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**40 CFR Ch. I (7-1-15 Edition)**

occurrence of excess opacity, the cause of each exceedance of the reference opacity level, and the measures taken to minimize emissions.

(2) The magnitude of each occurrence of reduced flow rate and the date and time of commencement and completion of each occurrence of reduced flow rate, the cause of the reduced flow rate, and the associated converter operating mode.

(3) Specific identification of each occurrence of excess opacity or reduced flow rate that occurs during startups, shutdowns, and malfunctions of the source.

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

(5) Specific identification of each change in operating conditions of the emission capture system or control device, or in the condition of the building housing the converters.

(f) Each owner or operator of a source subject to the provisions of this subpart shall submit annually a written report to the Administrator that includes the monthly computations of the average annual converter arsenic charging rate as calculated under § 61.174(f)(4). The annual report shall be postmarked by the 30th day following the end of each calendar year.

**Subpart P—National Emission Standard for Inorganic Arsenic Emissions From Arsenic Trioxide and Metallic Arsenic Production Facilities**

SOURCE: 51 FR 28033, Aug. 4, 1986, unless otherwise noted.

**§ 61.180 Applicability and designation of sources.**

The provisions of this subpart are applicable to each metallic arsenic production plant and to each arsenic trioxide plant that processes low-grade arsenic bearing materials by a roasting condensation process.

**§ 61.181 Definitions.**

All terms used in this subpart shall have the meanings given them in the Act, in subpart A of part 61, and in this section as follows:

*Arsenic kitchen* means a baffled brick chamber where inorganic arsenic vapors are cooled, condensed, and removed in a solid form.

*Control device* means the air pollution control equipment used to collect particulate matter emissions.

*Curtail* means to cease operations to the extent technically feasible to reduce emissions.

*Inorganic arsenic* means the oxides and other noncarbon compounds of the element arsenic included in particulate matter, vapors, and aerosols.

*Malfunction* means any sudden failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner so that emissions of inorganic arsenic are increased.

*Opacity* means the degree to which emissions reduce the transmission of light.

*Primary emission control system* means the hoods, enclosures, ducts, and control devices used to capture, convey, and remove particulate matter from exhaust gases which are captured directly at the source of generation.

*Process emissions* means inorganic arsenic emissions that are captured and collected in a primary emission control system.

*Roasting* means the use of a furnace to heat arsenic plant feed material for the purpose of eliminating a significant portion of the volatile materials contained in the feed.

*Secondary emissions* means inorganic arsenic emissions that escape capture by a primary emission control system.

*Shutdown* means the cessation of operation of a stationary source for any purpose.

[51 FR 28033, Aug. 4, 1986; 51 FR 35355, Oct. 3, 1986]

**§ 61.182 Standard for new and existing sources.**

(a) Within 30 days after the effective date of this subpart, the owner or operator of each source to which this subpart applies shall identify and submit to the Administrator a list of potential

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sources (equipment and operations) of inorganic arsenic emissions.

(b) The owner or operator shall submit a description of an inspection, maintenance, and housekeeping plan for control of inorganic arsenic emissions from the potential sources identified under paragraph (a) of this section. This plan shall be submitted within 90 days after the effective date of this subpart, unless a waiver of compliance is granted under § 61.11. If a waiver of compliance is granted, the plan shall be submitted on a date set by the Administrator. Approval of the plan will be granted by the Administrator provided he finds that:

(1) It achieves the following objectives in a manner that does not cause adverse impacts in other environmental media:

(i) Clean-up and proper disposal, wet-down, or chemical stabilization to the extent practicable (considering access and safety) of any dry, dusty material having an inorganic arsenic content greater than 2 percent that accumulates on any surface within the plant boundaries outside of a dust-tight enclosure.

(ii) Immediate clean-up and proper disposal, wet-down, or chemical stabilization of spills of all dry, dusty material having an inorganic arsenic content greater than 2 percent.

(iii) Minimization of emissions of inorganic arsenic to the atmosphere during removal of inorganic arsenic from the arsenic kitchen and from flue pulling operations by properly handling, wetting down, or chemically stabilizing all dusts and materials handled in these operations.

(2) It includes an inspection program that requires all process, conveying, and air pollution control equipment to be inspected at least once per shift to ensure that the equipment is being properly operated and maintained. The program will specify the evaluation criteria and will use a standardized checklist, which will be included as part of the plan required in paragraph (b) of this section, to document the inspection, maintenance, and housekeeping status of the equipment and that the objectives of paragraph (b)(1) of this section are being achieved.

(3) It includes a systematic procedure for identifying malfunctions and for reporting them immediately to supervisory personnel.

(4) It specifies the procedures that will be followed to ensure that equipment or process malfunctions due entirely or in part to poor maintenance or other preventable conditions do not occur.

(5) It includes a program for curtailing all operations necessary to minimize any increase in emissions of inorganic arsenic to the atmosphere resulting from a malfunction. The program will describe:

(i) The specific steps that will be taken to curtail each operation as soon as technically feasible after the malfunction is discovered.

