



**Missouri Department of Natural Resources**  
Air Pollution Control Program

## PART 70

# PERMIT TO OPERATE

Under the authority of RSMo 643 and the Federal Clean Air Act the applicant is authorized to operate the air contaminant source(s) described below, in accordance with the laws, rules, and conditions set forth herein.

**Operating Permit Number:** OP2013-061  
**Expiration Date:** OCT 14 2018  
**Installation ID:** 047-0040  
**Project Number:** 2006-03-072

**Installation Name and Address**

Davis Paint Company  
P.O. Box 7589  
North Kansas City, MO 64116  
Clay County

**Parent Company's Name and Address**

Davis Paint Company  
1345 Iron Street  
North Kansas City, MO 64116

**Installation Description:**

Davis Paint Company is a manufacturer of latex, mineral spirit based and solvent based paints and primers. The main processes located at the installation are pigment dispersion, general mixing and handling, product filling and raw material storage. Davis Paint Company is required to obtain a Part 70 Operating Permit because they are a major source for Hazardous Air Pollutants (HAPs) and Volatile Organic Compounds (VOC).

OCT 15 2013

Effective Date

Director or Designee  
Department of Natural Resources

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## I. Installation Description and Equipment Listing

### INSTALLATION DESCRIPTION

Davis Paint Company is a manufacturer of latex, mineral spirit based and solvent based paints and primers. The main processes located at the installation are pigment dispersion, general mixing and handling, product filling and raw material storage. Davis Paint Company is required to obtain a Part 70 Operating Permit because they are a major source for Hazardous Air Pollutants (HAPs) and Volatile Organic Compounds (VOC).

Year	Particulate Matter $\leq$ Ten Microns (PM-10)	Sulfur Oxides (SO <sub>x</sub> )	Nitrogen Oxides (NO <sub>x</sub> )	Volatile Organic Compounds (VOC)	Carbon Monoxide (CO)	Lead (Pb)	Hazardous Air Pollutants (HAPs)
2011	5.63	--	0.08	4.30	0.03	--	--
2010	3.80	--	--	2.80	--	--	--
2009	3.88	--	--	7.31	--	--	--
2008	4.87	--	--	13.35	--	--	--
2007	5.33	--	--	10.16	--	--	--

### EMISSION UNITS WITH LIMITATIONS

The following list provides a description of the equipment at this installation that emits air pollutants and that are identified as having unit-specific emission limitations.

Emission Unit #	Description of Emission Unit	2008 EIQ EP #
EU0010	Boiler Factory	EP-04
EU0020	Boiler Office	EP-05
EU0030	Mixer No. 6	EP-03
EU0040	Mixer No. 27/28	EP-02a
EU0050	Sand Mill No. 8	EP-03
EU0060	Sand Mill No. 9	EP-03
EU0070	Sand Mill No. 10	EP-03
EU0080	Sand Mill No. 11	EP-03
EU0090	Letdown Tank No. 00	NA
EU0100	Letdown Tank No. 01	NA
EU0110	Letdown Tank No. 02	NA
EU0120	Letdown Tank No. 03	NA
EU0130	Letdown Tank No. 04	NA
EU0140	Letdown Tank No. 05	NA
EU0150	Letdown Tank No. 06	NA
EU0160	Letdown Tank No. 07	NA
EU0170	Letdown Tank No. 08	NA
EU0180	Letdown Tank No. 09	NA
EU0190	Letdown Tank No. 10	NA
EU0200	Letdown Tank No. 11	NA
EU0210	Letdown Tank No. 12	NA
EU0220	Letdown Tank No. 13	NA

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EU0230	Letdown Tank No. 14	NA
EU0240	Letdown Tank No. 15	NA
EU0250	Letdown Tank No. 16	NA
EU0260	Letdown Tank No. 17	NA
EU0270	Letdown Tank No. 18	NA
EU0280	Letdown Tank No. 19	NA
EU0290	Letdown Tank No. 20	NA
EU0300	Letdown Tank No. 21	NA
EU0310	Letdown Tank No. 22	NA
EU0320	Letdown Tank No. 23	NA
EU0330	Letdown Tank No. 24	NA
EU0340	Letdown Tank No. 25	NA
EU0350	Letdown Tank No. 26	NA
EU0360	Letdown Tank No. 27	NA
EU0370	Letdown Tank No. 28	NA
EU0380	Letdown Tank No. 29	NA
EU0390	Letdown Tank No. 30	NA
EU0400	Letdown Tank No. 31	NA
EU0410	Letdown Tank No. 32	NA
EU0420	Letdown Tank No. 33	NA
EU0430	Letdown Tank No. 34	NA
EU0440	Letdown Tank No. 35	NA
EU0450	Letdown Tank No. 36	NA
EU0460	Letdown Tank No. 37	NA
EU0470	Letdown Tank No. 38	NA
EU0480	Letdown Tank No. 39	NA
EU0490	Raw Material Storage Tank No. 1	EP-06
EU0500	Raw Material Storage Tank No. 2	EP-06
EU0510	Raw Material Storage Tank No. 3	EP-06
EU0520	Raw Material Storage Tank No. 4	EP-06
EU0530	Raw Material Storage Tank No. 5	EP-06
EU0540	Raw Material Storage Tank No. 6	EP-06
EU0550	Raw Material Storage Tank No. 7	EP-06
EU0560	Raw Material Storage Tank No. 8	EP-06
EU0570	Raw Material Storage Tank No. 9	EP-06
EU0580	Raw Material Storage Tank No. 10	EP-06
EU0590	Raw Material Storage Tank No. 11	EP-06
EU0600	Raw Material Storage Tank No. 12	EP-06
EU0610	Raw Material Storage Tank No. 13	EP-06
EU0620	Raw Material Storage Tank No. 14	EP-06
EU0630	Raw Material Storage Tank No. 15	EP-06
EU0640	Raw Material Storage Tank No. 16	EP-06
EU0650	Raw Material Storage Tank No. 17	EP-06
EU0660	Raw Material Storage Tank No. 18	EP-06
EU0670	Raw Material Storage Tank No. 21	EP-06
EU0680	Raw Material Storage Tank No. 22	EP-06
EU0690	Raw Material Storage Tank No. 23	EP-06

EU0700	Raw Material Storage Tank No. 24	EP-06
EU0710	Raw Material Storage Tank No. 19	EP-06
EU0720	Raw Material Storage Tank No. 20	EP-06
EU0730	Raw Material Storage Tank No. 25	EP-06
EU0740	Raw Material Storage Tank No. 26	EP-06
EU0750	Raw Material Storage Tank No. 63	EP-06
EU0760	Raw Material Storage Tank No. 64	EP-06
EU0770	Raw Material Storage Tank No. 27	EP-06
EU0780	Raw Material Storage Tank No. 28	EP-06
EU0790	Raw Material Storage Tank No. 29	EP-06
EU0800	Raw Material Storage Tank No. 37	EP-06
EU0810	Raw Material Storage Tank No. 38	EP-06
EU0820	Raw Material Storage Tank No. 39	EP-06
EU0830	Raw Material Storage Tank No. 45	EP-06
EU0840	Raw Material Storage Tank No. 46	EP-06
EU0850	Raw Material Storage Tank No. 30	EP-06
EU0860	Raw Material Storage Tank No. 31	EP-06
EU0870	Raw Material Storage Tank No. 32	EP-06
EU0880	Raw Material Storage Tank No. 33	EP-06
EU0890	Raw Material Storage Tank No. 34	EP-06
EU0900	Raw Material Storage Tank No. 35	EP-06
EU0910	Raw Material Storage Tank No. 40	EP-06
EU0920	Raw Material Storage Tank No. 41	EP-06
EU0930	Raw Material Storage Tank No. 44	EP-06
EU0940	Raw Material Storage Tank No. 36	EP-06

**EMISSION UNITS WITHOUT LIMITATIONS**

The following list provides a description of the equipment that does not have unit specific limitations at the time of permit issuance.

Description of Emission Source	2008 EIQ EP #
Mixer No. 22/23	EP-02b
Mixer No. 24/25	EP-02b
Mixer No. 26	EP-02b
Mixer No. 29	EP-02b
Mixer No. 1	EP-03
Mixer No. 2	EP-03
Mixer No. 3	EP-03
Mixer No. 4	EP-03
Mixer No. 5	EP-03
Two automatic filling machines	EP-03
Application of hot glue to paint cans labels	NA
Mechanical compaction of emptied pigment bags	NA
Tank draw manifolds	NA
4 <sup>th</sup> floor lab with the following bench scale devices: sample drying oven, weather tester, sample paint booth, and salt spray booth	

2<sup>nd</sup> floor lab with the following bench scale activities: sample mixer, sample drying oven and sample paint booth  
Forty-five portable letdown tubs

## II. Plant Wide Emission Limitations

The installation shall comply with each of the following emission limitations. Consult the appropriate sections in the Code of Federal Regulations (CFR) and Code of State Regulations (CSR) for the full text of the applicable requirements. All citations, unless otherwise noted, are to the regulations in effect as of the date that this permit is issued.

### PERMIT CONDITION PW001

10 CSR 10-6.075 Maximum Achievable Control Technology Regulations  
40 CFR Part 63 Subpart A General Provisions and Subpart HHHHH, National Emission Standards for  
Hazardous Air Pollutants: Miscellaneous Coating Manufacturing

Davis Paint Company, Installation ID #047-0040, is subject to the requirements of 40 CFR Part 63 Subpart HHHHH and is responsible for complying with all applicable portions of the rule, as described below. A copy of 40 CFR Part 63, Subpart HHHHH can be found in Attachment A.

