

SUBPART A - GENERAL PROVISIONS (Delegation Effective 11-8-76:
Rev. Effective 11-3-92)

RULE 260.1. APPLICABILITY (Rev. Effective 11-3-92)

(a) The provisions of this regulation apply to the owner or operator of any stationary source which contains an affected facility the construction, reconstruction, or modification of which is commenced after the date of publication in the Code of Federal Regulations 40 CFR Part 60, of any standard (or, if earlier, the date of publication of any proposed standard) applicable to such facility. Federal delegation of the implementation and enforcement of the standards for such type of source to the Air Pollution Control District of San Diego County must also have been accomplished. Any such stationary source must also comply with other regulations of the Air Pollution Control District of San Diego County as well as this Regulation X.

(b) Any new or revised provisions of this regulation shall apply to the owner or operator of any stationary source which contains an affected facility, the construction or modification of which is commenced after the date of publication in the Code of Federal Regulations 40 CFR Part 60, of such new or revised provision (or, if earlier, the date of publication of any proposed provision) applicable to that facility.

The U.S. Environmental Protection Agency (EPA) retains concurrent enforcement authority for these standards pursuant to Section 113 of the Act, as amended, if the EPA Administrator desires to exercise it.

RULE 260.2. DEFINITIONS (Rev. Effective 11-3-92)

Terms used in this regulation shall have the following meanings or, for terms not herein defined, the meaning given them in Regulation I of the Air Pollution Control District of San Diego County or in the Act:

(a) "**Act**" means the Clean Air Act (42 U.S.C. 1857 et seq., as amended by Public Law 91-604, 84 Stat. 1676) and Public Law 95-95.

(b) "**Administrator**" means the Administrator of the Environmental Protection Agency or his authorized representative.

(c) "**Affected Facility**" means, with reference to a stationary source, any apparatus to which a standard is applicable.

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

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

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

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

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

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

(j) "**Excess Emissions and Monitoring Systems Performance Report**" is a report that must be submitted periodically by a source in order to provide data on its compliance with stated emission limits and operating parameters, and on the performance of its monitoring systems.

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

(l) [**Reserved**]

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

(n) "**Malfunction**" means any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation, or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions.

(o) "**Modification**" means any physical change in, or change in the method of operation of, an existing facility which increases the amount of any air pollutant (to which a standard

applies) emitted into the atmosphere by that facility or which results in the emission of any air pollutant (to which a standard applies) into the atmosphere not previously emitted.

(p) "**Monitoring Device**" means the total equipment, required under the monitoring of operations rules in applicable subparts, used to measure and record (if applicable) process parameters.

(q) "**Nitrogen Oxides**" means all oxides of nitrogen except nitrous oxide, as measured by test methods set forth in this regulation.

(r) "**One-Hour Period**", with respect to continuous monitoring systems, means any 60-minute period commencing on the hour.

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

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

(u) "**Particulate Matter**" means any finely divided solid or liquid material, other than uncombined water, as measured by the referenced methods specified under each applicable subpart, or an equivalent or alternative method.

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

(w) "**Reference Method**" means any method of sampling and analyzing for an air pollutant as described in Appendix A to 40 CFR Part 60.

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

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

(z) "**Six-Minute Period**" means any one of the 10 equal parts of a one-hour period.

(aa) "**Standard**" means a standard of performance promulgated under this regulation.

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

(cc) "**Stationary Source**" means any building, structure, facility, or installation which emits or may emit any air pollutant.