(ii) The minimum time required to curtail each operation.

(iii) The procedures that will be used to ensure that the curtailment continues until after the malfunction is corrected.

(c) The owner or operator shall implement the plan required in paragraph (b) of this section until otherwise specified by the Administrator.

(d) At all times, including periods of startup, shutdown, and malfunction, the owner or operator of each source to which this subpart applies shall operate and maintain the source including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions of inorganic arsenic to the atmosphere to the maximum extent practicable. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator, which may include, but is not limited to, monitoring results, review of operating and maintenance procedures, inspection of the source, and review of other records.

### § 61.183 Emission monitoring.

(a) The owner or operator of each source subject to the provisions of this subpart shall install, calibrate, maintain, and operate a continuous monitoring system for the measurement of the opacity of each arsenic trioxide and metallic arsenic process emission

stream that exits from a control device.

(b) The owner or operator shall install, operate, and maintain each continuous monitoring system for the measurement of opacity required in paragraph (a) of this section according to the following procedures:

(1) Ensure that each system is installed and operational no later than 90 days after the effective date of this subpart for an existing source or a new source that has an initial startup date preceding the effective date. For a new source whose initial startup occurs after the effective date of this subpart, ensure that the system is installed and operational no later than 90 days after startup. Verification of the operational status shall, as a minimum, consist of an evaluation of the monitoring system in accordance with the requirements and procedures contained in Performance Specification 1 of appendix B of 40 CFR part 60.

(2) Comply with the provisions of §60.13(d) of 40 CFR part 60.

(3) Except for system breakdowns, repairs, calibration checks, and zero and span adjustments required under §60.13(d), ensure that each continuous monitoring system is in continuous operation and meets frequency of operation requirements by completing a minimum of one cycle of sampling and analysis for each successive 10-second period and one cycle of data recording for each successive 6-minute period. Each data point shall represent the opacity measured for one cycle of sampling and analysis and shall be expressed as percent opacity.

(c) The owner or operator shall calculate 6-minute opacity averages from 36 or more consecutive data points equally spaced over each 6-minute period. Data recorded during periods of monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments shall not be included in the data averages computed under this paragraph.

(d) No later than 60 days after each continuous opacity monitoring system required in paragraph (a) of this section becomes operational, the owner or operator shall establish a reference opacity level for each monitored emis-

sion stream according to the following procedures:

(1) Conduct continuous opacity monitoring over a preplanned period of not less than 36 hours during which the processes and emission control equipment upstream of the monitoring system are operating in a manner that will minimize opacity under representative operating conditions subject to the Administrator's approval.

(2) Calculate 6-minute averages of the opacity readings using 36 or more consecutive data points equally spaced over each 6-minute period.

(3) Establish the reference opacity level by determining the highest 6-minute average opacity calculated under paragraph (d)(2) of this section.

(e) With a minimum of 30 days prior notice, the Administrator may require an owner or operator to redetermine the reference opacity level for any monitored emission stream.

(f) Each owner or operator shall install all continuous monitoring systems or monitoring devices required in paragraph (a) of this section in such a manner that representative measurements of emissions or process parameters are obtained.

**§61.184 Ambient air monitoring for inorganic arsenic.**

(a) The owner or operator of each source to which this subpart applies shall operate a continuous monitoring system for the measurement of inorganic arsenic concentrations in the ambient air.

(b) The ambient air monitors shall be located at sites to detect maximum concentrations of inorganic arsenic in the ambient air in accordance with a plan approved by the Administrator that shall include the sampling and analytical method used.

(c) The owner or operator shall submit a written plan describing, and explaining the basis for, the design and adequacy of the monitoring network, sampling and analytical procedures, and quality assurance within 45 days after the effective date of this subpart.

(d) Each monitor shall be operated continuously except for a reasonable

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time allowance for instrument maintenance and calibration, for changing filters, or for replacement of equipment needing major repair.

(e) Filters shall be changed daily and shall be analyzed and concentrations calculated within 30 days after filters are collected.

(f) The Administrator at any time may require changes in, or expansion of, the sampling program, including sampling and analytical protocols and network design.

### § 61.185 Recordkeeping requirements.

(a) Each owner or operator of a source subject to the provisions of this subpart shall maintain at the source for a period of at least 2 years the following records: All measurements, including continuous monitoring for measurement of opacity; all continuous monitoring system performance evaluations, including calibration checks and adjustments; all periods during which the continuous monitoring system or monitoring device is inoperative; and all maintenance and repairs made to the continuous monitoring system or monitoring device.

(b) Each owner or operator shall maintain at the source for a period of at least 2 years a log for each plant department in which the operating status of process, conveying, and emission control equipment is described for each shift. For malfunctions and upsets, the following information shall be recorded in the log:

(1) The time of discovery.

(2) A description of the malfunction or upset.

(3) The time corrective action was initiated.

