

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 60**

[AD-FRL-3779-1]

**Amendments to Standards of Performance for New Stationary Sources; Reporting Requirements****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

**SUMMARY:** Revisions to the reporting requirements for certain facilities subject to 40 CFR Part 60, Standards of Performance for New Stationary Sources (in particular subparts A, D, EE, MM, RR, SS, TT, WW, and HHH) were proposed in the *Federal Register* on September 29, 1987 (52 FR 36440). Today's action promulgates revisions to the affected subparts in order to be consistent with the current EPA reporting frequency policy. Today's action also amends Subpart A to require the submission of a summary excess emission and monitoring system performance (MSP) report form. Amending these subparts will not change monitoring or recordkeeping requirements of the affected facilities. The effect of the amendments is to reduce the reporting burden and to provide EPA sufficient information to carry out effective monitoring and enforcement.

**DATES:** Effective Date: December 13, 1990.

**Judicial Review:** Under section 307(b)(1) of the Clean Air Act (CAA), judicial review of the actions taken by this notice is available only by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia circuit within 60 days of today's publication of this rule. Under section 307(b)(2) of the CAA, the requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

**ADDRESSES:** *Docket.* A docket, number A-85-01, containing information considered by EPA in the development of the promulgated standards, is available for public inspection between 8:30 a.m. and 3:30 p.m., Monday through Friday, at EPA's Air Docket Section, Room M-1500, first floor, Waterside Mall, 401 M Street SW., Washington, DC 20460. A reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** Mr. Doug Bell or Ms. Amanda Agnew, Standards Development Branch, Emission Standards Division, (MD-13),

U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5568 or (919) 541-5268.

**SUPPLEMENTARY INFORMATION:****I. Background for Final Amendment***Rationale for Revised Reporting Frequencies*

In 1985, EPA reviewed the information collection requirements and reporting frequencies for new source performance standards (NSPS). As a result of that review, the policy under which EPA determines reporting frequencies for NSPS was developed and published in the *Federal Register* as part of the preamble for proposed standards of performance for fluid catalytic cracking unit regenerators (November 8, 1985 50 FR 46464). The policy deals with three types of continuous monitoring system (CMS) information collected by the enforcing agency: Direct compliance information, monitored parameter data, and excess emission data as measured by CMS. Direct compliance information is most useful to an enforcement agency because the sources' compliance status is evident from the information itself, and no further testing is necessary for documentation. Direct compliance includes the CMS data collected by NSPS sources pursuant to regulations specifying CMS as the compliance method. Direct compliance also includes data collected where the State implementation plan (SIP) or a federally-enforceable permit or order specifies CMS as the compliance method. In these situations, EPA can use CMS data to directly enforce the governing regulation. Because the most current data available are useful for enforcement purposes, sources will be required to report direct compliance information to EPA on a quarterly basis. However, as provided for in the individual subparts, if no exceedances of the standard have occurred nor any CMS downtimes have occurred during the reporting period (quarterly or semiannually), only a statement to that effect (negative declaration) is needed. This new policy helps focus the resources both of the industry and of EPA sources where remedial action is warranted.

The other types of CMS information (*i.e.*, the monitored parameter data and the CMS excess emission data) can be used by EPA in enforcement actions to prove violations of the operating and maintenance (O&M) and monitor performance requirements (*e.g.*, 60.11 (d)) and, among other things, to issue notices of violation or as indicators of the magnitude and duration of emissions

violations. The new policy states that reporting frequencies of these data should be reviewed regulation-by-regulation and without evidence for more frequent reporting, semiannual reporting will be required.

In order to implement the new policy, amendments to subparts A, D, EE, MM, RR, SS, TT, WW, and HHH were proposed for comment in the *Federal Register* on September 29, 1987. The amendments are described below.

**II. The Standards***Amendment to General Provisions*

The EPA is amending the General Provisions (subpart A) of 40 CFR part 60. The General Provisions specify procedures and definitions that apply to all owners and operators of air pollution sources covered by NSPS. Currently, under 40 CFR 60.7(c), owners and operators of certain affected facilities required to install and operate CMS must submit a written report of excess emissions and MSP to the Administrator every calendar quarter. Generally, except for Subpart D, today's action reduces the frequency of submission of excess emission and MSP reports required by paragraph 60.7(c) from quarterly to semiannually. It is EPA's judgment that less frequent reporting will have no effect upon the utility of the data which may be obtained from such reports and that the effects upon enforcement of NSPS would be minimal. However, if the Administrator or his designated agent judges that more frequent reporting is needed from owners or operators of some affected facilities, he may so require, either by requests or administrative orders for particular sources, or by regulation for classes or categories of sources.