RULE 260.3. ABBREVIATIONS

The abbreviations used in this regulation have the following meanings:

ASTM	-	American Society for Testing and Materials
Btu	-	British thermal unit
°C	-	degree Celsius (centigrade)
cal	-	calorie
CdS	-	cadmium sulfide
cfm	-	cubic feet per minute
CO	-	carbon monoxide
CO ₂	-	carbon dioxide
dscm	-	dry cubic meter(s) at standard conditions
dscf	-	dry cubic feet at standard conditions
eq	-	equivalents
°F	-	degree Fahrenheit
g	-	gram(s)
gal	-	gallon(s)
g-eq	-	gram equivalents
gr	-	grain(s)
hr	-	hour(s)
HC ₁	-	hydrochloric acid
Hg	-	mercury
H ₂ O	-	water
H ₂ S	-	hydrogen sulfide
H ₂ SO ₄	-	sulfuric acid
in	-	inch(s)
°K	-	degree Kelvin
k	-	1,000
kg	-	kilogram(s)
l	-	liter(s)
lpm	-	liter(s) per minute
lb	-	pound(s)
m	-	meter(s)
meq	-	milliequivalent(s)
min	-	minute(s)
mg	-	milligram(s)
ml	-	milliliters(s)
mm	-	millimeter(s)
mol. wt.	-	molecular weight
mV	-	millivolt
N ₂	-	nitrogen
nm	-	nanometer(s) - 10 ⁻⁹ meter
NO	-	nitric oxide
NO ₂	-	nitrogen dioxide
NO _x	-	nitrogen oxides

ABBREVIATIONS - continued

O ₂	-	oxygen
ppb	-	parts per billion
ppm	-	parts per million
psia	-	pounds per square inch absolute
°R	-	degree Rankine
std	-	at standard conditions
sec	-	second
SO ₂	-	sulfur dioxide
SO ₃	-	sulfur trioxide
µg ₃	-	microgram(s) - 10 ⁻⁶ gram

RULE 260.4. DELEGATION (Rev. Effective 1-13-87)

(a) Section 111(c) of the Clean Air Act, as amended, directs the Administrator of the Environmental Protection Agency to delegate, when appropriate, to each State (on behalf of the Air Pollution Control Districts, in the case of California) the authority to implement and enforce standards of performance for new stationary sources in such State.

(b) This Regulation X implements such delegation to the Air Pollution Control District of San Diego County for those new stationary sources which are anticipated for this County.

(c) The Federal Regulations for implementation and enforcement of those standards are contained in Part 60, Chapter I, Title 40, Code of Federal Regulations (40 CFR Part 60). The applicable portions of 40 CFR Part 60 have been adopted in this Regulation X and 40 CFR Part 60 section numbers have been adapted to Regulation X rule numbers by the addition of the number 200 to each 40 CFR Part 60 section number.

(d) All appendices to 40 CFR Part 60, and those sections of 40 CFR Part 60 concerned with the specific monitoring and test requirements for each new stationary source of this regulation, are incorporated herein by reference. The following substitutions shall be made for the indicated words or numbers, wherever appearing in 40 CFR Part 60 appendices or sections, when these appendices or sections are being used as parts of this Regulation X.

(1) "Control Officer" for "Administrator", except where the Administrator retains sole authority for approving alternative or equivalent test methods and alternative standards/work practices.

(2) "Regulation" for "Part".

(3) "Rule" for "Section" and for "§".

(4) Rule numbers for section numbers by adding 200 to the section numbers.

(e) 40 CFR Part 60 changes published in the Federal Register through May 13, 1976 are incorporated as required in this publication, or change, of Regulation X.

RULE 260.5. DETERMINATION OF CONSTRUCTION OR MODIFICATION

(a) When requested to do so by an owner or operator, the Control Officer will make a determination of whether action taken or intended to be taken by such owner or operator constitutes construction (including reconstruction) or modification or the commencement thereof within the meaning of this regulation.

(b) The Control Officer will respond to any request for a determination under Section (a) of this rule within 30 days of receipt of sufficient information to evaluate an application.

RULE 260.6. REVIEW OF PLANS

(a) When requested to do so by an owner or operator, the Control Officer will review plans for construction or modification for the purpose of providing technical advice to the owner or operator relative to the adequacy of the proposed air pollution control measures.

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

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

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

RULE 260.7. NOTIFICATION AND RECORDKEEPING (Rev. Effective 11-3-92)

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

(1) A notification of the date construction (or reconstruction as defined under Rule 260.15) of an affected facility is commenced postmarked no later than 30 days after such date. This requirement shall not apply in the case of mass produced facilities which are purchased in completed form.

