§ 61.12 Compliance with standards and maintenance requirements.

(a) Compliance with numerical emission limits shall be determined in accordance with emission tests established in §61.13 or as otherwise specified in an individual subpart.

(b) Compliance with design, equipment, work practice or operational standards shall be determined as specified in an individual subpart.

(c) The owner or operator of each stationary source shall maintain and operate the source, including associated equipment for air pollution control, in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operating and maintenance procedures, and inspection of the source.

(d)(1) If, in the Administrator’s judgment, an alternative means of emission limitation will achieve a reduction in emissions of a pollutant from a source at least equivalent to the reduction in emissions of that pollutant from that source achieved under any design, equipment, work practice or operational standard, the Administrator will publish in the FEDERAL REGISTER a notice permitting the use of the alternative means for purposes of compliance with the standard. The notice will restrict the permission to the source(s) or category(ies) of sources on which the alternative means will achieve equivalent emission reductions. The notice may condition permission on requirements related to the operation and maintenance of the alternative means.

(2) Any notice under paragraph (d)(1) shall be published only after notice and an opportunity for a hearing.

(3) Any person seeking permission under this subsection shall, unless otherwise specified in the applicable subpart, submit a proposed test plan or the results of testing and monitoring, a description of the procedures followed in testing or monitoring, and a description of pertinent conditions during testing or monitoring.

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

§ 61.13 Emission tests and waiver of emission tests.

(a) Except as provided in paragraphs (a)(3), (a)(4), (a)(5), and (a)(6) of this section, if required to do emission testing by an applicable subpart and unless a waiver of emission testing is obtained under this section, the owner or operator shall test emissions from the source:

(1) Within 90 days after the effective date, for an existing source or a new source which has an initial startup date before the effective date.

(2) Within 90 days after initial startup, for a new source which has an initial startup date after the effective date.

(3) If a force majeure is about to occur, occurs, or has occurred for which the affected owner or operator intends to assert a claim of force majeure, the owner or operator shall notify the Administrator, in writing as soon as practicable following the date the owner or operator first knew, or through due diligence should have known that the event may cause or caused a delay in testing beyond the regulatory deadline specified in paragraphs (a)(1) or (a)(2) of this section or beyond a deadline established pursuant to the requirements under paragraph (b) of this section, but the notification must occur before the performance test deadline unless the initial force majeure or a subsequent force majeure event delays the notice, and in such cases, the notification shall occur as soon as practicable.