This revision also reduces to semiannual the excess emission and MSP reporting requirements for the following subparts and affected facilities: Subpart G—Nitric Acid Plants; Subpart H—Sulfuric Acid Plants; Subpart J—Petroleum Refineries (except SO<sub>2</sub> excess emission data); Subpart AA—Steel Plants: Electric Arc Furnaces Constructed after October 21, 1974, and on or before August 17, 1983; Subpart BB—Kraft Pulp Mills; Subpart CC—Glass Manufacturing Plants; Subpart GG—Stationary Gas Turbines; Subpart HH—Lime Manufacturing Plants; and Subpart NN—Phosphate Rock Plants.

Two additional changes to § 60.7 have been made since proposal to assist EPA in its report evaluations. These are the requirements to report process operating time during the reporting period and to submit a summary excess emission and

MSP report form in lieu of the more detailed report currently required in § 60.7(c). These changes are discussed in section III of this preamble.

*Clarification in Applicability Provisions of General Provisions*

A paragraph has been added to the applicability provisions of the general provisions for NSPS. The added provisions simply clarify that sources which commenced construction or modification before a revised standard became applicable (usually the publication date of the proposed revised standard) are not subject to the revised NSPS.

This clarification is being made to the applicability provisions (40 CFR 60.1) of the NSPS General Provisions as part of a settlement agreement between EPA and the Portland Cement Association (PCA), American Iron and Steel Institute, and American Mining Congress (*Portland Cement Association vs. EPA*, D.C. Cir. No. 89-1004). This provision clarifies EPA's position that it is not asserting authority under section 111 to apply new or more stringent emission limitations or emission controls to sources which commenced construction prior to the proposal of such new or more stringent emission limitations or controls.

On February 10, 1989, PCA, *et al.*, filed an administrative petition with EPA requesting reconsideration of a final rule amending the NSPS for Portland cement plants [December 14, 1988 (53 FR 50354)]. The revisions were related to the monitoring, recordkeeping and reporting requirements associated with the NSPS, but no changes were made to the emission limits for Portland cement plants. The revisions required that each owner or operator subject to the NSPS install and operate a continuous opacity monitoring system within 180 days of promulgation of the revisions, *i.e.*, June 12, 1989. These requirements were imposed on existing NSPS sources [plants constructed, modified, or reconstructed after August 17, 1971 (36 FR 15704)] under the authority of section 114 of the CAA. Section 114 gives EPA broad authority to impose monitoring, recordkeeping, and reporting requirements on a broad category of emission sources, including existing sources. The petitioners' arguments that EPA was unjustified in applying the revisions to the existing Portland cement plants were not supported by new information of central relevance. Therefore, the petition for reconsideration of the December 1988 revisions to the NSPS was denied [June 28, 1989 (54 FR 27166)].

The EPA has agreed, however, to promulgate the clarification in the

applicability provisions of the General Provisions for NSPS as discussed earlier. This language follows closely the existing applicability language for NSPS and is consistent with section 111(a)(2) of the CAA.

*Amendment to Subpart D*

The EPA is also amending Subpart D—Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971. The facilities affected by subpart D are large sources of sulfur dioxide and nitrogen oxides emissions and MSP. Section 60.45(g) currently requires quarterly reporting of excess emissions. The previously discussed amendment § 60.7(c) of the General Provisions will change the reporting to semiannual. However, since facilities affected by subpart D are some of the largest individual sources of sulfur dioxide, nitrogen oxides, and particulates, anything less than quarterly reporting may result in an unreasonably high level of emissions or poor MSP before corrective action can be taken. Also, quarterly reporting will involve only a minor burden on the source, since, in almost all cases, excess emission and MSP reports will be stored in a computer system and analyzed automatically. Therefore, EPA has determined that quarterly reporting is appropriate for those sources affected by subpart D. Consequently, EPA is amending subpart D, § 60.45(g) so that current requirements for quarterly excess emission and MSP reports remain the same.