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

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

(4) A notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless that change is specifically exempted under an applicable subpart or in Rule 260.14(e). This notice shall be postmarked 60 days or as soon as practical, but not less than 15 days, before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change. The Control Officer may request additional relevant information subsequent to this notice. In no case shall such physical or operational change be commenced until the Control Officer has issued authorization under Regulation I, Rule 10.

(5) A notification of the date upon which demonstration of the continuous monitoring system performance commences in accordance with Rule 216.13(c). Notification shall be postmarked not less than 30 days prior to such date.

(6) A notification of the anticipated date for conducting the opacity observations required by Rule 260.11(e)(1) of this regulation. The notification shall also include, if appropriate a request for the Control Officer to provide a visible emissions reader during a performance test. The notification shall be postmarked not less than 30 days prior to such date.

(7) A notification that continuous opacity monitoring system data results will be used to determine compliance with the applicable opacity standard during a performance test required by Rule 260.8 in lieu of Method 9 observation data as allowed by Rule 260.11(e)(5) of this Regulation. This notification shall be postmarked not less than 30 days prior to the date of the performance test.

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

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

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

(1) The magnitude of excess emissions computed in accordance with Rule 260.13(h), any conversion factor(s) used, and the date and time of commencement and completion of each time period of excess emissions and the process operating time during the reporting period.

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

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

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

(d) The summary report form shall contain the information and be in the format shown in Figure 1 unless otherwise specified by the Control Officer. One summary report form shall be submitted for each pollutant monitored at each affected facility.

(1) If the total duration of excess emissions for the reporting period is less than one percent of the total operating time for the reporting period and CMS downtime for the reporting period is less than five percent of the total operating time for the reporting period, only the summary report form shall be submitted and the excess emission report described in Section (c) above need not be submitted unless requested by the Control Officer.

(2) If the total duration of excess emissions for the reporting period is one percent or greater of the total operating time for the reporting period or the total CMS downtime for the reporting period is five percent or greater of the total operating time for the reporting period, the summary report form and the excess emission report described in Section (c) above shall both be submitted.

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

RULE 260.7(d)

FIGURE 1 - SUMMARY REPORT - GASEOUS AND OPACITY EXCESS EMISSION AND MONITORING SYSTEM PERFORMANCE

Pollutant (Circle one) SO₂ NO_x TRS H₂S CO Opacity
 Reporting period dates: From _____ to _____

Company: _____

Address: _____

Emission Limitation _____

Monitor Manufacturer and Model No. _____

Date of Latest CMS Certification of Audit _____

Process Unit(s) Description: _____

Total source operating time in reporting period¹ _____

Emission data summary¹	CMS performance summary¹
1. Duration of excess emissions in reporting period due to: a. Startup/shutdown b. Control equipment problems c. Process problems d. Other known causes e. Unknown causes 2. Total duration of excess emission 3. Total duration of excess emissions x (100) / [Total source operating time] % ²	1. CMS downtime in reporting period due to: a. Monitor equipment malfunctions b. Non-Monitor equipment malfunction c. Quality assurance calibration d. Other known causes e. Unknown causes 2. Total CMS Downtime 3. [Total CMS Downtime] x (100) / [Total source operating time] % ²
1 For opacity, record all times in minutes. For gases, record all times in hours. 2. For the reporting period: if the total duration of excess emissions is 1 percent or greater of the total operating time or the total CMS downtime is 5 percent or greater of the total operating time, both the summary report form and the excess emission report described in Rule 260.7(c) shall be submitted.	

On a separate page, describe any changes since last quarter in CMS, process or controls.

I certify that the information contained in this report is true, accurate, and complete.

Name: _____ Title: _____

Signature: _____ Date: _____

(f) If notification substantially similar to that in Section(a) of this rule is required by any other State or local agency, sending the Control Officer a copy of that notification will satisfy the requirements of Section (a) of this rule.

(g) Individual subparts of this Regulation may include specific provisions which clarify or make inapplicable the provisions set forth in this rule.

