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must be sent to the Administrator at the appropriate address listed in § 63.13. The Administrator or the delegated authority may request a report in any form suitable for the specific case (e.g., by commonly used electronic media such as Excel spreadsheet, on CD or hard copy). The Administrator retains the right to require submittal of reports subject to paragraph (d)(1) and (2) of this section in paper format.

[78 FR 10035, Feb. 12, 2013]

§ 60.65 Recordkeeping and reporting requirements.

(a) Each owner or operator required to install a CPMS or CEMS under sections § 60.63(c) through (e) shall submit reports of excess emissions. The content of these reports must comply with the requirements in § 60.7(c). Notwithstanding the provisions of § 60.7(c), such reports shall be submitted semiannually.

(b) Each owner or operator of facilities subject to the provisions of § 60.63(c) through (e) shall submit semiannual reports of the malfunction information required to be recorded by § 60.7(b). These reports shall include the frequency, duration, and cause of any incident resulting in deenergization of any device controlling kiln emissions or in the venting of emissions directly to the atmosphere.

(c) The requirements of this section remain in force until and unless the Agency, in delegating enforcement authority to a State under section 111(c) of the Clean Air Act, 42 U.S.C. 7411, approves reporting requirements or an alternative means of compliance surveillance adopted by such States. In that event, affected sources within the State will be relieved of the obligation to comply with this section, provided that they comply with the requirements established by the State.

[78 FR 10035, Feb. 12, 2013]

§ 60.66 Delegation of authority.

(a) This subpart can be implemented and enforced by the U.S. EPA or a delegated authority such as a State, local, or Tribal agency. You should contact your U.S. EPA Regional Office to find out if this subpart is delegated to a

State, local, or Tribal agency within your State.

(b) In delegating implementation and enforcement authority to a State, local, or Tribal agency, the approval authorities contained paragraphs (b)(1) through (4) of this section are retained by the Administrator of the U.S. EPA and are not transferred to the State, local, or Tribal agency.

(1) Approval of an alternative to any non-opacity emissions standard.

(2) Approval of a major change to test methods under § 60.8(b). A “major change to test method” is defined in 40 CFR 63.90.

(3) Approval of a major change to monitoring under § 60.13(i). A “major change to monitoring” is defined in 40 CFR 63.90.

(4) Approval of a major change to recordkeeping/reporting under § 60.7(b) through (f). A “major change to recordkeeping/reporting” is defined in 40 CFR 63.90.

[75 FR 55037, Sept. 9, 2010]

Subpart G—Standards of Performance for Nitric Acid Plants

§ 60.70 Applicability and designation of affected facility.

(a) The provisions of this subpart are applicable to each nitric acid production unit, which is the affected facility.

(b) Any facility under paragraph (a) of this section that commences construction or modification after August 17, 1971, and on or before October 14, 2011 is subject to the requirements of this subpart. Any facility that commences construction or modification after October 14, 2011 is subject to subpart Ga of this part.

[42 FR 37936, July 25, 1977, as amended at 77 FR 48445, Aug. 14, 2012]

§ 60.71 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act and in subpart A of this part.

(a) *Nitric acid production unit* means any facility producing weak nitric acid by either the pressure or atmospheric pressure process.

(b) *Weak nitric acid* means acid which is 30 to 70 percent in strength.

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§ 60.72 Standard for nitrogen oxides.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility any gases which:

(1) Contain nitrogen oxides, expressed as NO₂, in excess of 1.5 kg per metric ton of acid produced (3.0 lb per ton), the production being expressed as 100 percent nitric acid.

(2) Exhibit 10 percent opacity, or greater.

[39 FR 20794, June 14, 1974, as amended at 40 FR 46258, Oct. 6, 1975]

§ 60.73 Emission monitoring.

(a) The source owner or operator shall install, calibrate, maintain, and operate a continuous monitoring system for measuring nitrogen oxides (NO_x). The pollutant gas mixtures under Performance Specification 2 and for calibration checks under § 60.13(d) of this part shall be nitrogen dioxide (NO₂). The span value shall be 500 ppm of NO₂. Method 7 shall be used for the performance evaluations under § 60.13(c). Acceptable alternative methods to Method 7 are given in § 60.74(c).

(b) The owner or operator shall establish a conversion factor for the purpose of converting monitoring data into units of the applicable standard (kg/metric ton, lb/ton). The conversion factor shall be established by measuring emissions with the continuous monitoring system concurrent with measuring emissions with the applicable reference method tests. Using only that portion of the continuous monitoring emission data that represents emission measurements concurrent with the reference method test periods, the conversion factor shall be determined by dividing the reference method test data averages by the monitoring data averages to obtain a ratio expressed in units of the applicable standard to units of the monitoring data, i.e., kg/metric ton per ppm (lb/ton per ppm). The conversion factor shall be reestablished during any performance test under § 60.8 or any continuous monitoring system performance evaluation under § 60.13(c).

(c) The owner or operator shall record the daily production rate and hours of operation.