(4) The owner or operator shall provide to the Administrator a written description of the force majeure event and a rationale for attributing the
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delay in testing beyond the regulatory
deadline to the force majeure; describe
the measures taken or to be taken to
minimize the delay; and identify a date
by which the owner or operator pro-
duces to conduct the performance test.
The performance test shall be con-
ducted as soon as practicable after the
force majeure occurs.
(5) The decision as to whether or not
to grant an extension to the perform-
ance test deadline is solely within the
discretion of the Administrator. The
Administrator will notify the owner or
operator in writing of approval or dis-
approval of the request for an exten-
sion as soon as practicable.
(6) Until an extension of the perform-
ance test deadline has been approved
by the Administrator under paragraphs
(a)(3), (a)(4), and (a)(5) of this section,
the owner or operator of the affected
facility remains strictly subject to the
requirements of this part.
(b) The Administrator may require
an owner or operator to test emissions
from the source at any other time
when the action is authorized by sec-
tion 114 of the Act.
(c) The owner or operator shall notify
the Administrator of the emission test
at least 30 days before the emission
test to allow the Administrator the op-
portunity to have an observer present
during the test.
(d) If required to do emission testing,
the owner or operator of each new
source and, at the request of the Ad-
ministrator, the owner or operator of
each existing source shall provide
emission testing facilities as follows:
(1) Sampling ports adequate for test
methods applicable to each source.
(2) Safe sampling platform(s).
(3) Safe access to sampling plat-
form(s).
(4) Utilities for sampling and testing
equipment.
(5) Any other facilities that the Ad-
ministrator needs to safely and prop-
erly test a source.
(e) Each emission test shall be con-
ducted under such conditions as the
Administrator shall specify based on
design and operational characteristics
of the source.
(f) Unless otherwise specified in an
applicable subpart, samples shall be
analyzed and emissions determined
within 30 days after each emission test
has been completed. The owner or oper-
ator shall report the determinations of
the emission test to the Administrator
by a registered letter sent before the
close of business on the 31st day fol-
lowing the completion of the emission
test.
(g) The owner or operator shall re-
tain at the source and make available,
upon request, for inspection by the Ad-
ministrator, for a minimum of 2 years,
records of emission test results and
other data needed to determine emis-
sions.
(b)(1) Emission tests shall be con-
ducted as set forth in this section, the
applicable subpart and appendix B un-
less the Administrator—
(1) Specifies or approves the use of a
reference method with minor changes
in methodology; or
(2) Approves the use of an alter-
native method; or
(3) Waives the requirement for emis-
sion testing because the owner or oper-
ator of a source has demonstrated by
other means to the Administrator’s
satisfaction that the source is in com-
pliance with the standard.
(2) If the Administrator finds reason-
able grounds to dispute the results ob-
tained by an alternative method, he
may require the use of a reference
method. If the results of the reference
and alternative methods do not agree,
the results obtained by the reference
method prevail.
(3) The owner or operator may re-
quest approval for the use of an alter-
native method at any time, except—
(1) For an existing source or a new
source that had an initial startup be-
fore the effective date, any request for
use of an alternative method during
the initial emission test shall be sub-
mitted to the Administrator within 30
days after the effective date, or with
the request for a waiver of compliance
if one is submitted under §60.10(b); or
(2) For a new source that has an ini-
tial startup after the effective date,
any request for use of an alternative
method during the initial emission test
shall be submitted to the Adminis-
trator no later than with the notifica-
tion of anticipated startup required
under §60.09.
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§ 61.14 Monitoring requirements.

(a) Unless otherwise specified, this section applies to each monitoring system required under each subpart which requires monitoring.

(b) Each owner or operator shall maintain and operate each monitoring system as specified in the applicable subpart and in a manner consistent with good air pollution control practice for minimizing emissions. Any unavoidable breakdown or malfunction of the monitoring system should be repaired or adjusted as soon as practicable after its occurrence. The Administrator’s determination of whether acceptable operating and maintenance procedures are being used will be based on information which may include, but not be limited to, review of operating and maintenance procedures, manufacturer recommendations and specifications, and inspection of the monitoring system.

(c) When required by the applicable subpart, and at any other time the Administrator may require, the owner or operator of a source being monitored shall conduct a performance evaluation of the monitoring system and furnish the Administrator with a copy of a written report of the results within 60 days of the evaluation. Such a performance evaluation shall be conducted according to the applicable specifications and procedures described in the applicable subpart. The owner or operator of the source shall furnish the Administrator with written notification of the date of the performance evaluation at least 30 days before the evaluation is to begin.

(d) When the effluents from a single source, or from two or more sources subject to the same emission standards, are combined before being released to the atmosphere, the owner or operator shall install a monitoring system on each effluent or on the combined effluent. If two or more sources are not subject to the same emission standards, the owner or operator shall install a separate monitoring system on each effluent, unless otherwise specified. If the applicable standard is a mass emission standard and the effluent from one source is released to the atmosphere through more than one point, the owner or operator shall install a monitoring system at each emission point unless the installation of fewer systems is approved by the Administrator.

(e) The owner or operator of each monitoring system shall reduce the monitoring data as specified in each applicable subpart. Monitoring data recorded during periods of unavoidable monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments shall not be included in any data average.

(f) The owner or operator shall maintain records of monitoring data, monitoring system calibration checks, and the occurrence and duration of any period during which the monitoring system is malfunctioning or inoperative. These records shall be maintained at the source for a minimum of 2 years and made available, upon request, for inspection by the Administrator.

(g)(1) Monitoring shall be conducted as set forth in this section and the applicable subpart unless the Administrator—

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