

## §§ 52.1231–52.1232

## 40 CFR Ch. I (7–1–14 Edition)

### §§ 52.1231–52.1232 [Reserved]

#### § 52.1233 Operating permits.

(a) Emission limitations and related provisions which are established in Minnesota permits as federally enforceable conditions in accordance with Chapter 7007 rules shall be enforceable by USEPA. USEPA reserves the right to deem permit conditions not federally enforceable. Such a determination will be made according to appropriate procedures, and be based upon the permit, permit approval procedures or permit requirements which do not conform with the permit program requirements or the requirements of USEPA's underlying regulations.

(b) For any permitting program located in the State, insofar as the permitting threshold provisions in Chapter 7007 rules concern the treatment of sources of greenhouse gas emissions as major sources for purposes of title V operating permits, EPA approves such provisions only to the extent they require permits for such sources where the source emits or has the potential to emit at least 100,000 tpy CO<sub>2</sub> equivalent emissions, as well as 100 tpy on a mass basis, as of July 1, 2011.

[60 FR 21451, May 2, 1995, as amended at 75 FR 82266, Dec. 30, 2010]

#### § 52.1234 Significant deterioration of air quality.

(a) The requirements of sections 160 through 165 of the Clean Air Act are not met, since the plan does not include approvable procedures for preventing the significant deterioration of air quality.

(b) Regulations for preventing significant deterioration of air quality. The provisions of § 52.21 except paragraph (a)(1) are hereby incorporated and made a part of the applicable State plan for the State of Minnesota.

(c) All applications and other information required pursuant to § 52.21 of this part from sources located in the State of Minnesota shall be submitted to the state agency, Minnesota Pollution Control Agency, Division of Air Quality, 520 Lafayette Road North, St.

Paul, Minnesota 55155, rather than to EPA's Region 5 office.

[45 FR 52741, Aug. 7, 1980, as amended at 53 FR 18985, May 26, 1988; 68 FR 11323, Mar. 10, 2003; 68 FR 74489, Dec. 24, 2003; 75 FR 55276, Sept. 10, 2010]

#### § 52.1235 Regional haze.

(a) [Reserved]

(b)(1) *NO<sub>x</sub> emission limits.* (i) United States Steel Corporation, Keetac: An emission limit of 1.5 lbs NO<sub>x</sub>/MMBtu, based on a 30-day rolling average, shall apply to the Grate Kiln pelletizing furnace (EU030), beginning 3 years from March 8, 2013. However, for any 30, or more, consecutive days when only natural gas is used a limit of 1.2 lbs NO<sub>x</sub>/MMBtu, based on a 30-day rolling average, shall apply.

(ii) Hibbing Taconite Company: An emission limit of 1.5 lbs NO<sub>x</sub>/MMBtu, based on a 30-day rolling average, shall apply to the Line 1 pelletizing furnace (EU020) beginning 26 months from March 8, 2013. An emission limit of 1.5 lbs NO<sub>x</sub>/MMBtu, based on a 30-day rolling average, shall apply to the Line 2 pelletizing furnace (EU021) beginning 38 months from March 8, 2013. An emission limit of 1.5 lbs NO<sub>x</sub>/MMBtu, based on a 30-day rolling average, shall apply to the Line 3 pelletizing furnace (EU022) beginning 50 months from March 8, 2013. However, for any 30, or more, consecutive days when only natural gas is used at any Hibbing Taconite pelletizing furnace, a limit of 1.2 lbs NO<sub>x</sub>/MMBtu, based on a 30-day rolling average, shall apply to that furnace.

(iii) United States Steel Corporation, Minntac: An emission limit of 1.5 lbs NO<sub>x</sub>/MMBtu, based on a 30-day rolling average, shall apply to each of the five indurating furnaces (EU225, EU261, EU282, EU315, and EU334). The owner or operator shall comply with this NO<sub>x</sub> emission limit beginning 12 months from March 8, 2013 for the Line 6 indurating furnace (EU315); 24 months from March 8, 2013 for the Line 7 indurating furnace (EU334); 36 months from March 8, 2013 for the Line 4 or Line 5 indurating furnace (EU261) or (EU282); 48 months from March 8, 2013 for the Line 5 or Line 4 indurating furnace (EU282) or (EU261); and 59 months from March 8, 2013 for the Line 3

indurating furnace (EU225). However, for any 30 or more consecutive days when only natural gas is used at any of Minntac's indurating furnaces, a limit of 1.2 lbs NO<sub>x</sub>/MMBtu, based on a 30-day rolling average, shall apply to that furnace.

(iv) United Taconite: An emission limit of 1.5 lbs NO<sub>x</sub>/MMBtu, based on a 30-day rolling average, shall apply to the Line 1 pellet furnace (EU040) beginning 38 months from March 8, 2013. An emission limit of 1.5 lbs NO<sub>x</sub>/MMBtu, based on a 30-day rolling average, shall apply to the Line 2 pellet furnace (EU042) beginning 26 months from March 8, 2013. However, for any 30, or more, consecutive days when only natural gas is used at either of United Taconite's Line 1 or Line 2 pellet furnaces, a limit of 1.2 lbs NO<sub>x</sub>/MMBtu, based on a 30-day rolling average, shall apply to that furnace.