RULE 260.8. PERFORMANCE TESTS

(a) Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility and at such other times as may be required by the Control Officer, the owner or operator of such facility shall conduct performance test(s) and furnish the Control Officer a written report of the results of such performance test(s). The Control Officer may, at his option, conduct the required performance test(s).

(b) Performance tests shall be conducted and data reduced in accordance with the test methods and procedures contained in each applicable subpart unless; (1) the Control Officer specifies or approves, in specific cases, the use of a reference method with minor changes in methodology, (2) the Administrator approves the use of an equivalent method, (3) the Administrator approves the use of an alternative method the results of which he has determined to be adequate for indicating whether a specific source is in compliance, or (4) the Control Officer waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the Control Officer's satisfaction that the affected facility is in compliance with the standard.

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

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

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

- (1) Sampling ports adequate for test methods applicable to such facility.
- (2) Safe sampling platform(s).
- (3) Safe access to sampling platform(s).

(4) Utilities for sampling and testing equipment.

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

RULE 260.9. [Reserved]

RULE 260.10. [Reserved]

RULE 260.11. COMPLIANCE WITH STANDARDS AND MAINTENANCE REQUIREMENTS (Rev. Effective: 3/27/90)

(a) Compliance with standards in this regulation, other than opacity standards, shall be determined only by performance tests established by Rule 260.8, unless otherwise specified in the applicable standard.

(b) Compliance with opacity standards in this regulation shall be determined by conducting observations in accordance with Reference Method 9 in Appendix A of 40 CFR Part 60, any alternative method that is approved by the Administrator, or as provided in Subsection (e)(5) of this rule. For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours (30 6-minute averages) for the performance test or other set of observations (meaning those fugitive-type emission sources subject only to an opacity standard).

(c) **[Reserved]**

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

(e) (1) For the purpose of demonstrating initial compliance, opacity observations shall be conducted concurrently with the initial performance test required in Rule 260.8 unless one of the following conditions apply. If no performance test under Rule 260.8 is required, then opacity observations shall be conducted within 60 days after achieving the

maximum production rate at which the affected facility will be operated but no later than 180 days after initial startup of the facility. If visibility or other conditions prevent the opacity observations from being conducted concurrently with the initial performance test required under Rule 260.8, the source owner or operator shall reschedule the opacity observations as soon after the initial performance test as possible, but not later than 30 days thereafter, and shall advise the Control Officer of the rescheduled date. In these cases, the 30-day prior notification to the Control Officer required in Rule 260.7(a)(6) shall be waived. The rescheduled opacity observations shall be conducted (to the extent possible) under the same operating conditions that existed during the initial performance test conducted under Rule 260.8. The visible emissions observer shall determine whether visibility or other conditions prevent the opacity observations from being made concurrently with the initial performance test in accordance with procedures contained in Reference Method 9 Appendix B to 40 CFR Part 60. Opacity readings of portions of plumes which contain condensed, uncombined water vapor shall not be used for purposes of determining compliance with opacity standards. The owner or operator of an affected facility shall make available, upon request by the Control Officer, such records as may be necessary to determine the conditions under which the visual observations were made and shall provide evidence indicating proof of current visible observer emission certification. Except as provided in Subsection (e)(5) of this rule, the results of continuous monitoring by transmissometer which indicate that the opacity at the time visual observations were made was not in excess of the standard are probative but not conclusive evidence of the actual opacity of an emission, provided that the source shall meet the burden of proving that the instrument used meets (at the time of the alleged violation) Performance Specification 1 in Appendix B of 40 CFR Part 60, has been properly maintained and (at the time of the alleged violation) that the resulting data have not been tampered with in any way. (Rev. Effective 3/27/90)

(2) Except as provided in Subsection (e)(3) of this rule, the owner or operator of an affected facility to which an opacity standard in this regulation applies shall conduct opacity observations in accordance with Section (b) of this rule, shall record the opacity of emissions, and shall report to the Control Officer the opacity results along with the results of the initial performance test required under Rule 260.8. The inability of an owner or operator to secure a visible emissions observer shall not be considered a reason for not conducting the opacity observations concurrent with the initial performance test.