(d) [Reserved]

(e) For the purpose of reports required under § 60.7(c), periods of excess emissions that shall be reported are defined as any 3-hour period during which the average nitrogen oxides emissions (arithmetic average of three contiguous 1-hour periods) as measured by a continuous monitoring system exceed the standard under § 60.72(a).

[39 FR 20794, June 14, 1974, as amended at 40 FR 46258, Oct. 6, 1975; 50 FR 15894, Apr. 22, 1985; 54 FR 6666, Feb. 14, 1989]

§ 60.74 Test methods and procedures.

(a) In conducting the performance tests required in § 60.8, the owner or operator shall use as reference methods and procedures the test methods in appendix A of this part or other methods and procedures as specified in this section, except as provided in § 60.8(b). Acceptable alternative methods and procedures are given in paragraph (c) of this section.

(b) The owner or operator shall determine compliance with the NO_x standard in § 60.72 as follows:

(1) The emission rate (E) of NO_x shall be computed for each run using the following equation:

$$E = (C_s Q_{sd}) / (P K)$$

where:

E = emission rate of NO_x as NO₂, kg/metric ton (lb/ton) of 100 percent nitric acid.

C_s = concentration of NO_x as NO₂, g/dscm (lb/dscf).

Q_{sd} = volumetric flow rate of effluent gas, dscm/hr (dscf/hr).

P = acid production rate, metric ton/hr (ton/hr) or 100 percent nitric acid.

K = conversion factor, 1000 g/kg (1.0 lb/lb).

(2) Method 7 shall be used to determine the NO_x concentration of each grab sample. Method 1 shall be used to select the sampling site, and the sampling point shall be the centroid of the stack or duct or at a point no closer to the walls than 1 m (3.28 ft). Four grab samples shall be taken at approximately 15-minute intervals. The arithmetic mean of the four sample concentrations shall constitute the run value (C_s).

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(3) Method 2 shall be used to determine the volumetric flow rate (Q_{sd}) of the effluent gas. The measurement site shall be the same as for the NO_x sample. A velocity traverse shall be made once per run within the hour that the NO_x samples are taken.

(4) The methods of § 60.73(c) shall be used to determine the production rate (P) of 100 percent nitric acid for each run. Material balance over the production system shall be used to confirm the production rate.

(c) The owner or operator may use the following as alternatives to the reference methods and procedures specified in this section:

(1) For Method 7, Method 7A, 7B, 7C, or 7D may be used. If Method 7C or 7D is used, the sampling time shall be at least 1 hour.

(d) The owner or operator shall use the procedure in § 60.73(b) to determine the conversion factor for converting the monitoring data to the units of the standard.

[54 FR 6666, Feb. 14, 1989]

Subpart Ga—Standards of Performance for Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011

SOURCE: 77 FR 48445, Aug. 14, 2012, unless otherwise noted.

§ 60.70a Applicability and designation of affected facility.

(a) The provisions of this subpart are applicable to each nitric acid production unit, which is the affected facility.

(b) This subpart applies to any nitric acid production unit that commences construction or modification after October 14, 2011.

§ 60.71a Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act and in subpart A of this part.

Affirmative defense means, in the context of an enforcement proceeding, a response or defense put forward by a defendant, regarding which the defendant has the burden of proof, and the

merits of which are independently and objectively evaluated in a judicial or administrative proceeding.

Monitoring system malfunction means a sudden, infrequent, not reasonably preventable failure of the monitoring system to provide valid data. Monitoring system failures that are caused in part by poor maintenance or careless operation are not malfunctions. You are required to implement monitoring system repairs in response to monitoring system malfunctions or out-of-control periods, and to return the monitoring system to operation as expeditiously as practicable.

Nitric acid production unit means any facility producing weak nitric acid by either the pressure or atmospheric pressure process.

Operating day means a 24-hour period beginning at 12:00 a.m. during which the nitric acid production unit operated at any time during this period.

Weak nitric acid means acid which is 30 to 70 percent in strength.

§ 60.72a Standards.

Nitrogen oxides. On and after the date on which the performance test required to be conducted by § 60.73a(e) is completed, you may not discharge into the atmosphere from any affected facility any gases which contain NO_x , expressed as NO_2 , in excess of 0.50 pounds (lb) per ton of nitric acid produced, as a 30-day emission rate calculated based on 30 consecutive operating days, the production being expressed as 100 percent nitric acid. The emission standard applies at all times.

§ 60.73a Emissions testing and monitoring.

(a) *General emissions monitoring requirements.* You must install and operate a NO_x concentration (ppmv) continuous emissions monitoring system (CEMS). You must also install and operate a stack gas flow rate monitoring system. With measurements of stack gas NO_x concentration and stack gas flow rate, you will determine hourly NO_x emissions rate (e.g., lb/hr) and with measured data of the hourly nitric acid production (tons), calculate emissions in units of the applicable emissions limit (lb/ton of 100 percent acid produced). You must operate the