#### Emission Limits, Work Practice Standards, and Compliance Requirements:

- 1.) The Permittee shall comply with the applicable emission limits and work practice standards as detailed in Tables 1 through 5 of 40 CFR Part 63, Subpart HHHHH, as shown in Attachment A (pages 51 through 55). [\[§63.8000\(a\)\]](#)
  - a. The Permittee shall comply with the applicable general requirements as detailed in 40 CFR 63.8000 (b). [\[§63.8000\(b\)\]](#)
  - b. The Permittee shall comply with the applicable compliance requirements for closed vent systems and control devices, as detailed in 40 CFR 63.8000 (c). [\[§63.8000\(c\)\]](#)
  - c. The Permittee shall comply with the applicable performance test requirements, as detailed in 40 CFR 63.8000 (d). [\[§63.8000\(d\)\]](#)
- 2.) The Permittee shall meet each applicable emission limit and work practice for process vessels as listed in Table 1 of 40 CFR Part 63, Subpart HHHHH, in addition to meeting each applicable requirement specified in 1.), above, as described in 40 CFR 63.8005. [\[§63.8005\(a\)\]](#)
  - a. As applicable, the Permittee shall have demonstrated initial compliance and established operating limits through performance testing or design evaluation in accordance with the compliance dates established in 40 CFR 63.7995. [\[§63.8005\(d\) & \(e\)\]](#)
- 3.) The Permittee shall meet each applicable emission limit as listed in Table 2 of 40 CFR Part 63, Subpart HHHHH for each storage tank, in addition to meeting each applicable requirement specified in 1.), above, as described in 40 CFR 63.8010. [\[§63.8010\(a\)\]](#)
- 4.) The Permittee shall meet each applicable requirement listed in Table 3 of 40 CFR Part 63, Subpart HHHHH regarding equipment leaks, as described in 40 CFR 63.8015. [\[§63.8015\(a\)\]](#)
- 5.) The Permittee shall meet each applicable requirement listed in Table 4 of 40 CFR Part 63, Subpart HHHHH for their wastewater stream(s), in addition to meeting each applicable requirement specified in 1.), above, as described in 40 CFR 63.8020. [\[§63.8020\(a\)\]](#)
  - a. The Permittee must designate the wastewater stream as a Group 1 wastewater for each wastewater stream or permittee must determine whether the wastewater stream is a Group 1 in accordance with 40 CFR 63.8020(b). [\[§63.8020\(b\)\]](#)
- 6.) The Permittee shall meet each applicable emission limit and work practice standard listed in Table 5 of 40 CFR Part 63, Subpart HHHHH for your transfer operations, in addition to meeting each applicable requirement specified in 1.), above, as described in 40 CFR 63.8025. [\[§63.8025\(a\)\]](#)

- a. The Permittee shall comply with 40 CFR Part 63, Subpart SS for each control device used to comply with Table 5 as specified in 1.) b. and 1.) c. above. [[§63.8025\(a\)](#)]
- b. The Permittee shall comply with the applicable requirements listed, in Table 6 of 40 CFR Part 63, Subpart HHHHH, for all heat exchange systems as detailed in 40 CFR 63.8030. [[§63.8030\(a\)](#)]

**Alternative Means of Compliance:**

- 1.) The Permittee may elect to comply with the emission averaging for stationary process vessels greater than or equal to 250 gallons (gal) as an alternative to compliance with the requirements in Table 1, as specified in 40 CFR 63.8050. [[§63.8050\(a\)](#)]
  - a. The Director may prohibit averaging of HAP emissions and require the Permittee to comply with the emission limits and work practice standards in Table 1. [[§63.8050\(b\)](#)]
  - b. The Permittee shall comply with §63.8050(c)(1) through (4) to demonstrate initial compliance with the emission averaging alternative. [[§63.8050\(c\)](#)]
  - c. The Permittee shall maintain a monthly log of the number of batches produced that can be correlated with the emissions estimates per batch developed in accordance with the initial compliance developed in as per b. above. [[§63.8050\(d\)](#)]
- 2.) The Permittee may elect to comply with a five weight percent HAP limit for process vessels used to manufacture coatings with a HAP content of less than 0.05 kg per kg of product, as an alternative to complying with the requirements in Table 1 for each individual stationary process vessel, as specified in 40 CFR 63.8055(b). [[§63.8055\(a\)](#)]

**Notification, Reports, and Records:**

- 1.) The Permittee shall submit all notifications by the dates specified as detailed in 40 CFR 63.8070. [[§63.8070\(a\)](#)]
- 2.) The Permittee shall submit each applicable report listed in Table 9 on the schedule specified in Table 9, unless an alternate schedule is approved by the Director in accordance with 40 CFR 63.8075. [[§63.8075\(a\)\(b\)](#)]
- 3.) The Permittee shall keep the records specified in 40 CFR 63.8080. [[§63.8080](#)]

**Other Requirements and Information:**

The Permittee shall comply with the applicable General Provision as listed in Table 9, as specified in 40 CFR 63.8050. [[§63.8095](#)]

### III. Emission Unit Specific Emission Limitations

The installation shall comply with each of the following emission limitations. Consult the appropriate sections in the Code of Federal Regulations (CFR) and Code of State Regulations (CSR) for the full text of the applicable requirements. All citations, unless otherwise noted, are to the regulations in effect as of the date that this permit is issued.

<b>EU0010 – FACTORY BOILER EU0020 – OFFICE BOILER</b>			
Emission Unit	Description	Manufacturer/ Model #	2008 EIQ Reference #
EU0010	Factory Boiler: indirect heating combustion unit; natural gas-fired; MHDR 4.3 MMBtu/hr; installation date 1988	Gordon Piatt/ R10.2-G-30	EP-04
EU0020	Office Boiler: indirect heating combustion unit; natural gas-fired; MHDR 4.3 MMBtu/hr; installation date 1997	Gordon Piatt/ R10-GO-30	EP-05

<p><b>PERMIT CONDITION (EU0010 and EU0020)-001</b> 40 CFR 63 Subpart DDDDD—National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters</p>
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Boiler Category	Gas 1 Fuels Subcategory (Existing Natural Gas Fired) < 5 MMBtu	Initial Compliance	§63.7510(e)
Compliance Date	January 31, 2016	Continuous Compliance	§63.7540(a)(12)
Emission Limitations	None per §63.7500(e)	Notification Requirements	§63.7545(e)
Work Practice Standards	Table 3, Items #1, & 4, §63.7540(a)(12)	Recordkeeping Requirements	§63.7555(a)(1), §63.7560
Performance Tests	None per §63.7500(e)	Reporting Requirements	§63.7550(b), & (f)
Tune Up Requirements	<sup>1</sup> §63.7500(e), §63.7510(e)	General Provisions (40 CFR Part 63)	Table 10 to Subpart DDDDD
<p><sup>1</sup>If the unit is not operating on the required date for a tune-up, the tune-up must be conducted within 30 calendar days of startup. [§63.7540(a)(13)]</p>			

**Initial and Continuous Compliance Requirements:**

- 1) The Permittee must complete an initial tune-up by following the procedures described in 63.7540(a)(10)(i) through (vi) and the one-time energy assessment specified in Table 3 of MACT DDDDD no later than January 31, 2016. (Except as specified in paragraph §63.7510(j)).  
[§63.7510(e)]
- 2) The Permittee must conduct a tune-up of the boilers every five years as specified in paragraphs §63.7540(a)(10)(i) through (vi) to demonstrate continuous compliance. The permittee may delay the burner inspection specified in paragraph §63.7540(a)(10)(i) until the next scheduled or unscheduled unit shutdown, but you must inspect each burner at least once every 72 months. [§63.7540(a)(12)]

**Reporting:**

- 1) Notification Requirements – The Permittee must submit a Notification of Compliance Status according to §63.9(h)(2)(ii). For these units, the Notification of Compliance Status must only contain the information specified in paragraphs §63.7545(e)(1) and (8). [[§63.7545\(e\)](#)]
- 2) The permittee shall report any deviations of this permit condition to the Air Pollution Control Program’s Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, no later than the semi-annual monitoring report and annual compliance certification, as required by 10 CSR 10-6.065(6)(C)1.C.(III).

<b>EU0030 – MIXER NO. 6</b>			
Emission Unit	Description	Manufacturer/ Model #	2008 EIQ Reference #
EU0030	Mixer No. 6: liquid paint mixer; no solids or powders added; vented within building; capacity 1,000-gallons; installation date 1997	Electric Motor/ 9404370-392	EP-03

**PERMIT CONDITION EU0030-001**  
 10 CSR 10-6.060 Construction Permits Required  
 Construction Permit No. 0797-029, Issued July 14, 1997

**Operational Specification:**

Davis Paint Company shall install and maintain in good working order a cover on Mixer No. 6 (EU0030) if the unit is to be used for the production of non-water based coating products. This cover shall remain closed except when production, sampling, maintenance or inspection procedures require operator access. [CP No. 0797-029, Special Condition 1]

**Reporting:**

- 1) If a continuing situation of demonstrated nuisance odors exists in violation of 10 CSR 10-2.070, *Restriction of Emission of Odors*, the Director may require the Davis Paint Company to submit a corrective action plan within ten (10) days adequate to timely and significantly mitigate the odors. The Davis Paint Company shall implement any such plan immediately upon its approval by the Director. Failure to either submit or implement such a plan shall be a violation of the permit. [CP No. 0797-029, Special Condition 2]
- 2) The permittee shall report any deviations of this permit condition using the semi-annual monitoring report and annual compliance certification to the Air Pollution Control Program’s Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, as required by 10 CSR 10-6.065(6)(C)1.C.(III).

<b>EU0040 – MIXER NO. 27/28</b>			
Emission Unit	Description	Manufacturer/ Model #	2008 EIQ Reference #
EU0040	Mixer No. 27/28: paint mixer, capacity 1,000-gallons; equipped with fabric filter; MHDR 1.0 ton/hr based on a 24-hour average; installation date pre-1979	Reliance/ 1MA475708-G5-ZB	EP-02a

**PERMIT CONDITION EU0040-001**  
 10 CSR 10-6.220 Restriction of Emission of Visible Air Contaminants  
 10 CSR 10-6.400 Restriction of Emission of Particulate Matter From Industrial Processes

**Emission Limitation:**

- 1) Particulate matter shall not be emitted from EU0040 in excess of 4.1 lb/hr.
- 2) The concentration of particulate matter in the exhaust gases shall not exceed 0.30 gr/scf.
- 3) No owner or other person shall cause or permit emissions to be discharged into the atmosphere from any new source any visible emissions with an opacity greater than 20%.
- 4) Exception: A person may discharge into the atmosphere from any source of emissions for a period(s) aggregating not more than six (6) minutes in any 60 minutes air contaminants with an opacity up to 60%.

**Monitoring:**

- 1) Visible emissions will be used as an indicator of the proper operation of the control device. During proper operation no visible emissions are expected from this emission unit. The existence of visible emissions will indicate a decrease in the efficiency of the control device and corrective actions will be implemented. Observations will be made using a U.S. EPA Method 22 trained observer and U.S. EPA Method 22 like procedures.
  - a) Frequency: - Visible emissions from the exhaust shall be monitored on a monthly basis when the process is in operation.
  - b) Duration: - The duration of the observation shall be for a two minute time period.
  - c) Threshold: - The condition of no visible emissions is considered normal for this emission unit. When visible emissions are noted from the emission unit, it shall be documented and corrective actions taken.
  - d) The observation of visible emissions from this emission unit will be considered an excursion and corrective actions shall be implemented within a reasonable period. An excursion does not necessarily indicate a violation of the applicable requirement. When the level of excursions exceed three percent of the of the total number of observations in a six month period and corrective actions fail to return the emission unit to a no visible emission condition, then the permittee shall conduct source testing within 90 days of the last excursion to demonstrate compliance with 10 CSR 10-6.400. If the test demonstrates noncompliance with the above emission limitation the permittee shall propose a schedule to implement further corrective actions to bring the source into compliance and demonstrate that compliance.
- 2) All control equipment shall be maintained and operated according to the manufacturer's specifications.