*Amendment to Surface Coating Standards*

In order to be consistent with the new reporting policy, EPA is also amending several standards of performance for surface coatings (*i.e.*, subparts EE, MM, RR, SS, TT, WW, and HHH). These subparts currently require monthly compliance tests and monitoring of control device parameters, but the reporting requirements vary from reporting initial performance test results to monthly reporting of exceedances. The data resulting from the monthly compliance tests are direct compliance information which may be used by the enforcement agency as the sole or direct evidence of a violation of the emission standard; therefore, it is important to have the most recent data available. As a result, sources should report these data quarterly if an exceedance of the standard has occurred and semiannually otherwise. Monitored parameter data, which can be used as proof of non-emissions violations (*e.g.*, § 60.11(d)) and also to indicate the magnitude and

duration of emissions violations, need to be submitted semiannually unless otherwise required by the Administrator.

Therefore, EPA is amending the surface coating standards to require quarterly reporting when the results of the monthly compliance tests show emissions exceeding the standard, and to require semiannual reporting if no exceedances or monitoring deficiencies occur, and to require semiannual reporting of monitored parameter data.

**III. Changes Since Proposal**

Two revisions have been added to the September 29, 1987 proposal. These revisions further enhance EPA's enforcement ability and reduce the burden to the industry.

*Duration of Operation*

The reporting requirements of 40 CFR 60.7 do not require a source to report the duration of operation of the process during the reporting period. This information is used by agencies to determine the percentage of total operating time that a source was not in compliance and is essential for determining follow-up action. For example, if two sources have the same period of excess emissions during a reporting period, but Source A was operating for half the time of Source B, this indicates that Source A may have more serious emission control or operation problems and merits more timely attention by the regulatory agency. This information is readily available to sources and is essential to meaningful agency analysis and use of CMS data. Therefore, § 60.7 is revised to require submittal of the process operating time during the reporting period.

*Summary Report Form*

Agency experience has shown that source submittal of summary CMS data may benefit the source, agencies, and the environment. A summary form simplifies the reporting requirement for the source and makes the source analyze its overall compliance status prior to the agency analysis and compliance evaluation. This action should result in better response to the control of emissions or MSP by the source under its obligations of 40 CFR 60.11(d) through early detection and follow-up to violations. Therefore, § 60.7 has been revised to allow sources to submit a summary excess emission and MSP report form as follows:

Sources shall submit one summary report form per pollutant monitored at each affected facility if the total duration of excess

emissions is less than 1 percent of the total operating time for the reporting period and if the total duration of CMS downtime is less than 5 percent of the total operating time for the reporting period. If either one of these stipulations is not met, sources are required to submit the summary report form and the complete excess emission report as is currently required in § 60.7(c). If necessary, the appropriate enforcement agency has the authority to request and obtain additional data at any time, including the more complete reports.

Figure 1 has been added to § 60.7 and should be used as the summary report form unless otherwise specified by the appropriate enforcement agency.

Sources have been required to submit the data (excess emissions and MSP data) since 1975. However, the report had previously been called an "excess emission report." Because of its name, many source and agency personnel assumed that it was supposed to include only excess emissions and not monitor performance data. In order to minimize the possibility that such misunderstandings will continue to occur, the report's name is hereby changed to "Excess Emissions and Monitoring Systems Performance Report," and the report title and definition will be added to § 60.2 (definitions).

#### IV. Public Participation

The standards were proposed and published in the **Federal Register** on September 29, 1987 (52 FR 36440). Public comments were solicited at the time of proposal, and the docket was made available for inspection. The comment period ended on October 26, 1987. Four letters were received, but did not result in significant changes to the recommended standards.

#### V. Significant Comments

All comments and responses have been summarized below. The numbers in parentheses with each comment are the docket numbers. These numbers locate the comment letter in Docket No. A-85-01.

One commenter recommended extending the reporting deadline from 30 days to 60 days after the reporting interval.

As a result of this revision, § 60.7(c) of the Code of Federal Regulations states that " \* \* \* All semiannual reports shall be postmarked by the 30th day following the end of each calendar half \* \* \* " The EPA feels that 30 days is an adequate amount of time to prepare and submit the report. This is particularly true since, in most cases, the owner or operator can begin preparing the report whenever the excess emissions or poor MSP occurs

and would not have to wait until the 6-month period has ended.