(v) ArcelorMittal Minorca Mine: An emission limit of 1.5 lbs NO<sub>x</sub>/MMBtu, based on a 30-day rolling average, shall apply to the indurating furnace (EU026) beginning 26 months from March 8, 2013. However, for any 30, or more, consecutive days when only natural gas is used, a limit of 1.2 lbs NO<sub>x</sub>/MMBtu, based on a 30-day rolling average, shall apply.

(vi) Northshore Mining Company-Silver Bay: An emission limit of 1.5 lbs NO<sub>x</sub>/MMBtu, based on a 30-day rolling average, shall apply to Furnace 11 (EU100/EU104) beginning 26 months from March 8, 2013. An emission limit of 1.5 lbs NO<sub>x</sub>/MMBtu, based on a 30-day rolling average, shall apply to Furnace 12 (EU110/114) beginning 38 months from March 8, 2013. However, for any 30, or more, consecutive days when only natural gas is used at either Northshore Mining Furnace 11 or Furnace 12, a limit of 1.2 lbs NO<sub>x</sub>/MMBtu, based on a 30-day rolling average, shall apply. An emission limit of 0.085 lbs/MMBtu, based on a 30-day rolling average, shall apply to Process Boiler #1 (EU003) and Process Boiler #2 (EU004) beginning 5 years from March 8, 2013. The 0.085 lbs/MMBtu emission limit for each process boiler applies at all times a unit is operating, including periods of start-up, shut-down and malfunction.

(2) *SO<sub>2</sub> emission limits.* (i) United States Steel Corporation, Keetac: An

emission limit of 225 lbs SO<sub>2</sub>/hr, based on a 30-day rolling average, shall apply to the Grate Kiln pelletizing furnace (EU030). Any coal burned at Keetac shall have a sulfur content of 0.60 percent sulfur by weight or less based on a monthly block average. The sampling and calculation methodology for determining the sulfur content of fuel must be described in the monitoring plan required at paragraph (e)(8)(x) of this section. Compliance with these requirements for EU030 is required beginning 3 months from March 8, 2013.

(ii) Hibbing Taconite Company: An aggregate emission limit of 247.8 lbs SO<sub>2</sub>/hr shall apply to the three affected lines, EU020, EU021, and EU022. The SO<sub>2</sub> emission limits for these three pelletizing furnaces are based on a 30-day rolling average. Emissions resulting from the combustion of fuel oil are not included in the calculation of the 30-day rolling average. However, if any fuel oil is burned after the first day that SO<sub>2</sub> CEMS are required to be operational, then the information specified in (b)(2)(vii) must be submitted, for each calendar year, to the Regional Administrator no later than 30 days after the end of each calendar year so that a limit can be set. Compliance with the emission limits is required beginning 6 months from March 8, 2013. Within 20 months of March 8, 2013, the owner or operator may calculate a revised SO<sub>2</sub> limit based on one year of hourly CEMS emissions data reported in lbs SO<sub>2</sub>/hr and submit such limit, calculations and CEMS data to EPA. This limit shall be set in terms of lbs SO<sub>2</sub>/hr, based on the following equations, with compliance to be determined on a 30-day rolling average.

$$m=(n+1)*\alpha$$

$m$  = the rank of the ordered data point, when data is sorted smallest to largest

$n$  = number of data points

$\alpha$  = 0.95, to reflect the 95<sup>th</sup> percentile

If  $m$  is a whole number, then the limit,  $UPL$ , shall be computed as:

$$UPL = X_m,$$

Where:

$X_m$  = value of the  $m^{\text{th}}$  data point in terms of lbs SO<sub>2</sub>/hr, when the data is sorted smallest to largest.

If  $m$  is not a whole number, the limit shall be computed by linear interpola-

tion according to the following equation.

$$UPL = x_m = x_{m_i.m_d} = x_{m_i} + m_d (x_{m_i+1} - x_{m_i})$$

Where:

$m_i$  = the integer portion of  $m$ , i.e.,  $m$  truncated at zero decimal places, and  
 $m_d$  = the decimal portion of  $m$

(iii) United States Steel Corporation, Minntac: An aggregate emission limit for indurating furnace Lines 3–7 (EU225, EU261, EU282, EU315, and EU334) of 498 lbs SO<sub>2</sub>/hr shall apply when all lines are producing flux pellets. An aggregate emission limit of 630

lbs SO<sub>2</sub>/hr shall apply to Lines 3–7 when Line 3–5 are producing acid pellets and Lines 6 and 7 are producing flux pellets. An aggregate emission limit of 800 lbs SO<sub>2</sub>/hr shall apply to Lines 3–7 when all lines are producing acid pellets. The SO<sub>2</sub> emission limits are based on a 30-day rolling average and apply beginning 3 months from March 8, 2013. The emission limit for a given 30-day rolling average period is calculated using a weighted average as follows:

$$L_{30} = \frac{498n_f + 630n_{af} + 800n_a}{30}$$

Where:

$L_{30}$  = the limit for a given 30 day averaging period

$n_f$  = the number of days in the 30 day period that the facility is producing flux pellets on lines 3–7

$n_{af}$  = the number of days in the 30 day period that the facility is producing acid pellets on lines 3–5 and flux pellets on lines 6 and 7

$n_a$  = the number of days in the 30 day period that the facility is producing acid pellets on lines 3–7

Also, beginning 3 months from March 8, 2013, any coal burned at Minntac's Lines 3–7 shall have a sulfur content of 0.60 percent sulfur by weight or less based on a monthly block average. The sampling and calculation methodology for determining the sulfur content of fuel must be described in the monitoring plan required at paragraph (e)(8)(x) of this section.

