.

The hearings will be held at 10:00 a.m. as follows:

- | | |
|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| April 6, 1999 | Department of Environmental Protection
Southwest Regional Office
400 Waterfront Drive
Pittsburgh, Pa. |
| April 7, 1999 | Department of Environmental Protection
Southcentral Regional Office
Susquehanna River Conference Room
909 Elmerton Avenue
Harrisburg, Pa. |
| April 8, 1999 | Department of Environmental Protection
Southeast Regional Office
Suite 6010, Lee Park
555 North Lane
Conshohocken, Pa. |
| April 9, 1999 | Department of Environmental Protection
Northcentral Regional Office
208 W. Third Street
Williamsport, Pa. |

Refer to the Public Comments section of this notice for information on presenting testimony and submitting comments on this proposal.

Amendments to Nitrogen Oxides (NOx) Allowance Requirements

The EQB will hold three public hearings to accept comments on a proposed rulemaking which corrects accounting errors contained in Appendix E of the nitrogen oxides (NOx) allowance regulations that were published as final rulemaking on November 1, 1997. The regulations establish a program for the regulation of sources which emit NOx and create a trading program for NOx allowances. The rulemaking adds missing sources to Appendix E; clarifies that the definition of "NOx-affected source" is applicable to fossil-fired operating units which generate greater than 15 megawatts of electricity; corrects an accounting error in Appendix E; eliminates the special allocation for Washington Power project since its plan approval expired; deletes the list of "baseline MMBtu" in Appendix E and modifies the listing of "baseline NOx lb/mmBtu." The regulation, if approved, will be submitted to the EPA as a revision to the SIP.

The hearings will be held at 1:00 p.m. as follows:

- | | |
|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| April 6, 1999 | Department of Environmental Protection
Southwest Regional Office
400 Waterfront Drive
Pittsburgh, Pa. |
| April 7, 1999 | Department of Environmental Protection
Southcentral Regional Office
Susquehanna River Conference Room
909 Elmerton Avenue
Harrisburg, Pa. |
| April 8, 1999 | Department of Environmental Protection
Southeast Regional Office
Suite 6010, Lee Park
555 North Lane
Conshohocken, Pa. |

Refer to the Public Comments section of this notice for information on presenting testimony and submitting comments on this proposal.

Interstate Ozone Transport Reduction Requirements (NOx SIP Call)

The EQB will hold three public hearings to accept comments on a proposed rulemaking which establishes a program to limit the emission of nitrogen oxides (NOx) from fossil-fired combustion units with rated heat input capacity of 250 mmBtus per hour or more and electric generating facilities of 15 megawatts or greater. It also establishes new ozone season emission limits for cement kilns and stationary internal combustion engines. These provisions are proposed to be contained in new Chapter 145 (relating to Interstate Ozone Transport Reduction). The proposal, which would replace the existing NOx allowance requirements in Chapter 123 beginning in 2003, is necessary to meet Pennsylvania's obligation under EPA's NOx SIP Call to reduce ozone transport within the state as well as throughout the eastern United States. The deadline for submission of the final rulemaking to EPA is September 30, 1999. The regulation, if approved, will be submitted to the EPA as a revision to the SIP.

The hearings will be held at 2:00 p.m. as follows:

- | | |
|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| April 6, 1999 | Department of Environmental Protection
Southwest Regional Office
400 Waterfront Drive
Pittsburgh, Pa. |
| April 7, 1999 | Department of Environmental Protection
Southcentral Regional Office
Susquehanna River Conference Room
909 Elmerton Avenue
Harrisburg, Pa. |

April 8, 1999

Department of Environmental Protection
Southeast Regional Office
Suite 6010, Lee Park
555 North Lane
Conshohocken, Pa.

Public Comments

Persons wishing to present testimony at any of the hearings are requested to contact Kate Coleman at the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to ten minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chair at the hearing. Each organization is limited to designating one witness to present testimony on its behalf.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation in order to participate should contact Kate Coleman at (717) 787-4526, or through the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD), to discuss how their needs may be accommodated.

In lieu of or in addition to presenting oral testimony at the hearing, interested persons may submit written comments, suggestions, or objections regarding the proposed regulations to the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments on the proposals must be received by May 10, 1999. Comments submitted by facsimile will not be accepted. Electronic comments may be submitted to RegComments@dep.state.pa.us. In addition to written or electronic comments, interested persons may submit summaries of their comments to the EQB. The summaries cannot exceed one page in length and must also be received by May 10, 1999. The one-page summaries will be provided to each member of the EQB in the agenda packet distributed prior to the meeting at which the final regulations will be considered.