**Recordkeeping:**

- 1) The permittee shall maintain records of all observations using Attachment F (or its equivalent). At a minimum the following observation conditions shall be noted:
  - a) The date and time of the observation and the weather condition;
  - b) Observations of visible emissions from the emission unit. Note: The absence of visible emission may be reported for all like emission units in a statement such as "No visible emissions were observed from any emission unit(s);" and
  - c) The corrective actions taken during excursions.
- 2) Maintenance and inspection records shall also be maintained for the control device on this emission unit. These records shall be made available immediately for inspection to the Department of Natural Resources' personnel upon request.
- 3) All inspections, corrective actions, and instrument calibration shall be recorded.
- 4) All records shall be maintained for five years.

**Reporting:**

The permittee shall report to the Air Pollution Control Program’s Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, no later than ten days after the permittee determined that the emission unit(s) exceeded the emission limitation(s) listed above.

<b>EU0050 THROUGH EU0080 – SAND MILLS</b>			
<b>Emission Unit</b>	<b>Description</b>	<b>Manufacturer/ Model #</b>	<b>2008 EIQ Reference #</b>
EU0050	Sand Mill No. 8: sand, which acts as a fluidized bed, is blended into paint; MHDR 9.2 gal/hr based on a 24-hour average; vented within building; installation date pre-1979 24-hour average/	Louis Allis/ 410365-G-3	EP-03
EU0060	Sand Mill No. 9: sand, which acts as a fluidized bed, is blended into paint; MHDR 9.2 gal/hr based on a 24-hour average; vented within building; installation date pre-1979	Louis Allis/ 410365-G-3	EP-03
EU0070	Sand Mill No. 10: sand, which acts as a fluidized bed, is blended into paint; MHDR 12.3 gal/hr based on a 24-hour average; vented within building; installation date pre-1979	Reliance/ OMAF95908- G015-SW	EP-03
EU0080	Sand Mill No. 11: sand, which acts as a fluidized bed, is blended into paint; MHDR 12.3 gal/hr based on a 24-hour average; vented within building; installation date 2002	Reliance/ LA-602	EP-03

<p><b>PERMIT CONDITION (EU0050 through EU0080)-001</b>          10 CSR 10-2.300 Control of Emissions from the Manufacturing of Paints, Varnishes, Lacquers, Enamels and Other Allied Surface Coating Products</p>
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**Operational Specifications:**

All grinding mills (EU0050 through EU0080) shall be operated and maintained in accordance with manufacturer’s specifications.

**Recordkeeping:**

- 1) The manufacturer’s specifications shall be kept on file and made available to the Director upon request.
- 2) Records shall be kept on any equipment test results performed.
- 3) All records shall be maintained for five years.
- 4) These records shall be made available immediately for inspection to the Department of Natural Resources' personnel upon their verbal request and presentation of identification.

**Reporting:**

The permittee shall report any deviations of this permit condition using the semi-annual monitoring report and annual compliance certification to the Air Pollution Control Program’s Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, as required by 10 CSR 10-6.065(6)(C)1.C.(III).

<b>EU0090 THROUGH EU0480 – LETDOWN TANKS</b>			
<b>EU0490 THROUGH EU0930 – RAW MATERIAL STORAGE TANKS</b>			
Emission Unit	Description	Manufacturer/ Model #	2008 EIQ Reference #
EU0090	Letdown Tank No. 00: 600-gallon tank; processes paint prior to transfer to product containers; installation date pre-1975	Wagner/ 50E74J80	NA
EU0100	Letdown Tank No. 01: 720-gallon tank; processes paint prior to transfer to product containers; installation date pre-1975	Allis/ 1379928	NA
EU0110	Letdown Tank No. 02: 500-gallon tank; processes paint prior to transfer to product containers; installation date pre-1975	Allis	NA
EU0120	Letdown Tank No. 03: 500-gallon tank; processes paint prior to transfer to product containers; installation date pre-1975	Allis	NA
EU0130	Letdown Tank No. 04: 720-gallon tank; processes paint prior to transfer to product containers; installation date pre-1975	Allis	NA
EU0140	Letdown Tank No. 05: 550-gallon tank; processes paint prior to transfer to product containers; installation date pre-1975	Allis	NA
EU0150	Letdown Tank No. 06: 550-gallon tank; processes paint prior to transfer to product containers; installation date pre-1975	Baldor/ T891490	NA
EU0160	Letdown Tank No. 07: 550-gallon tank; processes paint prior to transfer to product containers; installation date pre-1975	Browning	NA
EU0170	Letdown Tank No. 08: 740-gallon tank; processes paint prior to transfer to product containers; installation date pre-1975	NA/R107430	NA
EU0180	Letdown Tank No. 09: 740-gallon tank; processes paint prior to transfer to product containers; installation date pre-1975	Louis Allis/11733-0	NA
EU0190	Letdown Tank No. 10: 740-gallon tank; processes paint prior to transfer to product containers; installation date pre-1975	Baldor/ VM3157	NA
EU0200	Letdown Tank No. 11: 740-gallon tank; processes paint prior to transfer to product containers; installation date pre-1975	Master	NA
EU0210	Letdown Tank No. 12: 500-gallon tank; processes paint prior to transfer to product containers; installation date pre-1975	NA	NA
EU0220	Letdown Tank No. 13: 500-gallon tank; processes paint prior to transfer to product containers; installation date pre-1975	Sterling Electric/ 1040474-0D	NA
EU0230	Letdown Tank No. 14: 600-gallon tank; processes paint prior to transfer to product containers; installation date pre-1975	Dayton Electric	NA
EU0240	Letdown Tank No. 15: 600-gallon tank; processes paint prior to transfer to product containers; installation date pre-1975	Dayton Electric	NA
EU0250	Letdown Tank No. 16: 600-gallon tank; processes paint prior to transfer to product containers; installation date pre-1975	Louis Allis/SSB- 417479	NA
EU0260	Letdown Tank No. 17: 600-gallon tank; processes paint prior to transfer to product containers; installation date pre-1975	Howell Electric/ 15189H-4	NA
EU0270	Letdown Tank No. 18: 600-gallon tank; processes paint prior to transfer to product containers; installation date pre-1975	Louis Allis/ SSB-784589	NA
EU0280	Letdown Tank No. 19: 2300-gallon tank; processes paint prior to transfer to product containers; installation date 1981-5	Toshiba	NA
EU0290	Letdown Tank No. 20: 2300-gallon tank; processes paint prior to transfer to product containers; installation date 1981-5	Toshiba/ BY754YLF2AC	NA
EU0300	Letdown Tank No. 21: 530-gallon tank; processes paint prior to transfer to product containers; installation date pre-1975	Master	NA

EU0310	Letdown Tank No. 22: 530-gallon tank; processes paint prior to transfer to product containers; installation date pre-1975	Master	NA
EU0320	Letdown Tank No. 23: 530-gallon tank; processes paint prior to transfer to product containers; installation date pre-1975	Master	NA
EU0330	Letdown Tank No. 24: 530-gallon tank; processes paint prior to transfer to product containers; installation date pre-1975	Master	NA
EU0340	Letdown Tank No. 25: 530-gallon tank; processes paint prior to transfer to product containers; installation date pre-1975	GE/ 5K4254C31	NA
EU0350	Letdown Tank No. 26: 720-gallon tank; processes paint prior to transfer to product containers; installation date pre-1975	GE/ E516028	NA
EU0360	Letdown Tank No. 27: 530-gallon tank; processes paint prior to transfer to product containers; installation date pre-1975	U. S. Electric/ 9-1243-CC-167	NA
EU0370	Letdown Tank No. 28: 530-gallon tank; processes paint prior to transfer to product containers; installation date pre-1975	U. S. Electric/ 9-1243-CC-167	NA
EU0380	Letdown Tank No. 29: 530-gallon tank; processes paint prior to transfer to product containers; installation date pre-1975	U. S. Electric/ 9-1243-CC-167	NA
EU0390	Letdown Tank No. 30: 530-gallon tank; processes paint prior to transfer to product containers; installation date pre-1975	U. S. Electric/ 9-1243-CC-167	NA
EU0400	Letdown Tank No. 31: 530-gallon tank; processes paint prior to transfer to product containers; installation date pre-1975	Allis-Chalmers/ 10A8-51-619- 440338	NA
EU0410	Letdown Tank No. 32: 530-gallon tank; processes paint prior to transfer to product containers; installation date pre-1975	Allis-Chalmers/ 10A8-51-619- 440338	NA
EU0420	Letdown Tank No. 33: 2200-gallon tank; processes paint prior to transfer to product containers; installation date 1981-5	Baldor/ VM7047	NA
EU0430	Letdown Tank No. 34: 1700-gallon tank; processes paint prior to transfer to product containers; installation date 1981-5	Baldor/ VM7047	NA
EU0440	Letdown Tank No. 35: 2500-gallon tank; processes paint prior to transfer to product containers; installation date 1981-5	Dayton/ 3N071	NA
EU0450	Letdown Tank No. 36: 2500-gallon tank; processes paint prior to transfer to product containers; installation date 1981-5	Dayton/ 3N071	NA
EU0460	Letdown Tank No. 37: 1340-gallon tank; processes paint prior to transfer to product containers; installation date 1981-5	Baldor/ T-911238	NA
EU0470	Letdown Tank No. 38: 1700-gallon tank; processes paint prior to transfer to product containers; installation date 1981-5	Baldor/ U-122798	NA
EU0480	Letdown Tank No. 39: 5000-gallon tank; processes paint prior to transfer to product containers; installation date 1985	Siemens-Allis	NA
EU0490	Raw Material Storage Tank No. 1: 1000-gallon tank; installation date pre-1975	NA	EP-06
EU0500	Raw Material Storage Tank No. 2: 1000-gallon tank; installation date pre-1975	NA	EP-06
EU0510	Raw Material Storage Tank No. 3: 1000-gallon tank; installation date pre-1975	NA	EP-06
EU0520	Raw Material Storage Tank No. 4: 1000-gallon tank; installation date pre-1975	NA	EP-06
EU0530	Raw Material Storage Tank No. 5: 1000-gallon tank; installation date pre-1975	NA	EP-06
EU0540	Raw Material Storage Tank No. 6: 1000-gallon tank; installation date pre-1975	NA	EP-06