(iv) United Taconite: An aggregate emission limit of 529.0 lbs SO<sub>2</sub>/hr, based on a 30-day rolling average, shall apply to the Line 1 pellet furnace (EU040) and Line 2 pellet furnace (EU042) beginning 54 months from March 8, 2013. Also, beginning 54 months from March 8, 2013, any coal burned in the Line 1 or Line 2 pellet furnace shall have a sulfur con-

tent of 0.60 percent sulfur by weight or less based on a monthly block average. The sampling and calculation methodology for determining the sulfur content of fuel must be described in the monitoring plan required at paragraph (e)(8)(x) of this section.

(v) ArcelorMittal Minorca Mine: An emission limit of 38.16 lbs SO<sub>2</sub>/hr, based on a 30-day rolling average, shall apply to the indurating furnace (EU026) beginning 6 months from March 8, 2013. This limit shall not apply when the unit is combusting fuel oil. However, if any fuel oil is burned after the first day that SO<sub>2</sub> CEMS are required to be operational, then the information specified in paragraph (b)(2)(vii) of this section must be submitted, for each calendar year, to the Regional Administrator no later than 30 days after the end of each calendar year so that a limit can be set. Within 20 months of March 8, 2013, the owner or operator may calculate a revised SO<sub>2</sub> limit based on one year of hourly CEMS emissions data reported in lbs SO<sub>2</sub>/hr and submit such limit, calculations, and CEMS data to EPA. This limit shall be set in terms of lbs SO<sub>2</sub>/hr, based on the following equations, with

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compliance to be determined on a 30-day rolling average.

$$m = (n + 1) * \alpha$$

$m$  = the rank of the ordered data point, when data is sorted smallest to largest

$n$  = number of data points

$\alpha = 0.95$ , to reflect the 95<sup>th</sup> percentile

If  $m$  is a whole number, then the limit,  $UPL$ , shall be computed as:

$$UPL = X_m,$$

Where:

$x_m$  = value of the  $m^{\text{th}}$  data point in terms of lbs SO<sub>2</sub>/hr, when the data is sorted smallest to largest

If  $m$  is not a whole number, the limit shall be computed by linear interpolation according to the following equation.

$$UPL = x_m = x_{m_i.m_d} = x_{m_i} + m_d (x_{m_i+1} - x_{m_i})$$

Where:

$m_i$  = the integer portion of  $m$ , i.e.,  $m$  truncated at zero decimal places, and

$m_d$  = the decimal portion of  $m$

(vi) Northshore Mining Company—Silver Bay: An aggregate emission limit of 39.0 lbs SO<sub>2</sub>/hr, based on a 30-day rolling average, shall apply to Furnace 11 (EU100/EU104) and Furnace 12 (EU110/EU114). Compliance with this limit is required within 6 months. Emissions resulting from the combustion of fuel oil are not included in the calculation of the 30-day rolling average. However, if any fuel oil is burned after the first day that SO<sub>2</sub> CEMS are required to be operational, then the information specified in paragraph (b)(2)(vii) of this section must be submitted, for each calendar year, to the Regional Administrator no later than 30 days after the end of each calendar year so that a limit can be set. Within 20 months of March 8, 2013, the owner or operator must calculate a revised

SO<sub>2</sub> limit based on one year of hourly CEMS emissions data reported in lbs SO<sub>2</sub>/hr and submit such limit, calculations and CEMS data to EPA. This limit shall be set in terms of lbs SO<sub>2</sub>/hr, based on the following equations, with compliance to be determined on a 30-day rolling average.

$$m = (n + 1) * \alpha$$

$m$  = the rank of the ordered data point, when data is sorted smallest to largest

$n$  = number of data points

$\alpha = 0.95$ , to reflect the 95<sup>th</sup> percentile

If  $m$  is a whole number, then the limit,  $UPL$ , shall be computed as:

$$UPL = X_m,$$

Where:

$x_m$  = value of the  $m^{\text{th}}$  data point in terms of lbs SO<sub>2</sub>/hr, when the data is sorted smallest to largest

If  $m$  is not a whole number, the limit shall be computed by linear interpolation according to the following equation.

$$UPL = x_m = x_{m_i.m_d} = x_{m_i} + m_d (x_{m_i+1} - x_{m_i})$$

Where:

$m_i$  = the integer portion of  $m$ , i.e.,  $m$  truncated at zero decimal places, and

$m_d$  = the decimal portion of  $m$

(vii) Starting with the first day that SO<sub>2</sub> CEMS are required to be operational, for the facilities listed in paragraphs (b)(2)(i)–(b)(2)(vi) of this section, records shall be kept for any day during which fuel oil is burned (either alone or blended with other fuels) in

one or more of a facility's indurating furnaces. These records must include, at a minimum, the gallons of fuel oil burned per hour, the sulfur content of the fuel oil, and the SO<sub>2</sub> emissions in pounds per hour. If any fuel oil is burned after the first day that SO<sub>2</sub> CEMS are required to be operational, then the records must be submitted, for each calendar year, to the Regional Administrator no later than 30 days after the end of each calendar year.