(3) The owner or operator of an affected facility to which an opacity standard in this regulation applies may request the Control Officer to determine and to record the opacity of emissions from the affected facility during the initial performance test and at such times as may be required. The owner or operator of the affected facility shall report the opacity results. Any request to the Control Officer to determine and to record the opacity of emissions from an affected facility shall be included in the notification required in Rule 260.7 (a)(6). If for some reason, the Control Officer cannot determine and record the opacity of emissions from the affected facility during the performance test, then the provisions of Subsection (e)(1) of this rule shall apply.

(4) An owner or operator of an affected facility using a continuous opacity monitor (transmissometer) shall record the monitoring data produced during the initial

performance test required by Rule 260.8 and shall furnish the Control Officer a written report of the monitoring results along with Method 9 and Rule 260.8 performance test results.

(5) An owner or operator of an affected facility subject to an opacity standard may submit, for compliance purposes, continuous opacity monitoring system (COMS) data results produced during any performance test required under Rule 260.8 in lieu of Method 9 observation data. If an owner or operator elects to submit COMS data for compliance with the opacity standard, he shall request approval from the Control Officer of that decision, in writing, at least 30 days before any performance test required under Rule 260.8 is conducted. Once the owner or operator of an affected facility has been granted approval by the Control Officer, the COMS data results will be used to determine opacity compliance during subsequent tests required under Rule 260.8 until the owner or operator notifies the Control Officer, in writing, to the contrary, or unless the Control Officer determines that Method 9 data shall be used instead of COMS data. For the purpose of determining compliance with the opacity standard during a performance test required under Rule 260.8 using COMS data, the minimum total time of COMS data collection shall be averages of all 6-minute continuous periods within the duration of the mass emission performance test. Results of the COMS opacity determinations shall be submitted along with the results of the performance test required under Rule 260.8. The owner or operator of an affected facility using a COMS for compliance purposes is responsible for demonstrating that the COMS meets the requirements specified in Rule 260.13(c) of this subpart, that the COMS has been properly maintained and operated, and that the resulting data have not been altered in any way. If COMS data results are submitted for compliance with the opacity standard for a period of time during which Method 9 data indicates noncompliance, the Method 9 data will be used to determine opacity compliance.

(6) Upon receipt from an owner or operator of the written reports of the results of the performance tests required by Rule 260.8, the opacity observation results and observer certification required by Rule 260.11(e)(1), and the COMS results, if applicable, the Control Officer will make a finding concerning compliance with opacity and other applicable standards. If COMS data results are used to comply with an opacity standard, only those results are required to be submitted along with the performance test results required by Rule 260.8. If the Control Officer finds that an affected facility is in compliance with all applicable standards for which performance tests are conducted in accordance with Rule 260.8 of this regulation but during the time such performance tests are being conducted fails to meet any applicable opacity standard, he shall notify the owner or operator and advise him that he may petition the Administrator within 10 days of receipt of notification to make appropriate adjustment to the opacity standard for the affected facility.

(7) The Administrator will grant such a petition upon a demonstration by the owner or operator that the affected facility and associated air pollution control equipment was operated and maintained in a manner to minimize the opacity of emissions during the performance tests; that the performance tests were performed under the conditions established by the Control Officer; and that the affected facility and associated air pollution

control equipment were incapable of being adjusted or operated to meet the applicable opacity standard.

(8) The Administrator will establish an opacity standard for the affected facility meeting the above requirements at a level at which the source will be able, as indicated by the performance and opacity tests, to meet the opacity standard at all times during which the source is meeting the mass or concentration emission standard. In no case shall the adjusted opacity standard be less stringent than the standards of Regulation IV, Rule 50.

RULE 260.12. [Reserved]

RULE 260.13. MONITORING REQUIREMENTS (Rev. Effective: 3/27/90)

(a) Unless otherwise approved by the Control Officer or specified in applicable subparts, the requirements of this rule shall apply to all continuous monitoring systems required under applicable subparts.