Another commenter wants EPA to clearly identify whether CMS data constitutes a violation of the standard. The commenter cites a State program where fines through settlement agreements are based on CMS reporting. The commenter also states that certain enforcement agency representatives have alleged that a violation must be determined by stack testing in accordance with published EPA procedures adopted into State programs.

The EPA can apply CMS data to a variety of important enforcement issues, irrespective of whether the legal requirements being enforced specify CMS as the compliance method. Where CMS is the specified compliance method in the regulations, permits, orders, or established in the SIP, EPA uses CMS data alone to: (1) Devise a priority list for inspections; (2) issue Notices of Violation (NOV's) to SIP sources or Findings of Violation (FOV's) to non-SIP sources; (3) document a SIP violation extending 30 days beyond the date of the NOV; (4) quantify the magnitude and/or duration of a violation or exceedance; (5) issue an administrative order under section 113(a); (6) issue a notice of noncompliance under section 120; (7) refer a case to the Justice Department for civil or criminal prosecution; or (8) prove a violation in civil or criminal litigation.

Where CMS is not the specified emissions compliance method, EPA utilizes the data collected in any of the first four enforcement uses outlined in the preceding paragraph. If, on the basis of CMS data alone, EPA issues an NOV and the source then fails to come into compliance, a second NOV is not necessary provided that a sufficient relationship exists between the CMS data and the compliance method data. For enforcement actions against sources affected by a regulation which specifies a compliance method other than CMS, EPA would rely on compliance method tests or inspections and other information available to the Agency, to prove a violation of the emissions limit.

Whether or not a compliance method is stated in the regulations, EPA can use CMS data alone to enforce non-emissions requirements, such as O&M, monitoring, recordkeeping, and reporting requirements of NSPS regulations, SIP's, and federally-enforceable orders and permits. For example, 40 CFR 60.11(d) establishes a general "good practices" O&M requirement which identifies no specific compliance method, but states that "the determination of whether acceptable \* \* \* procedures are being used will be based on information \* \* \*

which may include, but is not limited to, monitoring results \* \* \* ".

With regard to the commenter's citation of a State program where settlement agreements assess fines based on CMS reporting, EPA affirms that States have the authority through their SIP programs to choose alternative compliance options, including basing fines on CMS reports.

The same commenter also wants EPA to revisit the concept of revising the 100 percent compliance requirement even during startup and malfunction.

The EPA realizes that, in certain circumstances, sources which ordinarily would comply with the standards may unavoidably release pollutants in excess of the standards. Thus, unless specified otherwise in a particular subpart, EPA does not require 100 percent compliance during startup, shutdown, or malfunction periods. For the purposes of a performance test conducted in accordance with § 60.8, EPA set forth three limited exceptions to full compliance: "operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level of the applicable emission limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emission limit unless otherwise specified in the applicable standard."

This language does not imply, however, that a source can continue to operate after a malfunction, as defined in 40 CFR 60.2, is detected. Under 40 CFR 60.11(d), a source is required to, "at all times, including periods of startup, shutdown, and malfunction \* \* \* 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." The preamble to the promulgation of § 60.11(d), 38 FR 28565, addressed the concern that this section may permit sources to continue operating after malfunctions were detected: "The provision (of this section) requires that good O&M practices be followed, and thereby, precludes continued operation in a malfunctioning condition."

One commenter encourages EPA to examine all required periodic reports to see if their frequency of submission can also be reduced.

The EPA is required by section 111(b)(1)(B) of the CAA to review NSPS every 4 years. During these reviews, EPA examines all aspects of the standards for possible revision. This

includes a review of the reporting and recordkeeping requirements of the standards. Any revisions to the reporting and recordkeeping requirements resulting from these reviews would be proposed and then promulgated in the *Federal Register*.

Another commenter is concerned with EPA's claim that in the future, EPA may determine that CMS excess emission data may also be used for direct enforcement. They stress that before such a rulemaking, EPA would need to examine the original technical basis and intent for the NSPS at issue and then develop an averaging time for the standard that reflects that original basis and intent. They feel EPA should only change current regulatory requirements through notice and comment rulemaking.