EU0550	Raw Material Storage Tank No. 7: 1000-gallon tank; installation date pre-1975	NA	EP-06
EU0560	Raw Material Storage Tank No. 8: 1000-gallon tank; installation date pre-1975	NA	EP-06
EU0570	Raw Material Storage Tank No. 9: 1000-gallon tank; installation date pre-1975	NA	EP-06
EU0580	Raw Material Storage Tank No. 10: 1000-gallon tank; installation date pre-1975	NA	EP-06
EU0590	Raw Material Storage Tank No. 11: 1000-gallon tank; installation date pre-1975	NA	EP-06
EU0600	Raw Material Storage Tank No. 12: 1000-gallon tank; installation date pre-1975	NA	EP-06
EU0610	Raw Material Storage Tank No. 13: 1000-gallon tank; installation date pre-1975	NA	EP-06
EU0620	Raw Material Storage Tank No. 14: 1000-gallon tank; installation date pre-1975	NA	EP-06
EU0630	Raw Material Storage Tank No. 15: 1000-gallon tank; installation date pre-1975	NA	EP-06
EU0640	Raw Material Storage Tank No. 16: 1000-gallon tank; installation date pre-1975	NA	EP-06
EU0650	Raw Material Storage Tank No. 17: 1000-gallon tank; installation date pre-1975	NA	EP-06
EU0660	Raw Material Storage Tank No. 18: 1000-gallon tank; installation date pre-1975	NA	EP-06
EU0670	Raw Material Storage Tank No. 21: 1000-gallon tank; installation date pre-1975	NA	EP-06
EU0680	Raw Material Storage Tank No. 22: 1000-gallon tank; installation date pre-1975	NA	EP-06
EU0690	Raw Material Storage Tank No. 23: 1000-gallon tank; installation date pre-1975	NA	EP-06
EU0700	Raw Material Storage Tank No. 24: 1000-gallon tank; installation date pre-1975	NA	EP-06
EU0710	Raw Material Storage Tank No. 19: 500-gallon tank; installation date pre-1975	NA	EP-06
EU0720	Raw Material Storage Tank No. 20: 500-gallon tank; installation date pre-1975	NA	EP-06
EU0730	Raw Material Storage Tank No. 25: 500-gallon tank; installation date pre-1975	NA	EP-06
EU0740	Raw Material Storage Tank No. 26: 500-gallon tank; installation date pre-1975	NA	EP-06
EU0750	Raw Material Storage Tank No. 63: 500-gallon tank; installation date pre-1975	NA	EP-06
EU0760	Raw Material Storage Tank No. 64: 500-gallon tank; installation date pre-1975	NA	EP-06
EU0770	Raw Material Storage Tank No. 27: 1100-gallon tank; installation date pre-1975	NA	EP-06
EU0780	Raw Material Storage Tank No. 28: 1100-gallon tank; installation date pre-1975	NA	EP-06
EU0790	Raw Material Storage Tank No. 29: 1100-gallon tank; installation date pre-1975	NA	EP-06

EU0800	Raw Material Storage Tank No. 37: 1100-gallon tank; installation date pre-1975	NA	EP-06
EU0810	Raw Material Storage Tank No. 38: 1100-gallon tank; installation date pre-1975	NA	EP-06
EU0820	Raw Material Storage Tank No. 39: 1100-gallon tank; installation date pre-1975	NA	EP-06
EU0830	Raw Material Storage Tank No. 45: 1100-gallon tank; installation date pre-1975	NA	EP-06
EU0840	Raw Material Storage Tank No. 46: 1100-gallon tank; installation date pre-1975	NA	EP-06
EU0850	Raw Material Storage Tank No. 30: 1200-gallon tank; installation date pre-1975	NA	EP-06
EU0860	Raw Material Storage Tank No. 31: 1200-gallon tank; installation date pre-1975	NA	EP-06
EU0870	Raw Material Storage Tank No. 32: 1200-gallon tank; installation date pre-1975	NA	EP-06
EU0880	Raw Material Storage Tank No. 33: 1200-gallon tank; installation date pre-1975	NA	EP-06
EU0890	Raw Material Storage Tank No. 34: 1200-gallon tank; installation date pre-1975	NA	EP-06
EU0900	Raw Material Storage Tank No. 35: 1200-gallon tank; installation date pre-1975	NA	EP-06
EU0910	Raw Material Storage Tank No. 40: 2500-gallon tank; installation date pre-1975	NA	EP-06
EU0920	Raw Material Storage Tank No. 41: 2500-gallon tank; installation date pre-1975	NA	EP-06
EU0930	Raw Material Storage Tank No. 44: 2000-gallon tank; installation date pre-1975	NA	EP-06
EU0940	Raw Material Storage Tank No. 36: 1100-gallon tank; installation date pre-1975	NA	EP-06

**PERMIT CONDITION (EU0090 through EU0940)-001**

10 CSR 10-2.300 Control of Emissions from the Manufacturing of Paints, Varnishes, Lacquers, Enamels and Other Allied Surface Coating Products

**Operational Specifications:**

- 1) Covers shall be installed on all open-top tanks used for the production of non-waterbase coating products. These covers shall remain closed except when production, sampling, maintenance or inspection procedures require operator access.
- 2) Covers shall be installed on all tanks containing VOC used for cleaning equipment. These covers shall remain closed except when operator access is required.

**Monitoring:**

- 1) Owners or operators utilizing add-on control technology shall monitor the following parameters continuously while the affected equipment is in operation:
  - a) Exit stream temperature on all condensers;
  - b) Routine and unscheduled maintenance and repair activities on all air pollution control equipment; and

- c) Any other parameter which the director determines is necessary to quantify emissions or otherwise determine compliance with this regulation.

**Recordkeeping:**

- 1) Records shall be kept on production rates sufficient to determine daily VOC emissions and any equipment test results performed in conjunction with 10 CSR 10-2.300.
- 2) Records shall be kept for the add-on control technology monitoring parameters, if applicable.
- 3) All records shall be maintained for five years.
- 4) These records shall be made available immediately for inspection to the Department of Natural Resources' personnel upon their verbal request and presentation of identification.

**Reporting:**

The permittee shall report any deviations of this permit condition using the semi-annual monitoring report and annual compliance certification to the Air Pollution Control Program's Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, as required by 10 CSR 10-6.065(6)(C)1.C.(III).

## IV. Core Permit Requirements

The installation shall comply with each of the following regulations or codes. Consult the appropriate sections in the Code of Federal Regulations (CFR) and Code of State Regulations (CSR) for the full text of the applicable requirements. All citations, unless otherwise noted, are to the regulations in effect as of the date that this permit is issued. The following is only an excerpt from the regulation or code, and is provided for summary purposes only.

### 10 CSR 10-6.045 Open Burning Requirements

- 1) General Provisions. The open burning of tires, petroleum-based products, asbestos containing materials, and trade waste is prohibited, except as allowed below. Nothing in this rule may be construed as to allow open burning which causes or constitutes a public health hazard, nuisance, a hazard to vehicular or air traffic, nor which violates any other rule or statute.
- 2) Refer to the regulation for a complete list of allowances. The following is a listing of exceptions to the allowances:
  - a) Burning of household or domestic refuse. Burning of household or domestic refuse is limited to open burning on a residential premises having not more than four dwelling units, provided that the refuse originates on the same premises, with the following exceptions:
    - i) Kansas City metropolitan area. The open burning of household refuse must take place in an area zoned for agricultural purposes and outside that portion of the metropolitan area surrounded by the corporate limits of Kansas City and every contiguous municipality;
    - ii) Springfield-Greene County area. The open burning of household refuse must take place outside the corporate limits of Springfield and only within areas zoned A-1, Agricultural District;
    - iii) St. Joseph area. The open burning of household refuse must take place within an area zoned for agricultural purposes and outside that portion of the metropolitan area surrounded by the corporate limits of St. Joseph; and
    - iv) St. Louis metropolitan area. The open burning of household refuse is prohibited;
  - b) Yard waste, with the following exceptions:
    - i) Kansas City metropolitan area. The open burning of trees, tree leaves, brush or any other type of vegetation shall require an open burning permit;
    - ii) Springfield-Greene County area. The City of Springfield requires an open burning permit for the open burning of trees, brush or any other type of vegetation. The City of Springfield prohibits the open burning of tree leaves;
    - iii) St. Joseph area. Within the corporate limits of St. Joseph, the open burning of trees, tree leaves, brush or any other type of vegetation grown on a residential property is allowed during the following calendar periods and time-of-day restrictions:
      - (1) A three (3)-week period within the period commencing the first day of March through April 30 and continuing for twenty-one (21) consecutive calendar days;
      - (2) A three (3)-week period within the period commencing the first day of October through November 30 and continuing for twenty-one (21) consecutive calendar days;
      - (3) The burning shall take place only between the daytime hours of 10:00 a.m. and 3:30 p.m.; and
      - (4) In each instance, the twenty-one (21)-day burning period shall be determined by the director of Public Health and Welfare of the City of St. Joseph for the region in which the City of St. Joseph is located provided, however, the burning period first shall receive the approval of the department director; and

- iv) St. Louis metropolitan area. The open burning of trees, tree leaves, brush or any other type of vegetation is limited to the period beginning September 16 and ending April 14 of each calendar year and limited to a total base area not to exceed sixteen (16) square feet. Any open burning shall be conducted only between the hours of 10:00 a.m. and 4:00 p.m. and is limited to areas outside of incorporated municipalities;
- 3) Certain types of materials may be open burned provided an open burning permit is obtained from the director. The permit will specify the conditions and provisions of all open burning. The permit may be revoked if the owner or operator fails to comply with the conditions or any provisions of the permit.
- 4) Davis Paint Company may be issued an annually renewable open burning permit for open burning provided that an air curtain destructor or incinerator is utilized and only tree trunks, tree limbs, vegetation or untreated wood waste are burned. Open burning shall occur at least two hundred (200) yards from the nearest occupied structure unless the owner or operator of the occupied structure provides a written waiver of this requirement. Any waiver shall accompany the open burning permit application. The permit may be revoked if Davis Paint Company fails to comply with the provisions or any condition of the open burning permit.
- a) In a nonattainment area, as defined in 10 CSR 10-6.020, paragraph (2)(N)5., the director shall not issue a permit under this section unless the owner or operator can demonstrate to the satisfaction of the director that the emissions from the open burning of the specified material would be less than the emissions from any other waste management or disposal method.
- 5) Reporting and Recordkeeping. New Source Performance Standard (NSPS) 40 CFR Part 60 Subpart CCCC establishes certain requirements for air curtain destructors or incinerators that burn wood trade waste. These requirements are established in 40 CFR 60.2245-60.2260. The provisions of 40 CFR Part 60 Subpart CCCC promulgated as of September 22, 2005, shall apply and are hereby incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N Capitol Street NW, Washington, DC 20401. To comply with NSPS 40 CFR 60.2245-60.2260, sources must conduct an annual Method 9 test. A copy of the annual Method 9 test results shall be submitted to the director.
- 6) Test Methods. The visible emissions from air pollution sources shall be evaluated as specified by 40 CFR Part 60, Appendix A–Test Methods, Method 9–Visual Determination of the Opacity of Emissions from Stationary Sources. The provisions of 40 CFR Part 60, Appendix A, Method 9 promulgated as of December 23, 1971, is incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N Capitol Street NW, Washington, DC 20401.