(4) A description of corrective action taken.

(5) The time corrective action was completed.

(6) A description of steps taken to reduce emissions of inorganic arsenic to the atmosphere between the time of discovery and the time corrective action was taken.

(c) Each owner or operator subject to the provisions of this subpart shall maintain for a period of at least 2 years records of 6-minute average opacity levels for each separate control device.

(d) Each owner or operator subject to the provisions of § 61.186 shall maintain for a period of at least 2 years records of ambient inorganic arsenic concentrations at all sampling sites and other data needed to determine such concentrations.

### § 61.186 Reporting requirements.

(a) Each owner or operator subject to the provisions of § 61.183(a) shall provide the Administrator at least 30 days prior notice of each reference opacity level determination required in § 61.183(a) to afford the Administrator the opportunity to have an observer present.

(b) Each owner or operator subject to the provisions of § 61.183(a) shall submit to the Administrator:

(1) Within 60 days of conducting the evaluation required in § 61.183(b)(1), a written report of the continuous monitoring system evaluation;

(2) Within 30 days of establishing the reference opacity level required in § 61.183(d), a written report of the reference opacity level. The report shall also include the opacity data used and the calculations performed to determine the reference opacity level, and sufficient documentation to show that process and emission control equipment were operating normally during the reference opacity level determination; and

(3) A written report each quarter of each occurrence of excess opacity during the quarter. For the purposes of this paragraph, an occurrence of excess opacity is any 6-minute period during which the average opacity, as measured by the continuous monitoring system, exceeds the reference opacity level established under § 61.183(d).

(c) All quarterly reports of excess opacity shall be postmarked by the 30th day following the end of each quarter and shall include the following information:

(1) The magnitude of excess opacity, any conversion factor(s) used, and the dates and times of commencement and completion of each occurrence of excess opacity, the cause of each exceedance of the reference opacity level, and the measures taken to minimize emissions.

(2) Specific identification of each period of excess opacity that occurred during startups, shutdowns, and malfunctions of the source.

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

(d) Each owner or operator subject to this subpart shall submit a written report semiannually to the Administrator that describes the status and results, for the reporting period, of any pilot plant studies on alternative arsenic trioxide production processes. Conclusions and recommendations of the studies shall also be reported.

(e) All semiannual progress reports required in paragraph (d) of this section shall be postmarked by the 30th day following the end of each 6-month period.

(f) Each owner or operator of a source to which this subpart applies shall submit a written report each quarter to the Administrator that includes the following information:

(1) All ambient inorganic arsenic concentrations measured at all monitoring sites in accordance with § 61.184.

(2) A description of any modifications to the sampling network, during the reporting period, including any major maintenance, site changes, calibrations, and quality assurance information including sampling and analytical precision and accuracy estimates.

(g) All quarterly reports required in paragraph (f) of this section shall be postmarked by the 30th day following the end of each quarter.

**Subpart Q—National Emission Standards for Radon Emissions From Department of Energy Facilities**

SOURCE: 54 FR 51701, Dec. 15, 1989, unless otherwise noted.

**§ 61.190 Designation of facilities.**

The provisions of this subpart apply to the design and operation of all storage and disposal facilities for radium-containing material (i.e., byproduct material as defined under section

11.e(2) of the Atomic Energy Act of 1954 (as amended)) that are owned or operated by the Department of Energy that emit radon-222 into air, including these facilities: The Feed Materials Production Center, Fernald, Ohio; the Niagara Falls Storage Site, Lewiston, New York; the Weldon Spring Site, Weldon Spring, Missouri; the Middlesex Sampling Plant, Middlesex, New Jersey; the Monticello Uranium Mill Tailings Pile, Monticello, Utah. This subpart does not apply to facilities listed in, or designated by the Secretary of Energy under title I of the Uranium Mill Tailings Control Act of 1978.

**§ 61.191 Definitions.**

As used in this subpart, all terms not defined here have the meaning given them in the Clean Air Act or subpart A of part 61. The following terms shall have the following specific meanings:

(a) *Facility* means all buildings, structures and operations on one contiguous site.

(b) *Source* means any building, structure, pile, impoundment or area used for interim storage or disposal that is or contains waste material containing radium in sufficient concentration to emit radon-222 in excess of this standard prior to remedial action.

**§ 61.192 Standard.**

No source at a Department of Energy facility shall emit more than 20 picocuries per square meter per second (pCi/(m<sup>2</sup>-sec)) (1.9 pCi/(ft<sup>2</sup>-sec)) of radon-222 as an average for the entire source, into the air. This requirement will be part of any Federal Facilities Agreement reached between Environmental Protection Agency and Department of Energy.

[54 FR 51701, Dec. 15, 1989, as amended at 65 FR 62158, Oct. 17, 2000]

**§ 61.193 Exemption from the reporting and testing requirements of 40 CFR 61.10.**

All facilities designated under this subpart are exempt from the reporting requirements of 40 CFR 61.10.