(c) *Testing and monitoring.* (1) The owner or operator of the respective facility shall install, certify, calibrate, maintain and operate Continuous Emissions Monitoring Systems (CEMS) for NO<sub>x</sub> on United States Steel Corporation, Keetac unit EU030; Hibbing Taconite Company units EU020, EU021, and EU022; United States Steel Corporation, Minntac units EU225, EU261, EU282, EU315, and EU334; United Taconite units EU040 and EU042; ArcelorMittal Minorca Mine unit EU026; and Northshore Mining Company—Silver Bay units Furnace 11 (EU100/EU104) and Furnace 12 (EU110/EU114). Compliance with the emission limits for NO<sub>x</sub> shall be determined using data from the CEMS.

(2) The owner or operator shall install, certify, calibrate, maintain and operate CEMS for SO<sub>2</sub> on United States Steel Corporation, Keetac unit EU030; Hibbing Taconite Company units EU020, EU021, and EU022; United States Steel Corporation, Minntac units EU225, EU261, EU282, EU315, and EU334; United Taconite units EU040 and EU042; ArcelorMittal Minorca Mine unit EU026; and Northshore Mining Company—Silver Bay units Furnace 11 (EU100/EU104) and Furnace 12 (EU110/EU114).

(3) The owner or operator shall install, certify, calibrate, maintain and operate one or more continuous diluent monitor(s) (O<sub>2</sub> or CO<sub>2</sub>) and continuous flow rate monitor(s) on the BART affected units to allow conversion of the NO<sub>x</sub> and SO<sub>2</sub> concentrations to units of the standard (lbs/MMBtu and lbs/hr, respectively) unless a demonstration is made that a diluent monitor and continuous flow rate monitor are not needed for the owner or operator to demonstrate compliance with applicable emission limits in units of the standards.

(4) For purposes of this section, all CEMS required by this section must meet the requirements of paragraphs (c)(4)(i)–(xiv) of this section.

(i) All CEMS must be installed, certified, calibrated, maintained, and operated in accordance with 40 CFR Part 60, Appendix B, Performance Specification 2 (PS-2) and Appendix F, Procedure 1.

(ii) All CEMS associated with monitoring NO<sub>x</sub> (including the NO<sub>x</sub> monitor and necessary diluent and flow rate monitors) must be installed and operational no later than the unit specific compliance dates for the emission limits identified at paragraphs (b)(1)(i)–(vi) of this section. All CEMS associated with monitoring SO<sub>2</sub> (except the CEMS associated with monitoring SO<sub>2</sub> at United Taconite Line 1 and Line 2 pellet furnaces) must be installed and operational no later than six months after March 8, 2013. All CEMS associated with monitoring SO<sub>2</sub> at United Taconite Line 1 and Line 2 pellet furnaces must be installed and operational no later than 54 months from March 8, 2013. Verification of the CEMS operational status shall, as a minimum, include completion of the manufacturer's written requirements or recommendations for installation, operation, and calibration of the devices.

(iii) The owner or operator must conduct a performance evaluation of each CEMS in accordance with 40 CFR Part 60, Appendix B, PS-2. The performance evaluations must be completed no later than 60 days after the respective CEMS installation.

(iv) The owner or operator of each CEMS must conduct periodic Quality Assurance, Quality Control (QA/QC) checks of each CEMS in accordance with 40 CFR Part 60, Appendix F, Procedure 1. The first CEMS accuracy test will be a relative accuracy test audit (RATA) and must be completed no later than 60 days after the respective CEMS installation.

(v) The owner or operator of each CEMS must furnish the Regional Administrator two, or upon request, more copies of a written report of the results of each performance evaluation and QA/QC check within 60 days of completion.

(vi) The owner or operator of each CEMS must check, record, and quantify the zero and span calibration drifts at least once daily (every 24 hours) in accordance with 40 CFR Part 60, Appendix F, Procedure 1, Section 4.

(vii) Except for CEMS breakdowns, repairs, calibration checks, and zero and span adjustments, all CEMS required by this section shall be in continuous operation during all periods of

BART affected process unit operation, including periods of process unit start-up, shutdown, and malfunction.

(viii) All CEMS required by this section must meet the minimum data requirements at paragraphs (c)(4)(viii)(A)–(C) of this section.

(A) Complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute quadrant of an hour.

(B) Sample, analyze and record emissions data for all periods of process operation except as described in paragraph (c)(4)(viii)(C) of this section.

(C) When emission data from CEMS are not available due to continuous monitoring system breakdowns, repairs, calibration checks, or zero and span adjustments, emission data must be obtained using other monitoring systems or emission estimation methods approved by the EPA. The other monitoring systems or emission estimation methods to be used must be incorporated into the monitoring plan required by this section and provide information such that emissions data are available for a minimum of 18 hours in each 24 hour period and at least 22 out of 30 successive unit operating days.

(ix) Owners or operators of each CEMS required by this section must reduce all data to 1-hour averages. Hourly averages shall be computed using all valid data obtained within the hour but no less than one data point in each fifteen-minute quadrant of an hour. Notwithstanding this requirement, an hourly average may be computed from at least two data points separated by a minimum of 15 minutes (where the unit operates for more than one quadrant in an hour) if data are unavailable as a result of performance of calibration, quality assurance, preventive maintenance activities, or backups of data from data acquisition and handling systems, and recertification events.