#### **10 CSR 10-6.050 Start-up, Shutdown and Malfunction Conditions**

- 1) In the event of a malfunction, which results in excess emissions that exceed one hour, the permittee shall submit to the director within two business days, in writing, the following information:
- a) Name and location of installation;
- b) Name and telephone number of person responsible for the installation;
- c) Name of the person who first discovered the malfunction and precise time and date that the malfunction was discovered.
- d) Identity of the equipment causing the excess emissions;
- e) Time and duration of the period of excess emissions;
- f) Cause of the excess emissions;
- g) Air pollutants involved;
- h) Best estimate of the magnitude of the excess emissions expressed in the units of the applicable requirement and the operating data and calculations used in estimating the magnitude;

- i) Measures taken to mitigate the extent and duration of the excess emissions; and
  - j) Measures taken to remedy the situation that caused the excess emissions and the measures taken or planned to prevent the recurrence of these situations.
- 2) The permittee shall submit the paragraph 1 information list to the director in writing at least ten days prior to any maintenance, start-up or shutdown, which is expected to cause an excessive release of emissions that exceed one hour. If notice of the event cannot be given ten days prior to the planned occurrence, it shall be given as soon as practicable prior to the release. If an unplanned excess release of emissions exceeding one hour occurs during maintenance, start-up or shutdown, the director shall be notified verbally as soon as practical during normal working hours and no later than the close of business of the following working day. A written notice shall follow within ten working days.
  - 3) Upon receipt of a notice of excess emissions issued by an agency holding a certificate of authority under Section 643.140, RSMo, the permittee may provide information showing that the excess emissions were the consequence of a malfunction, start-up or shutdown. The information, at a minimum, should be the paragraph 1 list and shall be submitted not later than 15 days after receipt of the notice of excess emissions. Based upon information submitted by the permittee or any other pertinent information available, the director or the commission shall make a determination whether the excess emissions constitute a malfunction, start-up or shutdown and whether the nature, extent and duration of the excess emissions warrant enforcement action under Section 643.080 or 643.151, RSMo.
  - 4) Nothing in this rule shall be construed to limit the authority of the director or commission to take appropriate action, under Sections 643.080, 643.090 and 643.151, RSMo to enforce the provisions of the Air Conservation Law and the corresponding rule.
  - 5) Compliance with this rule does not automatically absolve the permittee of liability for the excess emissions reported.

#### **10 CSR 10-6.060 Construction Permits Required**

The permittee shall not commence construction, modification, or major modification of any installation subject to this rule, begin operation after that construction, modification, or major modification, or begin operation of any installation which has been shut down longer than five years without first obtaining a permit from the permitting authority.

#### **10 CSR 10-6.065 Operating Permits**

The permittee shall file a complete application for renewal of this operating permit at least six months before the date of permit expiration. In no event shall this time be greater than eighteen months. [10 CSR 10-6.065(6)(B)1.A(V)] The permittee shall retain the most current operating permit issued to this installation on-site. [10 CSR 10-6.065(6)(C)1.C(II)] The permittee shall immediately make such permit available to any Missouri Department of Natural Resources personnel upon request. [10 CSR 10-6.065(6)(C)3.B]

#### **10 CSR 10-6.100 Alternate Emission Limits**

Proposals for alternate emission limitations shall be submitted on Alternate Emission Limits Permit forms provided by the department. An installation owner or operator must obtain an Alternate Emission Limits Permit in accordance with 10 CSR 10-6.100 before alternate emission limits may become effective.

**10 CSR 10-6.110 Submission of Emission Data, Emission Fees and Process Information**

- 1) The permittee shall submit full emissions report either electronically via MoEIS, which requires Form 1.0 signed by an authorized company representative, or on Emission Inventory Questionnaire (EIQ) paper forms on the frequency specified in this rule and in accordance with the requirements outlined in this rule. Alternate methods of reporting the emissions, such as spreadsheet file, can be submitted for approval by the director.
- 2) The permittee may be required by the director to file additional reports.
- 3) Public Availability of Emission Data and Process Information. Any information obtained pursuant to the rule(s) of the Missouri Air Conservation Commission that would not be entitled to confidential treatment under 10 CSR 10-6.210 shall be made available to any member of the public upon request.
- 4) The permittee shall pay an annual emission fee per ton of regulated air pollutant emitted according to the schedule in the rule. This fee is an emission fee assessed under authority of RSMo. 643.079.
- 5) The fees shall be payable to the Department of Natural Resources and shall be accompanied by the emissions report.
- 6) The permittee shall complete required reports on state supplied EIQ forms or electronically via MoEIS. Alternate methods of reporting the emissions can be submitted for approval by the director. The reports shall be submitted to the director by April 1 after the end of each reporting year. If the full emissions report is filed electronically via MoEIS, this due date is extended to May 1.
- 7) The reporting period shall end on December 31 of each calendar year. Each report shall contain the required information for each emission unit for the twelve (12)-month period immediately preceding the end of the reporting period.
- 8) The permittee shall collect, record and maintain the information necessary to complete the required forms during each year of operation of the installation.

**10 CSR 10-6.130 Controlling Emissions During Episodes of High Air Pollution Potential**

This rule specifies the conditions that establish an air pollution alert (yellow/orange/red/purple), or emergency (maroon) and the associated procedures and emission reduction objectives for dealing with each. The permittee shall submit an appropriate emergency plan if required by the Director.

**10 CSR 10-6.150 Circumvention**

The permittee shall not cause or permit the installation or use of any device or any other means which, without resulting in reduction in the total amount of air contaminant emitted, conceals or dilutes an emission or air contaminant which violates a rule of the Missouri Air Conservation Commission.

**10 CSR 10-6.170**

**Restriction of Particulate Matter to the Ambient Air Beyond the Premises of Origin**

**Emission Limitation:**

- 1) The permittee shall not cause or allow to occur any handling, transporting or storing of any material; construction, repair, cleaning or demolition of a building or its appurtenances; construction or use of a road, driveway or open area; or operation of a commercial or industrial installation without applying reasonable measures as may be required to prevent, or in a manner which allows or may allow, fugitive particulate matter emissions to go beyond the premises of origin in quantities that the particulate matter may be found on surfaces beyond the property line of origin. The nature or origin of the particulate matter shall be determined to a reasonable degree of certainty by a technique proven to be accurate and approved by the director.
- 2) The permittee shall not cause nor allow to occur any fugitive particulate matter emissions to remain visible in the ambient air beyond the property line of origin.

- 3) Should it be determined that noncompliance has occurred, the director may require reasonable control measures as may be necessary. These measures may include, but are not limited to, the following:
- a) Revision of procedures involving construction, repair, cleaning and demolition of buildings and their appurtenances that produce particulate matter emissions;
  - b) Paving or frequent cleaning of roads, driveways and parking lots;
  - c) Application of dust-free surfaces;
  - d) Application of water; and
  - e) Planting and maintenance of vegetative ground cover.

**10 CSR 10-6.180 Measurement of Emissions of Air Contaminants**

- 1) The director may require any person responsible for the source of emission of air contaminants to make or have made tests to determine the quantity or nature, or both, of emission of air contaminants from the source. The director may specify testing methods to be used in accordance with good professional practice. The director may observe the testing. All tests shall be performed by qualified personnel.
- 2) The director may conduct tests of emissions of air contaminants from any source. Upon request of the director, the person responsible for the source to be tested shall provide necessary ports in stacks or ducts and other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices as may be necessary for proper determination of the emission of air contaminants.
- 3) The director shall be given a copy of the test results in writing and signed by the person responsible for the tests.

**10 CSR 10-2.070 Restriction of Emission of Odors**

**This requirement is not federally enforceable.**

No person may cause, permit or allow the emission of odorous matter in concentrations and frequencies or for durations that odor can be perceived when one volume of odorous air is diluted with seven volumes of odor-free air for two separate trials not less than 15 minutes apart within the period of one hour.

**10 CSR 10-6.250 Asbestos Abatement Projects – Certification, Accreditation, and Business Exemption Requirements**

The permittee shall conduct all asbestos abatement projects within the procedures established for certification and accreditation by 10 CSR 10-6.250. This rule requires individuals who work in asbestos abatement projects to be certified by the Missouri Department of Natural Resources Air Pollution Control Program. This rule requires training providers who offer training for asbestos abatement occupations to be accredited by the Missouri Department of Natural Resources Air Pollution Control Program. This rule requires persons who hold exemption status from certain requirements of this rule to allow the department to monitor training provided to employees. Each individual who works in asbestos abatement projects must first obtain certification for the appropriate occupation from the department. Each person who offers training for asbestos abatement occupations must first obtain accreditation from the department. Certain business entities that meet the requirements for state-approved exemption status must allow the department to monitor training classes provided to employees who perform asbestos abatement.

**Title VI – 40 CFR Part 82 Protection of Stratospheric Ozone**

- 1) The permittee shall comply with the standards for labeling of products using ozone-depleting substances pursuant to 40 CFR Part 82, Subpart E:
  - a) All containers in which a class I or class II substance is stored or transported, all products containing a class I substance, and all products directly manufactured with a class I substance must bear the required warning statement if it is being introduced into interstate commerce pursuant to §82.106.
  - b) The placement of the required warning statement must comply with the requirements pursuant to §82.108.
  - c) The form of the label bearing the required warning statement must comply with the requirements pursuant to §82.110.
  - d) No person may modify, remove, or interfere with the required warning statement except as described in §82.112.
- 2) The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVACs) in Subpart B:
  - a) Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to §82.156.
  - b) Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to §82.158.
  - c) Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to §82.161.
  - d) Persons disposing of small appliances, MVACs, and MVAC-like appliances must comply with recordkeeping requirements pursuant to §82.166. ("MVAC-like" appliance as defined at §82.152).
  - e) Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to §82.156.
  - f) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to §82.166.
- 3) If the permittee manufactures, transforms, imports, or exports a class I or class II substance, the permittee is subject to all the requirements as specified in 40 CFR Part 82, Subpart A, Production and Consumption Controls.
- 4) If the permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the motor vehicle air conditioner (MVAC), the permittee is subject to all the applicable requirements as specified in 40 CFR Part 82, Subpart B, Servicing of Motor Vehicle Air conditioners. The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo, or system used on passenger buses using HCFC-22 refrigerant.
- 5) The permittee shall be allowed to switch from any ozone-depleting substance to any alternative that is listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR Part 82, Subpart G, Significant New Alternatives Policy Program. *Federal Only - 40 CFR Part 82*

**10 CSR 10-6.280 Compliance Monitoring Usage**

- 1) The permittee is not prohibited from using the following in addition to any specified compliance methods for the purpose of submission of compliance certificates:

- a) Monitoring methods outlined in 40 CFR Part 64;
  - b) Monitoring method(s) approved for the permittee pursuant to 10 CSR 10-6.065, "Operating Permits", and incorporated into an operating permit; and
  - c) Any other monitoring methods approved by the director.
- 2) Any credible evidence may be used for the purpose of establishing whether a permittee has violated or is in violation of any such plan or other applicable requirement. Information from the use of the following methods is presumptively credible evidence of whether a violation has occurred by a permittee:
- a) Monitoring methods outlined in 40 CFR Part 64;
  - b) A monitoring method approved for the permittee pursuant to 10 CSR 10-6.065, "Operating Permits", and incorporated into an operating permit; and
  - c) Compliance test methods specified in the rule cited as the authority for the emission limitations.
- 3) The following testing, monitoring or information gathering methods are presumptively credible testing, monitoring, or information gathering methods:
- a) Applicable monitoring or testing methods, cited in:
    - i) 10 CSR 10-6.030, "Sampling Methods for Air Pollution Sources";
    - ii) 10 CSR 10-6.040, "Reference Methods";
    - iii) 10 CSR 10-6.070, "New Source Performance Standards";
    - iv) 10 CSR 10-6.080, "Emission Standards for Hazardous Air Pollutants"; or
  - b) Other testing, monitoring, or information gathering methods, if approved by the director, that produce information comparable to that produced by any method listed above.