Copies of the Proposals

Copies of the proposals are available from Vickie Walters, Division of Air Resource Management, Bureau of Air Quality, P.O. Box 8468, Harrisburg, PA 17105-8468, at (717) 787-9495 (e-mail: Walters.Vickie@a1.dep.state.pa.us). These proposals are also available on the DEP Website at <http://www.dep.state.pa.us> (choose Public Participation Center, Proposals Open for Comment).

JAMES M. SEIF
Chairman



Pennsylvania Department of Environmental Protection

Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, PA 17105-2063
February 17, 1999

The Secretary

717-787-2814

Mr. Robert E. Nyce
Executive Director
Independent Regulatory Review Commission
14th Floor, Harristown II
Harrisburg, PA 17101

RE: Proposed Rulemaking: Surface Coating Processes and Wood Furniture
Manufacturing Operations (RBI #4) (#7-339)

Dear Bob:

Enclosed is a copy of a proposed regulation for review and comment by the Commission pursuant to Section 5(a) of the Regulatory Review Act. This proposal is scheduled for publication as a proposed rulemaking in the *Pennsylvania Bulletin* on March 6, 1999, with a 65-day public comment period. Four public hearings have been scheduled as indicated on the enclosed public notice. This proposal was approved by the Environmental Quality Board (EQB) on September 15, 1998.

This proposal is fourth in a series of amendments to the air quality regulations resulting from the Regulatory Basics Initiative (RBI). This proposal clarifies existing requirements in Chapter 129.52 for surface coating processes by adding equations necessary for calculating the allowable VOC emission limitations for each surface coating process category. The proposal also revises Table I of Chapter 129 by adding solids-based compliance limits, allows monthly averaging to determine dip tank compliance and provides an exemption for small-quantity coating use, primarily for touch-up and repair. New requirements are added for wood furniture manufacturing operations that emit or have the potential to emit 25 tons per year (tpy) or more of VOCs. These requirements are based on the Environmental Protection Agency's (EPA) Control Techniques Guidelines (CTG) for the industry which were issued in May 1996. The final rulemaking will be submitted to EPA as a State Implementation Plan (SIP) revision.

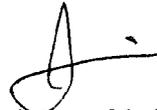
The preamble to the proposed rulemaking requests specific comment on two issues: 1) whether to require wood furniture manufacturing facilities with a potential to emit 25 tpy or more of VOCs to comply with both the surface coating requirements and the proposed presumptive reasonably available control technology (RACT) requirements, and 2) whether to adopt the general reporting requirements in 40 CFR Sections 63.7-63.10, which specify timeframes for reporting performance test results, monitoring parameter values, and excess performance test results.

The proposal is supported by the Air Quality Technical Advisory Committee.

The Department will provide the Commission with any assistance required to facilitate a thorough review of this proposal. Section 5(g) of the Act provides that the Commission may, within ten days after the expiration of the Committee review period, notify the agency of any objections to the proposed regulation. The Department will consider any comments or suggestions received by the Commission, together with Committee and other public comments prior to final adoption.

For additional information, please contact Sharon Freeman, Regulatory Coordinator, at 783-1303.

Sincerely,

A handwritten signature in black ink, appearing to read 'James M. Seif', with a stylized flourish at the end.

James M. Seif
Secretary

Enclosures

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

RECEIVED

I.D. NUMBER: 7-339
 SUBJECT: Surface Coating Processes (RBI #4)
 AGENCY: Department of Environmental Protection

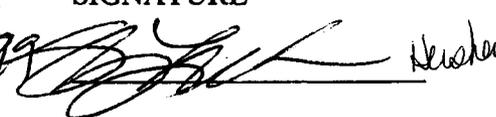
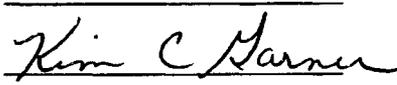
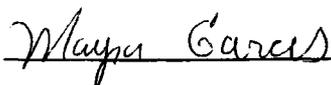
99 FEB 17 PM 12: 18

INDEPENDENT REGULATORY
REVIEW COMMISSION

TYPE OF REGULATION

- X Proposed Regulation
- Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
 - a. _____ With Revisions
 - b. _____ Without Revisions

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
2/17/99	 Henry Housley	HOUSE COMMITTEE ON Environmental Resource - Energy / cc
2-17-99	 Donnie Castelli white	SENATE COMMITTEE ON Environmental Resource + Energy / cc
2/17/99	 Kim C Garner	INDEPENDENT REGULATORY REVIEW COMMISSION
_____	_____	ATTORNEY GENERAL
2/17/99	 Mayra Garcia	LEGISLATIVE REFERENCE BUREAU

September 25, 1998