(x) The 30-day rolling average emission rate determined from data derived from the CEMS required by this section (in lbs/MMBtu or lbs/hr depending on the emission standard selected) must be calculated in accordance with paragraphs (c)(4)(x)(A)–(F) of this section.

(A) Sum the total pounds of the pollutant in question emitted from the

Unit during an operating day and the previous twenty-nine operating days.

(B) Sum the total heat input to the unit (in MMBtu) or the total actual hours of operation (in hours) during an operating day and the previous twenty-nine operating days.

(C) Divide the total number of pounds of the pollutant in question emitted during the thirty operating days by the total heat input (or actual hours of operation depending on the emission limit selected) during the thirty operating days.

(D) For purposes of this calculation, an operating day is any day during which fuel is combusted in the BART affected Unit regardless of whether pellets are produced. Actual hours of operation are the total hours a unit is firing fuel regardless of whether a complete 24-hour operational cycle occurs (i.e. if the furnace is firing fuel for only 5 hours during a 24-hour period, then the actual operating hours for that day are 5. Similarly, total number of pounds of the pollutant in question for that day is determined only from the CEMS data for the five hours during which fuel is combusted.)

(E) If the owner or operator of the CEMS required by this section uses an alternative method to determine 30-day rolling averages, that method must be described in detail in the monitoring plan required by this section. The alternative method will only be applicable if the final monitoring plan and the alternative method are approved by EPA.

(F) A new 30-day rolling average emission rate must be calculated for each new operating day.

(xi) The 30-day rolling average removal efficiency determined from data derived from the CEMS required by this section must be calculated in accordance with paragraphs (c)(4)(xi)(A)–(G) of this section.

(A) Calculate the 30-day rolling average emission rate described in paragraphs (c)(4)(x)(A)–(F) of this section at the inlet of the control device.

(B) Calculate the 30-day rolling average emission rate described in paragraphs (c)(4)(x)(A)–(F) of this section at the outlet of the control device.

(C) Subtract the 30-day rolling average emission rate determined at the

outlet of the control device from the 30-day rolling average emission rate determined at the inlet of the control device.

(D) Divide the result of paragraph (c)(4)(xi)(C) of this section by the 30-day rolling average emission rate determined at the inlet.

(E) Multiply the result of paragraph (c)(4)(xi)(D) of this section by 100 to determine the 30-day rolling average removal efficiency.

(F) If the owner or operator of the CEMS required by this section uses an alternative method to determine the 30-day rolling average removal efficiency, that method must be described in detail in the monitoring plan required by this section. The alternative method will only be applicable if the final monitoring plan and the alternative method are approved by EPA.

(G) A new 30-day rolling average removal efficiency must be calculated for each new operating day.

(xii) Data substitution must not be used for purposes of determining compliance under this section.

(xiii) All CEMS data shall be reduced and reported in units of the applicable standard.

(xiv) A Quality Control Program must be developed and implemented for all CEMS required by this section in accordance with 40 CFR Part 60, Appendix F, Procedure 1, Section 3. The program will include, at a minimum, written procedures and operations for calibration checks, calibration drift adjustments, preventative maintenance, data collection, recording and reporting, accuracy audits/procedures, periodic performance evaluations, and a corrective action program for malfunctioning CEMS.

(5) No later than the compliance date of this section, owners or operators utilizing a wet scrubber to control SO<sub>2</sub> shall include in the performance testing an evaluation of compliance with the pH limits established by this section. The pH evaluation shall be performed in accordance with the requirements of 40 CFR 136.3 using EPA Method 150.2.

(d) *Recordkeeping requirements.* (1)(i) Records required by this section must be kept in a form suitable and readily available for expeditious review.

(ii) Records required by this section must be kept for a minimum of 5 years following the date of creation.

(iii) Records must be kept on site for at least 2 years following the date of creation and may be kept offsite, but readily accessible, for the remaining 3 years.

(2) The owner or operator of the BART affected units must maintain the records at paragraphs (d)(2)(i)–(xi) of this section.

(i) A copy of each notification and report developed for and submitted to comply with this section including all documentation supporting any initial notification or notification of compliance status submitted according to the requirements of this section.

(ii) Records of the occurrence and duration of startup, shutdown, and malfunction of the BART affected units, air pollution control equipment, and CEMS required by this section.

(iii) Records of activities taken during each startup, shutdown, and malfunction of the BART affected unit, air pollution control equipment, and CEMS required by this section.

(iv) Records of the occurrence and duration of all major maintenance conducted on the BART affected units, air pollution control equipment, and CEMS required by this section.

(v) Records of each excess emission report, including all documentation supporting the reports, dates and times when excess emissions occurred, investigations into the causes of excess emissions, actions taken to minimize or eliminate the excess emissions, and preventative measures to avoid the cause of excess emissions from occurring again.

(vi) Records of all CEMS data including, as a minimum, the date, location, and time of sampling or measurement, parameters sampled or measured, and results.

(vii) All records associated with quality assurance and quality control activities on each CEMS as well as other records required by 40 CFR Part 60, Appendix F, Procedure 1 including, but not limited to, the quality control program, audit results, and reports submitted as required by this section.