## V. General Permit Requirements

The installation shall comply with each of the following requirements. Consult the appropriate sections in the Code of Federal Regulations (CFR) and Code of State Regulations (CSR) for the full text of the applicable requirements. All citations, unless otherwise noted, are to the regulations in effect as of the date that this permit is issued,

### **10 CSR 10-6.065(6)(C)1.B Permit Duration**

This permit is issued for a term of five years, commencing on the date of issuance. This permit will expire at the end of this period unless renewed.

### **10 CSR 10-6.065(6)(C)1.C General Recordkeeping and Reporting Requirements**

- 1) Recordkeeping
  - a) All required monitoring data and support information shall be retained for a period of at least five years from the date of the monitoring sample, measurement, report or application.
  - b) Copies of all current operating and construction permits issued to this installation shall be kept on-site for as long as the permits are in effect. Copies of these permits shall be made immediately available to any Missouri Department of Natural Resources' personnel upon request.
- 2) Reporting
  - a) All reports shall be submitted to the Air Pollution Control Program's Enforcement Section, P. O. Box 176, Jefferson City, MO 65102.
  - b) The permittee shall submit a report of all required monitoring by:
    - i) October 1st for monitoring which covers the January through June time period, and
    - ii) April 1st for monitoring which covers the July through December time period.
    - iii) Exception. Monitoring requirements which require reporting more frequently than semi-annually shall report no later than 30 days after the end of the calendar quarter in which the measurements were taken.
  - c) Each report shall identify any deviations from emission limitations, monitoring, recordkeeping, reporting, or any other requirements of the permit, this includes deviations or Part 64 exceedances.
  - d) Submit supplemental reports as required or as needed. Supplemental reports are required no later than ten days after any exceedance of any applicable rule, regulation or other restriction. All reports of deviations shall identify the cause or probable cause of the deviations and any corrective actions or preventative measures taken.
    - i) Notice of any deviation resulting from an emergency (or upset) condition as defined in paragraph (6)(C)7.A of 10 CSR 10-6.065 (Emergency Provisions) shall be submitted to the permitting authority either verbally or in writing within two working days after the date on which the emission limitation is exceeded due to the emergency, if the permittee wishes to assert an affirmative defense. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that indicate an emergency occurred and the permittee can identify the cause(s) of the emergency. The permitted installation must show that it was operated properly at the time and that during the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or requirements in the permit. The notice must contain a description of the emergency, the steps taken to mitigate emissions, and the corrective actions taken.

- ii) Any deviation that poses an imminent and substantial danger to public health, safety or the environment shall be reported as soon as practicable.
- iii) Any other deviations identified in the permit as requiring more frequent reporting than the permittee's semi-annual report shall be reported on the schedule specified in this permit, and no later than ten days after any exceedance of any applicable rule, regulation, or other restriction.
- e) Every report submitted shall be certified by the responsible official, except that, if a report of a deviation must be submitted within ten days after the deviation, the report may be submitted without a certification if the report is resubmitted with an appropriate certification within ten days after that, together with any corrected or supplemental information required concerning the deviation.
- f) The permittee may request confidential treatment of information submitted in any report of deviation.

#### **10 CSR 10-6.065(6)(C)1.D Risk Management Plan Under Section 112(r)**

The permittee shall comply with the requirements of 40 CFR Part 68, Accidental Release Prevention Requirements. If the permittee has more than a threshold quantity of a regulated substance in process, as determined by 40 CFR Section 68.115, the permittee shall submit a Risk Management Plan in accordance with 40 CFR Part 68 no later than the latest of the following dates:

- 1) June 21, 1999;
- 2) Three years after the date on which a regulated substance is first listed under 40 CFR Section 68.130; or
- 3) The date on which a regulated substance is first present above a threshold quantity in a process.

#### **10 CSR 10-6.065(6)(C)1.F Severability Clause**

In the event of a successful challenge to any part of this permit, all uncontested permit conditions shall continue to be in force. All terms and conditions of this permit remain in effect pending any administrative or judicial challenge to any portion of the permit. If any provision of this permit is invalidated, the permittee shall comply with all other provisions of the permit.

#### **10 CSR 10-6.065(6)(C)1.G General Requirements**

- 1) The permittee must comply with all of the terms and conditions of this permit. Any noncompliance with a permit condition constitutes a violation and is grounds for enforcement action, permit termination, permit revocation and re-issuance, permit modification or denial of a permit renewal application.
- 2) The permittee may not use as a defense in an enforcement action that it would have been necessary for the permittee to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit
- 3) The permit may be modified, revoked, reopened, reissued or terminated for cause. Except as provided for minor permit modifications, the filing of an application or request for a permit modification, revocation and reissuance, or termination, or the filing of a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- 4) This permit does not convey any property rights of any sort, nor grant any exclusive privilege.
- 5) The permittee shall furnish to the Air Pollution Control Program, upon receipt of a written request and within a reasonable time, any information that the Air Pollution Control Program reasonably may require to determine whether cause exists for modifying, reopening, reissuing or revoking the permit or to determine compliance with the permit. Upon request, the permittee also shall furnish to

the Air Pollution Control Program copies of records required to be kept by the permittee. The permittee may make a claim of confidentiality for any information or records submitted pursuant to 10 CSR 10-6.065(6)(C)1.

**10 CSR 10-6.065(6)(C)1.H Incentive Programs Not Requiring Permit Revisions**

No permit revision will be required for any installation changes made under any approved economic incentive, marketable permit, emissions trading, or other similar programs or processes provided for in this permit.

**10 CSR 10-6.065(6)(C)1.I Reasonably Anticipated Operating Scenarios**

None.

**10 CSR 10-6.065(6)(C)3 Compliance Requirements**

- 1) Any document (including reports) required to be submitted under this permit shall contain a certification signed by the responsible official.
- 2) Upon presentation of credentials and other documents as may be required by law, the permittee shall allow authorized officials of the Missouri Department of Natural Resources, or their authorized agents, to perform the following (subject to the installation's right to seek confidential treatment of information submitted to, or obtained by, the Air Pollution Control Program):
  - a) Enter upon the premises where a permitted installation is located or an emissions-related activity is conducted, or where records must be kept under the conditions of this permit;
  - b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
  - c) Inspect, at reasonable times and using reasonable safety practices, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and
  - d) As authorized by the Missouri Air Conservation Law, Chapter 643, RSMo or the Act, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the terms of this permit, and all applicable requirements as outlined in this permit.
- 3) All progress reports required under an applicable schedule of compliance shall be submitted semi-annually (or more frequently if specified in the applicable requirement). These progress reports shall contain the following:
  - a) Dates for achieving the activities, milestones or compliance required in the schedule of compliance, and dates when these activities, milestones or compliance were achieved, and
  - b) An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventative or corrective measures adopted.
- 4) The permittee shall submit an annual certification that it is in compliance with all of the federally enforceable terms and conditions contained in this permit, including emissions limitations, standards, or work practices. These certifications shall be submitted annually by April 1st, unless the applicable requirement specifies more frequent submission. These certifications shall be submitted to EPA Region VII, 11201 Renner Blvd., Lenexa, Kansas 66219, as well as the Air Pollution Control Program's Enforcement Section, P.O. Box 176, Jefferson City, MO 65102. All deviations and Part 64 exceedances and excursions must be included in the compliance certifications. The compliance certification shall include the following:
  - a) The identification of each term or condition of the permit that is the basis of the certification;
  - b) The current compliance status, as shown by monitoring data and other information reasonably available to the installation;

- c) Whether compliance was continuous or intermittent;
- d) The method(s) used for determining the compliance status of the installation, both currently and over the reporting period; and
- e) Such other facts as the Air Pollution Control Program will require in order to determine the compliance status of this installation.

#### **10 CSR 10-6.065(6)(C)6 Permit Shield**

- 1) Compliance with the conditions of this permit shall be deemed compliance with all applicable requirements as of the date that this permit is issued, provided that:
  - a) The application requirements are included and specifically identified in this permit, or
  - b) The permitting authority, in acting on the permit revision or permit application, determines in writing that other requirements, as specifically identified in the permit, are not applicable to the installation, and this permit expressly includes that determination or a concise summary of it.
- 2) Be aware that there are exceptions to this permit protection. The permit shield does not affect the following:
  - a) The provisions of Section 303 of the Act or Section 643.090, RSMo concerning emergency orders,
  - b) Liability for any violation of an applicable requirement which occurred prior to, or was existing at, the time of permit issuance,
  - c) The applicable requirements of the acid rain program,
  - d) The authority of the Environmental Protection Agency and the Air Pollution Control Program of the Missouri Department of Natural Resources to obtain information, or
  - e) Any other permit or extra-permit provisions, terms or conditions expressly excluded from the permit shield provisions.