If EPA policy concerning the use of excess emissions data were to be changed, EPA would notify the public through a *Federal Register* notice. The notice would provide the rationale for any modifications made to the existing policy.

Another commenter urges EPA to reconsider the need for quarterly reporting by the utility industry. They write that many utility sources are located in rural areas and the potential for severe adverse impacts from excess emissions or poor MSP would be minimal. They state that the utility industry has an excellent record in minimizing excess emissions and operating monitoring systems. They feel there is no reason to single out all subpart D sources and impose more burdensome reporting requirements on those sources than on other sources regulated under 40 CFR part 60.

As stated in the preamble to the proposed revision, EPA feels that since subpart D sources are some of the largest individual sources of sulfur dioxide, nitrogen oxides, and particulates, quarterly reporting is more appropriate for these facilities. However, EPA has not singled out subpart D sources. As NSPS for other source categories are developed or reviewed, each source category will be examined to determine if that source category also warrants quarterly excess emissions reporting.

#### VI. Administrative

The docket is an organized and complete file of all the information submitted to, or otherwise considered in the development of this proposed rulemaking. The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so that they effectively participate in the rulemaking process. Along with the

statement of basis and purpose of the proposed and promulgated standards and EPA responses to significant comments, the contents of the docket, except for interagency review materials, will serve as the record in case of judicial review (section 307(d)(7)(A)).

The effective date of these amendments is December 13, 1990. Section 111 of the CAA provides that standards of performance or revisions thereof become effective upon promulgation and apply to affected facilities described herein.

Frequency of reporting requirements will be reviewed with each subpart as they are reviewed every 4 years from the date of promulgation as required by the CAA. This review will include an assessment of such factors as the need for integration with other programs, the existence of alternative methods, enforceability, improvements in CMS technology, and reporting requirements.

The information collection requirements contained in this rule have been approved by the Office of Management and Budget (OMB) under the provisions of the *Paperwork Reduction Act*, 44 U.S.C. 3501 *et seq.* and have been assigned OMB control numbers 2060-0106, 0034, 0004, 0108, 0107, 0001, and 0059 for subparts EE, MM, RR, SS, TT, WW and HHH respectively.

Public reporting burden resulting from this rulemaking is estimated to decrease a total of 17,860 hours for those facilities regulated under subparts G, H, J, AA, BB, CC, GG, HH, MM, and NN where the frequency of reporting is changed from quarterly to semiannual. Other standards (subparts EE, RR, SS, TT, WW, and HHH) will experience a total increase of 18,000 hours due to a change from no reporting to semi-annual. All standards affected by this rulemaking will experience a marginal increase in burden to prepare the summary report form (a total of 1,075 hours across all facilities and subparts). Time required to record total process operating time is considered a "usual and customary" burden as defined under 5 CFR 1320.7 and, as such, is not factored into our estimates of public recordkeeping and reporting burden. The net change in burden from these changes is an increase of 1,214 hours. A specific breakdown of these changes is provided in the Information Collection Request (ICR) (EPA ICR #996) and is available from EPA by calling Sandy Farmer at (202) 382-2740.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM-

223, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and to the Office of Information and Regulatory Affairs (Paperwork Reduction Project (2060-0106, 0034, 0004, 0108, 0107, 0001, and 0059)), Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA."

Under Executive Order 12291, EPA is required to judge whether a regulation is a "major rule" and, therefore, subject to the requirements of a regulatory impact analysis (RIA). The EPA has determined that these amendments to the General Provisions and subparts D, EE, MM, RR, SS, TT, WW, and HHH would result in none of the adverse economic effects set forth in section 1 of the Executive Order as grounds for finding a regulation to be a "major rule." The EPA has, therefore, concluded that this regulation is not a "major rule" under the Executive Order 12291.

The Regulatory Flexibility Act of 1980 requires the identification of potentially adverse impacts of Federal regulations upon small business entities. The CAA specifically requires the completion of a Regulatory Flexibility Analysis in those instances where small business impacts are possible. Because these standards impose no adverse economic impacts, a Regulatory Flexibility Analysis has not been conducted.