(viii) Records of the NO<sub>x</sub> emissions during all periods of BART affected

unit operation, including startup, shutdown and malfunction in the units of the standard. The owner or operator shall convert the monitored data into the appropriate unit of the emission limitation using appropriate conversion factors and F-factors. F-factors used for purposes of this section shall be documented in the monitoring plan and developed in accordance with 40 CFR Part 60, Appendix A, Method 19. The owner or operator may use an alternate method to calculate the NO<sub>x</sub> emissions upon written approval from EPA.

(ix) Records of the SO<sub>2</sub> emissions or records of the removal efficiency (based on CEMS data), depending on the emission standard selected, during all periods of operation, including periods of startup, shutdown and malfunction, in the units of the standard.

(x) Records associated with the CEMS unit including type of CEMS, CEMS model number, CEMS serial number, and initial certification of each CEMS conducted in accordance with 40 CFR Part 60, Appendix B, Performance Specification 2 must be kept for the life of the CEMS unit.

(xi) Records of all periods of fuel oil usage as required at paragraph (b)(2)(vi) of this section.

(e) *Reporting requirements.* (1) All requests, reports, submittals, notifications, and other communications to the Regional Administrator required by this section shall be submitted, unless instructed otherwise, to the Air and Radiation Division, U.S. Environmental Protection Agency, Region 5 (A-18J), at 77 West Jackson Boulevard, Chicago, Illinois 60604.

(2) The owner or operator of each BART affected unit identified in this section and CEMS required by this section must provide to the Regional Administrator the written notifications, reports and plans identified at paragraphs (e)(2)(i)–(viii) of this section. If acceptable to both the Regional Administrator and the owner or operator of each BART affected unit identified in this section and CEMS required by this section the owner or operator may provide electronic notifications, reports and plans.

(i) A notification of the date construction of control devices and instal-

lation of burners required by this section commences postmarked no later than 30 days after the commencement date.

(ii) A notification of the date the installation of each CEMS required by this section commences postmarked no later than 30 days after the commencement date.

(iii) A notification of the date the construction of control devices and installation of burners required by this section is complete postmarked no later than 30 days after the completion date.

(iv) A notification of the date the installation of each CEMS required by this section is complete postmarked no later than 30 days after the completion date.

(v) A notification of the date control devices and burners installed by this section startup postmarked no later than 30 days after the startup date.

(vi) A notification of the date CEMS required by this section startup postmarked no later than 30 days after the startup date.

(vii) A notification of the date upon which the initial CEMS performance evaluations are planned. This notification must be submitted at least 60 days before the performance evaluation is scheduled to begin.

(viii) A notification of initial compliance, signed by the responsible official who shall certify its accuracy, attesting to whether the source has complied with the requirements of this section, including, but not limited to, applicable emission standards, control device and burner installations, CEMS installation and certification. This notification must be submitted before the close of business on the 60th calendar day following the completion of the compliance demonstration and must include, at a minimum, the information at paragraphs (e)(2)(viii)(A)–(F) of this section.

(A) The methods used to determine compliance.

(B) The results of any CEMS performance evaluations, and 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 air pollutants emitted by the source, reported in units of the standard.

(E) A description of the air pollution control equipment and burners installed as required by this section, for each emission point.

(F) A statement by the owner or operator as to whether the source has complied with the relevant standards and other requirements.

(3) The owner or operator must develop and implement a written startup, shutdown, and malfunction plan for NO<sub>x</sub> and SO<sub>2</sub>. The plan must include, at a minimum, procedures for operating and maintaining the source during periods of startup, shutdown, and malfunction; and a program of corrective action for a malfunctioning process and air pollution control and monitoring equipment used to comply with the relevant standard. The plan must ensure that, at all times, the owner or operator operates and maintains each affected source, including associated air pollution control and monitoring equipment, in a manner which satisfies the general duty to minimize or eliminate emissions using good air pollution control practices. The plan must ensure that owners or operators are prepared to correct malfunctions as soon as practicable after their occurrence.

(4) The written reports of the results of each performance evaluation and QA/QC check in accordance with and as required by paragraph (c)(4)(v) of this section.

(5) *Compliance reports.* The owner or operator of each BART affected unit must submit semiannual compliance reports. The semiannual compliance reports must be submitted in accordance with paragraphs (e)(5)(i) through (iv) of this section, unless the Administrator has approved a different schedule.

(i) The first compliance report must cover the period beginning on the compliance date that is specified for the affected source through June 30 or December 31, whichever date comes first after the compliance date that is specified for the affected source.

(ii) The first compliance report must be postmarked no later than 30 cal-

endar days after the reporting period covered by that report (July 30 or January 30), whichever comes first.

(iii) Each subsequent compliance report must cover the semiannual reporting period from January 1 through June 30 or the semiannual reporting period from July 1 through December 31.

(iv) Each subsequent compliance report must be postmarked no later than 30 calendar days after the reporting period covered by that report (July 30 or January 30).

(6) *Compliance report contents.* Each compliance report must include the information in paragraphs (e)(6)(i) through (vi) of this section.

(i) Company name and address.

(ii) Statement by a responsible official, with the official's name, title, and signature, certifying the truth, accuracy, and completeness of the content of the report.

(iii) Date of report and beginning and ending dates of the reporting period.