#### **10 CSR 10-6.065(6)(C)7 Emergency Provisions**

- 1) An emergency or upset as defined in 10 CSR 10-6.065(6)(C)7.A shall constitute an affirmative defense to an enforcement action brought for noncompliance with technology-based emissions limitations. To establish an emergency- or upset-based defense, the permittee must demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, the following:
  - a) That an emergency or upset occurred and that the permittee can identify the source of the emergency or upset,
  - b) That the installation was being operated properly,
  - c) That the permittee took all reasonable steps to minimize emissions that exceeded technology-based emissions limitations or requirements in this permit, and
  - d) That the permittee submitted notice of the emergency to the Air Pollution Control Program within two working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and any corrective actions taken.
- 2) Be aware that an emergency or upset shall not include noncompliance caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

#### **10 CSR 10-6.065(6)(C)8 Operational Flexibility**

An installation that has been issued a Part 70 operating permit is not required to apply for or obtain a permit revision in order to make any of the changes to the permitted installation described below if the changes are not Title I modifications, the changes do not cause emissions to exceed emissions allowable

under the permit, and the changes do not result in the emission of any air contaminant not previously emitted. The permittee shall notify the Air Pollution Control Program's Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, as well as EPA Region VII, 11201 Renner Blvd., Lenexa, KS 66219, at least seven days in advance of these changes, except as allowed for emergency or upset conditions. Emissions allowable under the permit means a federally enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or a federally enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

- 1) Section 502(b)(10) changes. Changes that, under Section 502(b)(10) of the Act, contravene an express permit term may be made without a permit revision, except for changes that would violate applicable requirements of the Act or contravene federally enforceable monitoring (including test methods), recordkeeping, reporting or compliance requirements of the permit.
  - a) Before making a change under this provision, The permittee shall provide advance written notice to the Air Pollution Control Program's Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, as well as EPA Region VII, 11201 Renner Blvd., Lenexa, KS 66219, describing the changes to be made, the date on which the change will occur, and any changes in emission and any permit terms and conditions that are affected. The permittee shall maintain a copy of the notice with the permit, and the Air Pollution Control Program shall place a copy with the permit in the public file. Written notice shall be provided to the EPA and the Air Pollution Control Program as above at least seven days before the change is to be made. If less than seven days' notice is provided because of a need to respond more quickly to these unanticipated conditions, the permittee shall provide notice to the EPA and the Air Pollution Control Program as soon as possible after learning of the need to make the change.
  - b) The permit shield shall not apply to these changes.

#### **10 CSR 10-6.065(6)(C)9 Off-Permit Changes**

- 1) Except as noted below, the permittee may make any change in its permitted operations, activities or emissions that is not addressed in, constrained by or prohibited by this permit without obtaining a permit revision. Insignificant activities listed in the application, but not otherwise addressed in or prohibited by this permit, shall not be considered to be constrained by this permit for purposes of the off-permit provisions of this section. Off-permit changes shall be subject to the following requirements and restrictions:
  - a) The change must meet all applicable requirements of the Act and may not violate any existing permit term or condition; the permittee may not change a permitted installation without a permit revision if this change is subject to any requirements under Title IV of the Act or is a Title I modification;
  - b) The permittee must provide written notice of the change to the Air Pollution Control Program's Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, as well as EPA Region VII, 11201 Renner Blvd., Lenexa, KS 66219, no later than the next annual emissions report. This notice shall not be required for changes that are insignificant activities under 10 CSR 10-6.065(6)(B)3. This written notice shall describe each change, including the date, any change in emissions, pollutants emitted and any applicable requirement that would apply as a result of the change.
  - c) The permittee shall keep a record describing all changes made at the installation that result in emissions of a regulated air pollutant subject to an applicable requirement and the emissions resulting from these changes; and
  - d) The permit shield shall not apply to these changes.

### **10 CSR 10-6.020(2)(R)12 Responsible Official**

The application utilized in the preparation of this permit was signed by Bill Claibourn, Plant Manager. If this person terminates employment, or is reassigned different duties such that a different person becomes the responsible person to represent and bind the installation in environmental permitting affairs, the owner or operator of this air contaminant source shall notify the Director of the Air Pollution Control Program of the change. Said notification shall be in writing and shall be submitted within 30 days of the change. The notification shall include the name and title of the new person assigned by the source owner or operator to represent and bind the installation in environmental permitting affairs. All representations, agreement to terms and conditions and covenants made by the former responsible person that were used in the establishment of limiting permit conditions on this permit will continue to be binding on the installation until such time that a revision to this permit is obtained that would change said representations, agreements and covenants.

### **10 CSR 10-6.065(6)(E)6 Reopening-Permit for Cause**

This permit may be reopened for cause if:

- 1) The Missouri Department of Natural Resources (MDNR) receives notice from the Environmental Protection Agency (EPA) that a petition for disapproval of a permit pursuant to 40 CFR § 70.8(d) has been granted, provided that the reopening may be stayed pending judicial review of that determination,
- 2) The Missouri Department of Natural Resources or EPA determines that the permit contains a material mistake or that inaccurate statements were made which resulted in establishing the emissions limitation standards or other terms of the permit,
- 3) Additional applicable requirements under the Act become applicable to the installation; however, reopening on this ground is not required if—:
  - a) The permit has a remaining term of less than three years;
  - b) The effective date of the requirement is later than the date on which the permit is due to expire;or
  - c) The additional applicable requirements are implemented in a general permit that is applicable to the installation and the installation receives authorization for coverage under that general permit,
- 4) The installation is an affected source under the acid rain program and additional requirements (including excess emissions requirements), become applicable to that source, provided that, upon approval by EPA, excess emissions offset plans shall be deemed to be incorporated into the permit; or
- 5) The Missouri Department of Natural Resources or EPA determines that the permit must be reopened and revised to assure compliance with applicable requirements.

### **10 CSR 10-6.065(6)(E)1.C Statement of Basis**

This permit is accompanied by a statement setting forth the legal and factual basis for the permit conditions (including references to applicable statutory or regulatory provisions). This Statement of Basis, while referenced by the permit, is not an actual part of the permit.

## **VI. Attachments**

Attachments follow.

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**Attachment A**

40 CFR Part 63, Subpart HHHHH, National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing

**Source:** 68 FR 69185, Dec. 11, 2003, unless otherwise noted.

**What This Subpart Covers**

**§ 63.7980 What is the purpose of this subpart?**

This subpart establishes national emission standards for hazardous air pollutants (NESHAP) for miscellaneous coating manufacturing. This subpart also establishes requirements to demonstrate initial and continuous compliance with the emission limits, operating limits, and work practice standards.

**§ 63.7985 Am I subject to the requirements in this subpart?**

(a) You are subject to the requirements in this subpart if you own or operate miscellaneous coating manufacturing operations, as defined in paragraph (b) of this section, that meet the conditions specified in paragraphs (a)(1) through (4) of this section.

(1) Are located at or are part of a major source of hazardous air pollutants (HAP) emissions, as defined in Section 2(a) of the Clean Air Act (CAA).

(2) Manufacture coatings as defined in §63.8105.

(3) Process, use, or produce HAP.

(4) Are not part of an affected source under another subpart of this Part 63.

(b) Miscellaneous coating manufacturing operations include the facility wide collection of equipment described in paragraphs (b)(1) through (4) of this section that is used to manufacture coatings as defined in §63.8105. Miscellaneous coating manufacturing operations also include cleaning operations.

(1) Process vessels.

(2) Storage tanks for feedstocks and products.

(3) Components such as pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, and instrumentation systems.

(4) Wastewater tanks and transfer racks.

(c) If the predominant use of a transfer rack loading arm or storage tank (including storage tanks in series) is associated with miscellaneous coating manufacturing, and the loading arm or storage tank is not part of an affected source under a subpart of this Part 63, then you must assign the loading arm or storage tank to the miscellaneous coating manufacturing operations. If the predominant use cannot be determined, and the loading arm or storage tank is not part of an affected source under a subpart of this Part 63, then you must assign the loading arm or storage tank to the miscellaneous coating manufacturing operations. If the use varies from year to year, then you must base the determination on the utilization that occurred during the year preceding December 11, 2003 or, if the loading arm or storage tank was not in operation during that year, you must base the use on the expected use for the first five-year period after startup. You must include the determination in the notification of compliance status report specified in §63.8075(d). You must redetermine the predominant use at least once every five years after the compliance date.

(d) The requirements for miscellaneous coating manufacturing sources in this subpart do not apply to operations described in paragraphs (d)(1) through (5) of this section.

- (1) Research and development facilities, as defined in Section 112(c)(7) of the CAA.
- (2) The affiliated operations located at an affected source under subparts GG (National Emission Standards for Aerospace Manufacturing and Rework Facilities), KK (National Emission Standards for the Printing and Publishing Industry), JJJJ (NESHAP: Paper and Other Web Coating), future MMMM (National Emission Standards for Miscellaneous Metal Parts and Products Surface Coating Operations) and SSSS (NESHAP: Surface Coating of Metal Coil) of 40 CFR Part 63. Affiliated operations include, but are not limited to, mixing or dissolving of coating ingredients; coating mixing for viscosity adjustment, color tint or additive blending, or pH adjustment; cleaning of coating lines and coating line parts; handling and storage of coatings and solvent; and conveyance and treatment of wastewater.
- (3) Ancillary equipment such as boilers and incinerators (only those not used to comply with the emission limits in Tables 1 through 5 to this subpart), chillers and refrigeration systems, and other equipment that is not directly involved in the manufacturing of a coating ( *i.e.*, it operates as a closed system, and materials are not combined with materials used to manufacture the coating).
- (4) Quality assurance/quality control laboratories.
- (5) Modifying a purchased coating in preparation for application at the purchasing facility.

[68 FR 69185, Dec. 11, 2003, as amended at 71 FR 58503, Oct. 4, 2006]

**§ 63.7990 What parts of my plant does this subpart cover?**

- (a) This subpart applies to each miscellaneous coating manufacturing affected source as defined in §63.7985(a).
- (b) The miscellaneous coating manufacturing affected source is the miscellaneous coating manufacturing operations as defined in §63.7985(b).
- (c) An affected source is a new affected source if you commenced construction or reconstruction after April 4, 2002, and you met the applicability criteria at the time you commenced construction or reconstruction.

**Compliance Dates**

**§ 63.7995 When do I have to comply with this subpart?**

Except as specified in §63.8090, you must comply with this subpart according to the requirements of this section.

- (a) If you have a new affected source, you must comply with this subpart according to the requirements in paragraphs (a)(1) and (2) of this section.
  - (1) If you start up your new affected source before December 11, 2003, then you must comply with the requirements for new sources in this subpart no later than December 11, 2003.
  - (2) If you start up your new affected source after December 11, 2003, then you must comply with the requirements for new sources in this subpart upon startup of your affected source.
- (b) If you have an existing affected source on December 11, 2003, then you must comply with the requirements for existing sources in this subpart no later than December 11, 2006.
- (c) [Reserved]

(d) You must meet the notification requirements in §63.8070 according to the schedule in §63.8070 and in 40 CFR Part 63, subpart A. Some of the notifications must be submitted before you are required to comply with the emission limits, operating limits, and work practice standards in this subpart.

[68 FR 69185, Dec. 11, 2003; 68 FR 75033, Dec. 29, 2003, as amended at 70 FR 25681, May 13, 2005; 71 FR 58503, Oct. 4, 2006]

## **Emission Limits, Work Practice Standards, and Compliance Requirements**

### **§ 63.8000 What are my general requirements for complying with this subpart?**

(a) You must be in compliance with the emission limits and work practice standards in Tables 1 through 5 to this subpart at all times, except during periods of startup, shutdown, and malfunction. You must meet the requirements specified in paragraphs (b) and (c) of this section. You must meet the requirements specified in §§63.8005 through 63.8025 (or the alternative means of compliance in §63.8050), except as specified in paragraph (d) of this section. You must meet the notification, reporting, and recordkeeping requirements specified in §§63.8070, 63.8075, and 63.8080.