(b) All continuous monitoring systems and monitoring devices shall be installed and operational prior to conducting performance tests under Rule 260.8. Verification of operational status shall, as a minimum, consist of the following:

(1) For continuous monitoring systems referenced in Subsection (c)(1) of this rule, completion of the conditioning period specified by applicable requirements in Appendix B to 40 CFR Part 60.

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

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

(c) If the owner or operator of an affected facility elects to submit continuous opacity monitoring system (COMS) data for compliance with the opacity standard as provided under Rule 260.11(e)(5), he shall conduct a performance evaluation of the COMS as specified in Performance Specification 1, Appendix B of 40 CFR Part 60 before the performance test required under Rule 260.8 is conducted. Otherwise, the owner or operator of an affected facility shall conduct a performance evaluation of the COMS or continuous emission monitoring system (CEMS) during any performance test required under Rule 260.8 or within 30 days thereafter in accordance with the applicable performance specification in Appendix B of 40 CFR Part 60, the owner or operator of an affected facility shall conduct COMS or CEMS performance evaluations at such other times as may be required by the Control Officer under Section 114 of the Act.

(1) The owner or operator of an affected facility using a COMS to determine opacity compliance during any performance test required under Rule 260.8 and as described in Rule 260.11(e)(5) shall furnish the Control Officer two or, upon request, more copies of a written report of the results of the COMS performance evaluation described in Section (c) of this rule at least 10 days before the performance test required under Rule 260.8 is conducted.

(2) Except as provided in Subsection (c)(1) of this rule, the owner or operator of an affected facility shall furnish the Control Officer within 60 days of completion two or, upon request, more copies of a written report of the results of the performance evaluation.

(d) Owners or operators of all continuous monitoring systems installed in accordance with the provisions of this regulation shall check the zero and span drift at least once daily in accordance with the method prescribed by the manufacturer of such systems unless the manufacturer recommends adjustments at shorter intervals, in which case such recommendations shall be followed. The zero and span shall, as a minimum, be adjusted whenever the 24-hour zero drift or 24-hour calibration drift limits of the applicable performance specifications in Appendix B to 40 CFR Part 60 are exceeded. For continuous monitoring systems measuring opacity of emissions, the optical surfaces exposed to the effluent gases shall be cleaned prior to performing the zero or span drift adjustments except that for systems using automatic zero adjustments, the optical surfaces shall be cleaned when the cumulative automatic zero compensation exceeds four percent opacity. Unless otherwise approved by the Control Officer, the following procedures, as applicable, shall be followed:

(1) For extractive continuous monitoring systems measuring gases, minimum procedures shall include introducing applicable zero and span gas mixtures into the measurement system as near the probe as is practical. Span and zero gases certified by their manufacturer to be traceable to National Bureau of Standards reference gases shall be used whenever these reference gases are available. The span and zero gas mixtures shall be the same composition as specified in Appendix B to 40 CFR Part 60. Every six months from date of manufacture, span and zero gases shall be reanalyzed by conducting triplicate analyses with Reference Methods 6 for SO₂, 7 for NO_x, and 3 for O₂ and CO₂, respectively. The gases may be analyzed at less frequent intervals if longer shelf lives are guaranteed by the manufacturer.

(2) For non-extractive continuous monitoring systems measuring gases, minimum procedures shall include upscale check(s) using a certified calibration gas cell or test cell which is functionally equivalent to a known gas concentration. The zero check may be performed by computing the zero value from upscale measurements or by mechanically producing a zero condition.

(3) For continuous monitoring systems measuring opacity of emissions, minimum procedures shall include a method for producing a simulated zero opacity condition and an upscale (span) opacity condition using a certified neutral density filter or other related technique to produce a known obscuration of the light beam. Such procedures shall provide a system check of the analyzer internal optical surfaces and all electronic circuitry including the lamp and photodetector assembly.

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

(1) All continuous monitoring systems referenced by Subsections (c)(1) and (2) of this rule for measuring opacity of emissions shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 10-second period.

