

SUBCHAPTER G: PERIODIC MONITORING

§§122.602, 122.604, 122.606

Effective December 11, 2002

§122.602. Periodic Monitoring Applicability.

(a) Periodic monitoring applies to an emission unit at a site that is subject to this chapter provided the emission unit is subject to an emission limitation or standard in an applicable requirement except as noted in subsection (b) of this section.

(b) Periodic monitoring shall not apply to emission limitations or standards for which the executive director has determined that the applicable requirement has periodic monitoring (which may consist of recordkeeping) sufficient to yield reliable data from the relevant time period that are representative of the emission unit's compliance with the applicable requirement, and testing, monitoring, reporting, or recordkeeping sufficient to assure compliance with the applicable requirement. These emission limitation or standards include, but are not limited to, the following:

(1) emission limitations or standards proposed by the EPA after November 15, 1990 under FCAA, §111 (Standards of Performance for New Stationary Sources) or §112 (Hazardous Air Pollutants);

(2) emission limitations or standards under FCAA, Title IV (the Acid Rain Program);

(3) emission limitations or standards for which an applicable requirement specifies a continuous compliance determination method, unless the applicable compliance method includes an assumed control device emission reduction factor that could be affected by the actual operation and maintenance of the control device (such as a surface coating line controlled by an incinerator for which continuous compliance is determined by calculating emissions on the basis of coating records and an assumed control device efficiency factor based on an initial performance test); and

(4) other emission limitations or standards specified as exempt by the EPA.

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§122.604. Compliance Assurance Monitoring Applicability.

(a) To determine the applicability of compliance assurance monitoring (CAM), each emission unit shall be considered separately with respect to each air pollutant and the term control device, as used in this subchapter, shall have the meaning defined in §122.10 of this title (relating to General Definitions).

(b) Except for emission units that are exempt under subsection (d) of this section, CAM applies to an emission unit at a major source subject to this chapter provided the following:

(1) the emission unit is subject to an emission limitation or standard for an air pollutant (or surrogate thereof) in an applicable requirement, except as noted in subsection (c) of this section;

(2) the emission unit uses a control device to achieve compliance with the emission limitation or standard in paragraph (1) of this subsection; and

(3) the emission unit has the pre-control device potential to emit greater than or equal to the amount in tons per year required for a site to be classified as a major source, as defined in this chapter.

(c) CAM shall not apply to any of the following:

(1) emission limitations or standards proposed by the EPA after November 15, 1990 under FCAA, §111 (Standards of Performance for New Stationary Sources) or §112 (Hazardous Air Pollutants);

(2) emission limitations or standards under FCAA, Title VI (Stratospheric Ozone Protection);

(3) emission limitations or standards under FCAA, Title IV (the Acid Rain Program);

(4) emission limitations or standards that apply solely under an emissions trading program approved or promulgated by the EPA under the FCAA that allows for trading emissions;

(5) emissions caps that meet the requirements specified in 40 Code of Federal Regulations (CFR) §70.4(b)(12) (State Program Submittals and Transition);

(6) emission limitations or standards for which an applicable requirement specifies a continuous compliance determination method, unless the applicable compliance method includes an assumed control device emission reduction factor that could be affected by the actual operation and maintenance of the control device (such as a surface coating line controlled by an incinerator for which continuous compliance is determined by calculating emissions on the basis of coating records and an assumed control device efficiency factor based on an initial performance test); or

(7) other emission limitations or standards specified as exempt by the EPA.

(d) CAM shall not apply to a utility unit, as defined in 40 CFR §72.2 (Definitions), that is municipally-owned if the permit holder documents in a permit application the following:

(1) the utility unit is exempt from all monitoring requirements in 40 CFR Part 75 (Continuous Emission Monitoring) (including the appendices);

(2) the utility unit is operated for the sole purpose of providing electricity during periods of peak electrical demand or emergency situations, as demonstrated by historical operating

data and relevant contractual obligation, and will be operated consistent with that purpose throughout the permit term; and

(3) the actual emissions from the utility unit, based on the average annual emissions over the last three calendar years of operation (or the total time the unit has been in operation for a unit in operation less than three years), are less than 50% of the amount in tons per year required for a site to be classified as a major source and are expected to remain so.

(e) References in 40 CFR Part 64 to 40 CFR Part 70 (Operating Permit Program) shall be satisfied by the requirements of this chapter for the purpose of implementing 40 CFR Part 64.

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§122.606. Compliance Assurance Monitoring Quality Improvement Plans.

(a) Based on the frequency of deviations, the cause of deviations, the magnitude of deviations, the permit holder's response to deviations, or other information that indicates that the emission unit or control device is not being maintained and operated consistent with good air pollution control practices, the executive director may require implementation of a quality improvement plan (QIP).

(b) A QIP shall meet all of the requirements specified in 40 Code of Federal Regulations §64.8 concerning Quality Improvement Plan Requirements.

(c) The permit holder shall maintain the written QIP with the permit or authorization to operate under a general operating permit.

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