Pursuant to the provision of 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

#### List of Subjects in 40 CFR Part 60

Air pollution control, Electric power plants, Intergovernmental relations, Reporting and recordkeeping requirements, Can surface coating, Fossil-fuel-fired steam generators, Synthetic fibers.

Dated: November 20, 1990.

William K. Reilly,  
Administrator.

For the reasons set out in the preamble, 40 CFR part 60 is amended as follows:

#### PART 60—[AMENDED]

1. The authority citation for part 60 continues to read as follows:

Authority: Secs. 101, 111, 114, 116, 301, Clean Air Act as amended (42 U.S.C. 7401, 7411, 7414, 7416, 7601).

2. Section 60.1 is amended by designating the existing introductory paragraph as paragraph (a) and adding paragraph (b) to read as follows:

**§ 60.1 Applicability.**

(b) Any new or revised standard of performance promulgated pursuant to section 111(b) of the Act 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 this part of such new or revised standard (or, if earlier, the date of publication of any proposed standard) applicable to that facility.

3. By adding in alphabetical order to § 60.2 the definition "Excess Emissions and Monitoring Systems Performance Report" to read as follows:

**§ 60.2 Definitions.**

*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.

4. In § 60.7: 1. Paragraph (c) introductory text is revised. 2. Paragraph (c)(1) is revised. 3. Paragraphs (d), (e), and (f) are redesignated as paragraphs (e), (f), and (g) respectively. 4. Paragraph (d) is added. 5. Add figure 1 at the end of § 60.7(d).

**§ 60.7 Notification and recordkeeping.**

(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 (excess emissions are defined in applicable subparts) and/or a summary report form (see paragraph (d) of this section) to the Administrator 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 Administrator, 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 § 60.13(h), any conversion factor(s) used, and the date and time of commencement and completion of each time period of excess emissions. The process operating time during the reporting period.

(d) The summary report form shall contain the information and be in the format shown in figure 1 unless otherwise specified by the Administrator. 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 1 percent of the total operating time for the reporting period and CMS downtime for the reporting period is less than 5 percent of the total operating time for the reporting period, only the summary report form shall be submitted and the excess emission report described in § 60.7(c) need not be submitted unless requested by the Administrator.

(2) If the total duration of excess emissions for the reporting period is 1 percent or greater of the total operating time for the reporting period or the total CMS downtime for the reporting period is 5 percent or greater of the total operating time for the reporting period, the summary report form and the excess emission report described in § 60.7(c) shall both be submitted.

**Figure 1—Summary Report—Gaseous and Opacity Excess Emission and Monitoring System Performance**

Pollutant (Circle One—SO<sub>2</sub>/NO<sub>x</sub>/TRS/H<sub>2</sub>S/CO/Opacity)  
Reporting period dates: From \_\_\_\_\_ to \_\_\_\_\_

Company: \_\_\_\_\_  
Emission Limitation \_\_\_\_\_  
Address: \_\_\_\_\_  
Monitor Manufacturer and Model No. \_\_\_\_\_  
Date of Latest CMS Certification or Audit \_\_\_\_\_  
Process Unit(s) Description: \_\_\_\_\_  
Total source operating time in reporting period <sup>1</sup> \_\_\_\_\_

Emission data summary <sup>1</sup>	CMS performance summary <sup>1</sup>
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.....	1. CMS downtime in reporting period due to: a. Monitor equipment malfunctions..... b. Non-Monitor equipment malfunctions..... c. Quality assurance calibration..... d. Other known causes..... e. Unknown causes.....
2. Total duration of excess emission.....	2. Total CMS Downtime.....
3. Total duration of excess emissions × (100) [Total source operating time]..... % <sup>2</sup>	3. [Total CMS Downtime] × (100) [Total source operating time]..... % <sup>2</sup>

<sup>1</sup> For opacity, record all times in minutes. For gases, record all times in hours.

<sup>2</sup> 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 § 60.7(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 \_\_\_\_\_  
Signature \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_

5. By revising paragraph (g) introductory text of § 60.45 to read as follows:

**§ 60.45 Emission and fuel monitoring.**

(g) Excess emission and monitoring system performance reports shall be submitted to the Administrator for every calendar quarter. All quarterly reports shall be postmarked by the 30th day following the end of each calendar quarter. Each excess emission and MSP report shall include the information required in § 60.7(c). Periods of excess

emissions and monitoring systems (MS) downtime that shall be reported are defined as follows:

6. In § 60.315: 1. Paragraph (b) is revised. 2. Paragraph (c) is redesignated as paragraph (d). 3. New paragraph (c) is added. 4. OMB control number is added to the end of the section.