(iv) Identification of the process unit, control devices, and CEMS covered by the compliance report.

(v) A record of each period of startup, shutdown, or malfunction during the reporting period and a description of the actions the owner or operator took to minimize or eliminate emissions arising as a result of the startup, shutdown, or malfunction and whether those actions were or were not consistent with the source's startup, shutdown, and malfunction plan.

(vi) A statement identifying whether there were or were not any deviations from the requirements of this section during the reporting period. If there were deviations from the requirements of this section during the reporting period, then the compliance report must describe in detail the deviations which occurred, the causes of the deviations, actions taken to address the deviations, and procedures put in place to avoid such deviations in the future. If there were no deviations from the requirements of this section during the reporting period, then the compliance report must include a statement that there were no deviations. For purposes of this section, deviations include, but are not limited to, emissions in excess

of applicable emission standards established by this section, failure to continuously operate an air pollution control device in accordance with operating requirements designed to assure compliance with emission standards, failure to continuously operate CEMS required by this section, and failure to maintain records or submit reports required by this section.

(7) Each owner or operator of a CEMS required by this section must submit quarterly excess emissions and monitoring system performance reports for each pollutant monitored for each BART affected unit monitored. All reports must be postmarked by the 30<sup>th</sup> day following the end of each three-month period of a calendar year (January–March, April–June, July–September, October–December) and must include, at a minimum, the requirements at paragraphs (e)(7)(i)–(xv) of this section.

(i) Company name and address.

(ii) Identification and description of the process unit being monitored.

(iii) The dates covered by the reporting period.

(iv) Total source operating hours for the reporting period.

(v) Monitor manufacturer, monitor model number and monitor serial number.

(vi) Pollutant monitored.

(vii) Emission limitation for the monitored pollutant.

(viii) Date of latest CEMS certification or audit.

(ix) A description of any changes in continuous monitoring systems, processes, or controls since the last reporting period.

(x) A table summarizing the total duration of excess emissions, as defined at paragraphs (e)(7)(x)(A)–(B) of this section, for the reporting period broken down by the cause of those excess emissions (startup/shutdown, control equipment problems, process problems, other known causes, unknown causes), and the total percent of excess emissions (for all causes) for the reporting period calculated as described at paragraph (e)(7)(x)(C) of this section.

(A) For purposes of this section, an excess emission is defined as any 30-day rolling average period, including periods of startup, shutdown and malfunction,

during which the 30-day rolling average emissions of either regulated pollutant (SO<sub>2</sub> and NO<sub>x</sub>), as measured by a CEMS, exceeds the applicable emission standards in this section.

(B) For purposes of this section, if a facility calculates a 30-day rolling average emission rate in accordance with this section which exceeds the applicable emission standards of this section, then it will be considered 30 days of excess emissions. If the following 30-day rolling average emission rate is calculated and found to exceed the applicable emission standards of this section as well, then it will add one more day to the total days of excess emissions (i.e. 31 days). Similarly, if an excess emission is calculated for a 30-day rolling average period and no additional excess emissions are calculated until 15 days after the first, then that new excess emission will add 15 days to the total days of excess emissions (i.e.  $30 + 15 = 45$ ). For purposes of this section, if an excess emission is calculated for any period of time within a reporting period, there will be no fewer than 30 days of excess emissions but there should be no more than 121 days of excess emissions for a reporting period.

(C) For purposes of this section, the total percent of excess emissions will be determined by summing all periods of excess emissions (in days) for the reporting period, dividing that number by the total BART affected unit operating days for the reporting period, and then multiplying by 100 to get the total percent of excess emissions for the reporting period. An operating day, as defined previously, is any day during which fuel is fired in the BART affected unit for any period of time. Because of the possible overlap of 30-day rolling average excess emissions across quarters, there are some situations where the total percent of excess emissions could exceed 100 percent. This extreme situation would only result from serious excess emissions problems where excess emissions occur for nearly every day during a reporting period.

(xi) A table summarizing the total duration of monitor downtime, as defined at paragraph (e)(7)(xi)(A) of this section, for the reporting period broken down by the cause of the monitor

downtime (monitor equipment malfunctions, non-monitor equipment malfunctions, quality assurance calibration, other known causes, unknown causes), and the total percent of monitor downtime (for all causes) for the reporting period calculated as described at paragraph (e)(7)(xi)(B) of this section.

(A) For purposes of this section, monitor downtime is defined as any period of time (in hours) during which the required monitoring system was not measuring emissions from the BART affected unit. This includes any period of CEMS QA/QC, daily zero and span checks, and similar activities.

(B) For purposes of this section, the total percent of monitor downtime will be determined by summing all periods of monitor downtime (in hours) for the reporting period, dividing that number by the total number of BART affected unit operating hours for the reporting period, and then multiplying by 100 to get the total percent of excess emissions for the reporting period.

(xii) A table which identifies each period of excess emissions for the reporting period and includes, at a minimum, the information in paragraphs (e)(7)(xii)(A)–(F) of this section.

(A) The date of each excess emission.

(B) The beginning and end time of each excess emission.

(C) The pollutant for which an excess emission occurred.

(D) The magnitude of the excess emission.

(E) The cause of the excess emission.

(F) The corrective action taken or preventative measures adopted to minimize or eliminate the excess emissions and prevent such excess emission from occurring again.