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

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

(f) All continuous monitoring systems or monitoring devices shall be installed such that representative measurements of emissions or process parameters from the affected facility are obtained. Additional procedures for location of continuous monitoring systems contained in the applicable Performance Specifications of Appendix B to 40 CFR Part 60 shall be used.

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

(h) Owners or operators of all continuous monitoring systems for measurement of opacity shall reduce all data to six-minute averages and for systems other than opacity to one-hour averages for time periods under Rule 260.2(x) and (r) respectively. Six-minute opacity averages shall be calculated from 24 or more data points equally spaced over each six-minute period. For systems other than opacity, one-hour averages shall be computed from four or more data points equally spaced over each one-hour period. Data recorded during periods of system breakdowns, repairs, calibration checks, and zero and span adjustments shall not be included in the data averages computed under this section. An arithmetic or integrated average of all data may be used. The data output of all continuous monitoring systems may be recorded in reduced or nonreduced form (e.g., ppm pollutant and percent O₂ or lb/million Btu of pollutant). All excess emissions shall be converted into units of the standard using the applicable conversion procedures specified in subparts. After conversion into units of the standard, the data may be rounded to the same number of significant digits used in subparts to specify the applicable standard (e.g., rounded to the nearest one percent opacity).

(i) Upon written application by an owner or operator, the Administrator may approve alternatives to any monitoring procedures or requirements of this regulation including, but not limited to the following: (Rev. Effect. 1/13/87)

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

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

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

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

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

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

(7) Alternatives to the ASTM test methods or sampling procedures specified by any subpart.

(8) Alternative continuous monitoring systems that do not meet the design or performance requirements in Performance Specification 1, Appendix B to 40 CFR Part 60, but adequately demonstrate a definite and consistent relationship between its measurements and the measurements of opacity by a system complying with the requirements in Performance Specification 1. The Control Officer may require that such demonstration be performed for each affected facility.

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

(j) An alternative to the Relative Accuracy (RA) test specified in Performance Specification 2 of Appendix B of 40 CFR Part 60 may be requested as follows: (Rev. Effect. 3/27/90)

(1) An alternative to the reference method tests for determining relative accuracy is available for sources with emission rates demonstrated to be less than 50 percent of the applicable standard. A source owner or operator may petition the Administrator to waive

the relative accuracy test in Section 7 of Performance Specification 2 and substitute the procedures in Section 10 if the results of a performance test conducted according to the requirements in Rule 260.8 of this Regulation or other tests performed following the criteria in Rule 260.8 demonstrate that the emission rate of the pollutant of interest in the units of the applicable standard is less than 50 percent of the applicable standard. For sources subject to standards expressed as control efficiency levels, as source owner or operator may petition the Administrator to waive the relative accuracy test and substitute the procedures in Section 10 of Performance Specification 2 if the control device exhaust emission rate is less than 50 percent of the level needed to meet the control efficiency requirement. The alternative procedures do not apply if the continuous emission monitoring system is used to determine compliance continuously with the applicable standard. The petition to waive the relative accuracy test shall include a detailed description of the procedures to be applied. Included shall be location and procedure for conducting the alternative, the concentration or response levels of the alternative RA materials, and the other equipment checks included in the alternative procedure. The Administrator will review the petition for completeness and applicability. The determination to grant a waiver will depend on the intended use of the CEMS data (e.g., data collection purposes other than NSPS) and may require specifications more stringent than in Performance Specification 2 (e.g., the applicable emission limit is more stringent than NSPS).