**§ 60.315 Reporting and recordkeeping requirements.**

(b) Following the initial performance test, the owner or operator of an affected facility shall identify, record, and submit a written report to the Administrator every calendar quarter of each instance in which the volume-weighted average of the total mass of VOC's emitted to the atmosphere per volume of applied coating solids (N) is greater than the limit specified under § 60.312. If no such instances have occurred during a particular quarter, a report stating this shall be submitted to the Administrator semiannually.

(c) Following the initial performance test, the owner or operator of an affected facility shall identify, record, and submit at the frequency specified in § 60.7(c) the following:

(1) Where compliance with § 60.312 is achieved through the use of thermal incineration, each 3-hour period when metal furniture is being coated during which the average temperature of the device was more than 28 °C below the average temperature of the device during the most recent performance test at which destruction efficiency was determined as specified under § 60.313.

(2) Where compliance with § 60.312 is achieved through the use of catalytic incineration, each 3-hour period when metal furniture is being coated during which the average temperature of the device immediately before the catalyst bed is more than 28 °C below the average temperature of the device immediately before the catalyst bed during the most recent performance test at which destruction efficiency was determined as specified under § 60.313. Additionally, when metal furniture is being coated, all 3-hour periods during which the average temperature difference across the catalyst bed is less than 80 percent of the average temperature difference across the catalyst bed during the most recent performance test at which destruction efficiency was determined as specified under § 60.313 will be recorded.

(3) For thermal and catalytic incinerators, if no such periods as described in paragraphs (c)(1) and (c)(2) of this section occur, the owner or operator shall state this in the report.

(Approved by the Office of Management and Budget under control number 2060-0106)

7. In § 60.395: 1. Paragraph (b) is revised. 2. Paragraph (c) is revised. 3. OMB control number is added to the end of the section.

§ 60.395 Reporting and recordkeeping requirements.

(b) Following the initial performance test, the owner or operator of an

affected facility shall identify, record, and submit a written report to the Administrator every calendar quarter of each instance in which the volume-weighted average of the total mass of VOC's emitted to the atmosphere per volume of applied coating solids (N) is greater than the limit specified under § 60.392. If no such instances have occurred during a particular quarter, a report stating this shall be submitted to the Administrator semiannually. Where compliance is achieved through the use of a capture system and control device, the volume-weighted average after the control device should be reported.

(c) Where compliance with § 60.392 is achieved through the use of incineration, the owner or operator shall continuously record the incinerator combustion temperature during coating operations for thermal incineration or the gas temperature upstream and downstream of the incinerator catalyst bed during coating operations for catalytic incineration. The owner or operator shall submit a written report at the frequency specified in § 60.7(c) and as defined below.

(Approved by the Office of Management and Budget under control number 2060-0034)

8. In § 60.447: 1. Paragraph (b) is revised. 2. Paragraph (c) is redesignated as paragraph (d). 3. New paragraph (c) is added.

§ 60.447 Reporting requirements.

(b) Following the initial performance test, the owner or operator of each affected facility shall submit quarterly reports to the Administrator of exceedances of the VOC emission limits specified in § 60.442. If no such exceedances occur during a particular quarter, a report stating this shall be submitted to the Administrator semiannually.

(c) The owner or operator of each affected facility shall also submit reports at the frequency specified in § 60.7(c) when the incinerator temperature drops as defined under § 60.443(e). If no such periods occur, the owner or operator shall state this in the report.

9. In § 60.455: 1. Paragraph (b) is revised. 2. Paragraph (c) is redesignated as paragraph (d). 3. New paragraph (c) is added. 4. OMB control number is added to the end of the section.

§ 60.455 Reporting and recordkeeping requirements.

(b) Following the initial performance test, the owner or operator of an

affected facility shall identify, record, and submit a written report to the Administrator every calendar quarter of each instance in which the volume-weighted average of the total mass of VOC's emitted to the atmosphere per volume of applied coating solids (N) is greater than the limit specified under § 60.452. If no such instances have occurred during a particular quarter, a report stating this shall be submitted to the Administrator semiannually.