(xiii) A table which identifies each period of monitor downtime for the reporting period and includes, at a minimum, the information in paragraphs (e)(7)(xiii)(A)–(D) of this section.

(A) The date of each period of monitor downtime.

(B) The beginning and end time of each period of monitor downtime.

(C) The cause of the period of monitor downtime.

(D) The corrective action taken or preventative measures adopted for system repairs or adjustments to mini-

mize or eliminate monitor downtime and prevent such downtime from occurring again.

(xiv) If there were no periods of excess emissions during the reporting period, then the excess emission report must include a statement which says there were no periods of excess emissions during this reporting period.

(xv) If there were no periods of monitor downtime, except for daily zero and span checks, during the reporting period, then the excess emission report must include a statement which says there were no periods of monitor downtime during this reporting period except for the daily zero and span checks.

(8) The owner or operator of each CEMS required by this section must develop and submit for review and approval by the Regional Administrator a site specific monitoring plan. The purpose of this monitoring plan is to establish procedures and practices which will be implemented by the owner or operator in its effort to comply with the monitoring, recordkeeping and reporting requirements of this section. The monitoring plan must include, at a minimum, the information at paragraphs (e)(8)(i)–(x) of this section.

(i) Site specific information including the company name, address, and contact information.

(ii) The objectives of the monitoring program implemented and information describing how those objectives will be met.

(iii) Information on any emission factors used in conjunction with the CEMS required by this section to calculate emission rates and a description of how those emission factors were determined.

(iv) A description of methods to be used to calculate emission rates when CEMS data is not available due to downtime associated with QA/QC events.

(v) A description of the QA/QC program to be implemented by the owner or operator of CEMS required by this section. This can be the QA/QC program developed in accordance with 40 CFR Part 60, Appendix F, Procedure 1, Section 3.

(vi) A list of spare parts for CEMS maintained on site for system maintenance and repairs.

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(vii) A description of the procedures to be used to calculate 30-day rolling averages and an example calculation which shows the algorithms used by the CEMS to calculate 30-day rolling averages.

(viii) A sample of the document to be used for the quarterly excess emission reports required by this section.

(ix) A description of the procedures to be implemented to investigate root causes of excess emissions and monitor downtime and the proposed corrective actions to address potential root causes of excess emissions and monitor downtime.

(x) A description of the sampling and calculation methodology for determining the percent sulfur by weight as a monthly block average for coal used during that month.

[78 FR 8738, Feb. 6, 2013]

### § 52.1236 Visibility protection.

(a) The requirements of section 169A of the Clean Air Act are not met, because the plan does not include approvable procedures for protection of visibility in mandatory Class I Federal areas.

(b) Regulation for visibility monitoring and new source review. The provisions of §§ 52.26 and 52.28 are hereby incorporated and made a part of the applicable plan for the State of Minnesota.

(c) *Long-term strategy.* The provisions of § 52.29 are hereby incorporated and made part of the applicable plan for the State of Minnesota.

(d) The requirements of section 169A of the Clean Air Act are not met because the regional haze plan submitted by the state on December 30, 2009, and on May 8, 2012, does not meet the requirements of 40 CFR 51.308(e) with respect to NO<sub>x</sub> and SO<sub>2</sub> emissions from United States Steel Corporation, Keetac of Keewatin, Minnesota; Hibbing taconite company of Hibbing, Minnesota; United States Steel Corporation, Minntac of Mountain Iron, Minnesota; United Taconite, LLC of Forbes, Minnesota; ArcelorMittal Minnoria Mine, Inc. near Virginia, Minnesota; and Northshore Mining Company-Silver Bay of Silver Bay, Minnesota. The requirements for these fa-

cilities are satisfied by complying with the requirements of § 52.1235.

[50 FR 28553, July 12, 1985, as amended at 52 FR 45137, Nov. 24, 1987; 78 FR 59839, Sept. 30, 2013]

### § 52.1237 Control strategy: Carbon monoxide.

(a) The base year carbon monoxide emission inventory requirement of section 187(a)(1) of the Clean Air Act, as amended in 1990, has been satisfied for the following areas: Duluth Metropolitan Area and Minneapolis-St. Paul Metropolitan Area.

(b) Approval—The 1993 carbon monoxide periodic emission inventory requirement of section 187(a)(5) of the Clean Air Act, as amended in 1990, has been satisfied for the following areas: the counties of the Twin cities seven county Metropolitan area (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington), and Wright.

(c) Approval—On March 23, 1998, the Minnesota Pollution Control Agency submitted a request to redesignate the Minneapolis/St. Paul CO nonattainment area (consisting of portions of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Washington, and Wright) to attainment for CO. As part of the redesignation request, the State submitted a maintenance plan as required by 175A of the Clean Air Act, as amended in 1990. Elements of the section 175A maintenance plan include a base year (1996 attainment year) emission inventory for CO, a demonstration of maintenance of the ozone NAAQS with projected emission inventories to the year 2009, a plan to verify continued attainment, a contingency plan, and an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. If the area records a violation of the CO NAAQS (which must be confirmed by the State), Minnesota will implement one or more appropriate contingency measure(s) which are contained in the contingency plan. The menu of contingency measures includes oxygenated fuel, transportation control measures, or a vehicle inspection and maintenance program. The redesignation request and maintenance plan meet the redesignation requirements in