(2) The waiver of a CEMS relative accuracy test will be reviewed and may be rescinded at such time following successful completion of the alternative RA procedure that the CEMS data indicate the source emissions approaching the level of the applicable standard. The criterion for reviewing the waiver is the collection of CEMS data showing that emissions have exceeded 70 percent of the applicable standard for seven consecutive, averaging periods as specified by the applicable rule(s). For sources subject to standards expressed as control efficiency levels, the criterion for reviewing the waiver is the collection of CEMS data showing that exhaust emissions have exceeded 70 percent of the level needed to meet the control efficiency requirement for seven, consecutive, averaging periods as specified by the applicable rule(s), (e.g., Part 60, Chapter I, Title 40, Code of Federal Regulations, Sections 60.45(g)(2) and (3), 60.73(e) and 60.84(e)). It is the responsibility of the source operator to maintain records and determine the level of emissions relative to the criterion on the waiver of relative accuracy testing. If this criterion is exceeded, the owner or operator must notify the Control Officer and the Administrator within 10 days of such occurrence and include a description of the nature and cause of the increasing emissions. The Administrator and/or the Control Officer will review the notification and either may rescind the waiver and require the owner or operator to conduct a relative accuracy test of the CEMS as specified in Section 7 of Performance Specification 2.

RULE 260.14. MODIFICATION (Rev. Effective 8-7-80)

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

facility for each pollutant to which a standard applies and for which there is an increase in the emission rate to the atmosphere.

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

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

(2) Material balances, continuous monitor data, or manual emission tests in cases where utilization of emission factors as referenced in Subsection (b)(1) of this rule does not demonstrate to the Control Officer's satisfaction whether the emission level resulting from the physical or operational change will either clearly increase or clearly not increase, or where an owner or operator demonstrates to the Control Officer's satisfaction that there are reasonable grounds to dispute the result obtained by the Control Officer utilizing emission factors as referenced in Subsection (b)(1) of this rule. When the emission rate is based on results from manual emission tests or continuous monitoring systems, the procedures specified in Appendix C to 40 CFR Part 60 shall be used to determine whether an increase in emission rate has occurred. Tests shall be conducted under such conditions as the Control Officer shall specify to the owner or operator based on representative performance of the facility. At least three valid test runs must be conducted before and at least three after the physical or operational change. All operating parameters which may affect emissions must be held constant to the maximum feasible degree for all test runs.

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

(d) **[Reserved]**

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

(1) Maintenance, repair, and replacement which the Control Officer determines to be routine for a source category, subject to the provisions of Section (c) of this rule and Rule 260.15.

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

(3) An increase in the hours of operation.

(4) Use of an alternative fuel or raw material if, prior to the date any standard under this regulation becomes applicable to that source type, as provided by Rule 260.1,

the existing facility was designed to accommodate that alternative use. A facility shall be considered to be designed to accommodate an alternative fuel or raw material if that use could be accomplished under the facility's construction specifications, as amended, prior to the change. For the purposes of Regulation X, conversion to coal required for energy consideration, as specified in Section 111 (a)(8) of the Act, shall not be considered a modification.

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

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

(f) Special provisions set forth under an applicable subpart of this regulation shall supersede any conflicting provisions of this rule.

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

RULE 260.15. RECONSTRUCTION

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

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

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

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

(c) **"Fixed Capital Cost"** means the capital needed to provide all the depreciable components.

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

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

- (2) The location of the existing facility.
 - (3) A brief description of the existing facility and the components which are to be replaced.
 - (4) A description of the existing air pollution control equipment and the proposed air pollution control equipment.
 - (5) An estimate of the fixed capital cost of the replacements and of constructing a comparable entirely new facility.
 - (6) The estimated life of the existing facility after the replacements.
 - (7) A discussion of any economic or technical limitations the facility may have in complying with the applicable standards of performance after the proposed replacements.
- (e) The Control Officer will determine, within 30 days of the receipt of the notice required by Section (d) of this rule and any additional information he may reasonably require, whether the proposed replacement constitutes reconstruction.
- (f) The Control Officer's determination under Section (e) shall be based on:
- (1) The fixed capital cost of the replacements in comparison to the fixed capital cost that would be required to construct a comparable entirely new facility.
 - (2) The estimated life of the facility after the replacements compared to the life of a comparable entirely new facility.
 - (3) The extent to which the components being replaced cause or contribute to the emissions from the facility; and
 - (4) Any economic or technical limitations on compliance with applicable standards of performance which are inherent in the proposed replacements.
- (g) Individual subparts of this regulation may include specific provisions which refine and delimit the concept of reconstruction set forth in this rule.