(c) Following the initial performance test, the owner or operator of an affected facility shall identify, record, and submit at the frequency specified in § 60.7(c) the following:

(1) Where compliance with § 60.452 is achieved through use of thermal incineration, each 3-hour period of coating operation during which the average temperature of the device was more than 28 °C below the average temperature of the device during the most recent performance test at which destruction efficiency was determined as specified under § 60.453.

(2) Where compliance with § 60.452 is achieved through the use of catalytic incineration, each 3-hour period of coating operation during which the average temperature recorded immediately before the catalyst bed is more than 28 °C below the average temperature at the same location during the most recent performance test at which destruction efficiency was determined as specified under § 60.453. Additionally, all 3-hour periods of coating operation during which the average temperature difference across the catalyst bed is less than 80 percent of the average temperature difference across the catalyst bed during the most recent performance test at which destruction efficiency was determined as specified under § 60.453 will be recorded.

(3) For thermal and catalytic incinerators, if no such periods as described in paragraphs (c)(1) and (c)(2) of this section occur, the owner or operator shall state this in the report.

(Approved by the Office of Management and Budget under control number 2060-0108)

10. In § 60.465: 1. Paragraph (c) is redesignated as paragraph (e). 2. New paragraphs (c) and (d) are added.

3. OMB control number is added to the end of the section.

§ 60.465 Reporting and recordkeeping requirements.

(c) Following the initial performance test, the owner or operator of an affected facility shall identify, record,



and submit a written report to the Administrator every calendar quarter of each instance in which the volume-weighted average of the local mass of VOC's emitted to the atmosphere per volume of applied coating solids (N) is greater than the limit specified under § 69.462. If no such instances have occurred during a particular quarter, a report stating this shall be submitted to the Administrator semiannually.

(d) The owner or operator of each affected facility shall also submit reports at the frequency specified in § 60.7(c) when the incinerator temperature drops as defined under § 69.464(c). If no such periods occur, the owner or operator shall state this in the report.

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(Approved by the Office of Management and Budget under control number 2060-0107)

11. In § 60.495: 1. Paragraph (b) is revised. 2. Paragraphs (c) and (d) are redesignated as (d) and (e).

3. New paragraph (c) is added.

**§ 60.495 Reporting and recordkeeping requirements.**

\* \* \* \* \*

(b) Following the initial performance test, each owner or operator shall identify, record, and submit quarterly reports to the Administrator of each instance in which the volume-weighted

average of the total mass of VOC per volume of coating solids, after the control device, if capture devices and control systems are used, is greater than the limit specified under § 60.492. If no such instances occur during a particular quarter, a report stating this shall be submitted to the Administrator semiannually.

(c) Following the initial performance test, the owner or operator of an affected facility shall identify, record, and submit at the frequency specified in § 60.7(c) the following:

(1) Where compliance with § 60.492 is achieved through the use of thermal incineration, each 3-hour period when cans are processed, during which the average temperature of the device was more than 28°C below the average temperature of the device during the most recent performance test at which destruction efficiency was determined as specified under § 60.493.

(2) Where compliance with § 60.492 is achieved through the use of catalytic incinerator, each 3-hour period when cans are being processed, during which the average temperature of the device immediately before the catalyst bed is more than 28°C below the average temperature of the device immediately before the catalyst bed during the most recent performance test at which destruction efficiency was determined

as specified under § 60.493 and all 3-hour periods, when cans are being processed, during which the average temperature difference across the catalyst bed is less than 80 percent of the average temperature difference across the catalyst bed during the most recent performance test at which destruction efficiency was determined as specified under § 60.494.

(3) For thermal and catalytic incinerators, if no such periods as described in paragraphs (c)(1) and (c)(2) of this section occur, the owner or operator shall state this in the report.

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12. In § 60.604: 1. Paragraph (a)(2) is revised.

**§ 60.604 Reporting requirements.**

(a) \* \* \*

(2) The results of subsequent performance tests that indicate that VOC emissions exceed the standards in § 60.602. These reports shall be submitted quarterly at 3-month intervals after the initial performance test. If no exceedances occur during a particular quarter, a report stating this shall be submitted to the Administrator semiannually.

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