(b) *General requirements.* (1) If an emission stream contains halogen atoms, and you use a combustion-based control device (excluding a flare) to meet an organic HAP emission limit, you must determine whether the emission stream meets the definition of a halogenated stream by calculating the concentration of each organic compound that contains halogen atoms using the procedures specified in §63.115(d)(2)(v), multiplying each concentration by the number of halogen atoms in the organic compound, and summing the resulting halogen atom concentrations for all of the organic compounds in the emission stream. Alternatively, you may elect to designate the emission stream as halogenated.

(2) Opening of a safety device, as defined in §63.8105, is allowed at any time conditions require it to avoid unsafe conditions.

(c) *Compliance requirements for closed vent systems and control devices.* If you use a control device to comply with an emission limit in Table 1, 2, or 5 to this subpart, you must comply with the requirements in subpart SS of 40 CFR Part 63 as specified in paragraphs (c)(1) through (3) of this section, except as specified in paragraph (d) of this section.

(1) If you reduce organic HAP emissions by venting emissions through a closed-vent system to any combination of control devices (except a flare), you must meet the requirements of §63.982(c) and the requirements referenced therein.

(2) If you reduce organic HAP emissions by venting emissions through a closed-vent system to a flare, you must meet the requirements of §63.982(b) and the requirements referenced therein. You may not use a flare to control halogenated vent streams or hydrogen halide and halogen HAP emissions.

(3) If you use a halogen reduction device to reduce hydrogen halide and halogen HAP emissions that are generated by combusting halogenated vent streams, you must meet the requirements of §63.994 and the requirements referenced therein. If you use a halogen reduction device before a combustion device, you must determine the halogen atom emission rate prior to the combustion device according to the procedures in §63.115(d)(2)(v).

(d) *Exceptions to the requirements specified in other subparts of this Part 63* —(1) *Requirements for performance tests.* The requirements specified in paragraphs (d)(1)(i) through (v) of this section apply instead of or in addition to the requirements for performance testing of control devices as specified in subpart SS of 40 CFR Part 63.

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- (i) Conduct gas molecular weight analysis using Method 3, 3A, or 3B in Appendix A to 40 CFR Part 60.
- (ii) Measure moisture content of the stack gas using Method 4 in Appendix A to 40 CFR Part 60.
- (iii) As an alternative to using Method 18, Method 25/25A, or Method 26/26A of 40 CFR Part 60, Appendix A, to comply with any of the emission limits specified in Tables 1 through 6 to this subpart, you may use Method 320 of 40 CFR Part 60, Appendix A. When using Method 320, you must follow the analyte spiking procedures of Section 13 of Method 320, unless you demonstrate that the complete spiking procedure has been conducted at a similar source.
- (iv) Section 63.997(c)(1) does not apply. For the purposes of this subpart, results of all initial compliance demonstrations must be included in the notification of compliance status report, which is due 150 days after the compliance date, as specified in §63.8075(d)(1).
- (v) If you do not have a closed-vent system as defined in §63.981, you must determine capture efficiency using Method 204 of Appendix M to 40 CFR Part 51 for all stationary process vessels subject to requirements of Table 1 to this subpart.
- (2) *Design evaluation.* To determine the percent reduction of a small control device, you may elect to conduct a design evaluation as specified in §63.1257(a)(1) instead of a performance test as specified in Subpart SS of 40 CFR Part 63. You must establish the value(s) and basis for the operating limits as part of the design evaluation.
- (3) *Periodic verification.* For a control device with total inlet HAP emissions less than one ton per year (tpy), you must establish an operating limit(s) for a parameter(s) that you will measure and record at least once per averaging period (*i.e.*, daily or block) to verify that the control device is operating properly. You may elect to measure the same parameter(s) that is required for control devices that control inlet HAP emissions equal to or greater than one tpy. If the parameter will not be measured continuously, you must request approval of your proposed procedure in the precompliance report. You must identify the operating limit(s) and the measurement frequency, and you must provide rationale to support how these measurements demonstrate the control device is operating properly.
- (4) *Continuous emissions monitoring systems.* Each continuous emissions monitoring system (CEMS) must be installed, operated, and maintained according to the requirements in §63.8 and paragraphs (d)(4)(i) through (iv) of this section.
- (i) Each CEMS must be installed, operated, and maintained according to the applicable Performance Specification of 40 CFR Part 60, Appendix B, and according to paragraph (d)(4)(ii) of this section, except as specified in paragraph (d)(4)(i)(A) of this section. For any CEMS meeting Performance Specification 8, you must also comply with Appendix F, procedure 1 of 40 CFR Part 60.
- (A) If you wish to use a CEMS other than a Fourier Transform Infrared Spectroscopy (FTIR) meeting the requirements of Performance Specification 15 to measure hydrogen halide and halogen HAP before we promulgate a Performance Specification for such CEMS, you must prepare a monitoring plan and submit it for approval in accordance with the procedures specified in §63.8.
- (B) [Reserved]
- (ii) You must determine the calibration gases and reporting units for TOC CEMS in accordance with paragraph (d)(4)(ii)(A), (B), or (C) of this section.
- (A) For CEMS meeting Performance Specification 9 or 15 requirements, determine the target analyte(s) for calibration using either process knowledge of the control device inlet stream or the screening procedures of Method 18 on the control device inlet stream.

(B) For CEMS meeting Performance Specification 8 used to monitor performance of a combustion device, calibrate the instrument on the predominant organic HAP and report the results as carbon ( $C_1$ ), and use Method 25A or any approved alternative as the reference method for the relative accuracy tests.

(C) For CEMS meeting Performance Specification 8 used to monitor performance of a noncombustion device, determine the predominant organic HAP using either process knowledge or the screening procedures of Method 18 on the control device inlet stream, calibrate the monitor on the predominant organic HAP, and report the results as  $C_1$ . Use Method 18, ASTM D6420–99, or any approved alternative as the reference method for the relative accuracy tests, and report the results as  $C_1$ .

(iii) You must conduct a performance evaluation of each CEMS according to the requirements in 40 CFR 63.8 and according to the applicable Performance Specification of 40 CFR Part 60, Appendix B, except that the schedule in §63.8(e)(4) does not apply, and the results of the performance evaluation must be included in the notification of compliance status report.

(iv) The CEMS data must be reduced to operating day or operating block averages computed using valid data consistent with the data availability requirements specified in §63.999(c)(6)(i)(B) through (D), except monitoring data also are sufficient to constitute a valid hour of data if measured values are available for at least two of the 15-minute periods during an hour when calibration, quality assurance, or maintenance activities are being performed. An operating block is a period of time from the beginning to end of batch operations in the manufacturing of a coating. Operating block averages may be used only for process vessel data.

(5) *Continuous parameter monitoring.* The provisions in paragraphs (d)(5)(i) through (iii) of this section apply in addition to the requirements for continuous parameter monitoring system (CPMS) in Subpart SS of 40 CFR Part 63.

(i) You must record the results of each calibration check and all maintenance performed on the CPMS as specified in §63.998(c)(1)(ii)(A).

(ii) When Subpart SS of 40 CFR Part 63 uses the term a range or operating range of a monitored parameter, it means an operating limit for a monitored parameter for the purposes of this subpart.

(iii) As an alternative to measuring pH as specified in §63.994(c)(1)(i), you may elect to continuously monitor the caustic strength of the scrubber effluent.

(6) *Startup, shutdown, and malfunction.* Sections 63.998(b)(2)(iii) and (b)(6)(i)(A), which apply to the exclusion of monitoring data collected during periods of startup, shutdown, and malfunction (SSM) from daily averages, do not apply for the purposes of this subpart.

(7) *Reporting.* (i) When §§63.8005 through 63.8025 reference other subparts in this Part 63 that use the term periodic report, it means compliance report for the purposes of this subpart.

(ii) When there are conflicts between this subpart and referenced subparts for the due dates of reports required by this subpart, reports must be submitted according to the due dates presented in this subpart.

(iii) Excused excursions, as defined in Subpart SS of 40 CFR Part 63, are not allowed.

[68 FR 69185, Dec. 11, 2003, as amended at 70 FR 25681, May 13, 2005]

### **§ 63.8005 What requirements apply to my process vessels?**

(a) *General.* (1) You must meet each emission limit and work practice standard in Table 1 to this subpart that applies to you, and you must meet each applicable requirement specified in §63.8000(b), except as specified in paragraphs (a)(1)(i) and (ii) of this section.

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- (i) You are not required to meet the emission limits and work practice standards in Table 1 to this subpart if you comply with §63.8050 or §63.8055.
- (ii) You must meet the emission limits and work practice standards in Table 1 to this subpart for emissions from automatic cleaning operations. You are not required to meet the emission limits and work practice standards in Table 1 to this subpart for emissions from cleaning operations that are conducted manually.
- (2) For each control device used to comply with Table 1 to this subpart, you must comply with Subpart SS of this Part 63 as specified in §63.8000(c), except as specified in §63.8000(d) and paragraphs (b) through (g) of this section.
- (b) When Subpart SS of this Part 63 refers to process vents, it means process vessel vents for the purposes of this section.
- (c) Process condensers, as defined in §63.1251, are not considered to be control devices for process vessels.
- (d) *Initial compliance.* (1) To demonstrate initial compliance with a percent reduction emission limit in Table 1 to this subpart, you must conduct the performance test or design evaluation under conditions as specified in §63.7(e)(1), except that the performance test or design evaluation must be conducted under worst-case conditions. Also, the performance test for a control device used to control emissions from process vessels must be conducted according to §63.1257(b)(8), including the submittal of a site-specific test plan for approval prior to testing. The requirements in §63.997(e)(1)(i) and (iii) also do not apply for performance tests conducted to determine compliance with the emission limits for process vessels.
- (2) For the initial compliance demonstration for condensers, you must determine uncontrolled emissions using the procedures specified in §63.1257(d)(2), and you must determine controlled emissions using the procedures specified in §63.1257(d)(3)(i)(B) and (iii).
- (3) You must demonstrate that each process condenser is properly operated according to the procedures specified in §63.1257(d)(2)(i)(C)(4)(ii) and (d)(3)(iii)(B). The reference in §63.1257(d)(3)(iii)(B) to the alternative standard in §63.1254(c) does not apply for the purposes of this subpart. As an alternative to measuring the exhaust gas temperature, as required by §63.1257(d)(3)(iii)(B), you may elect to measure the liquid temperature in the receiver.
- (4) You must conduct a performance test or compliance demonstration equivalent to an initial compliance demonstration within 360 hours of a change in operating conditions that are not considered to be within the previously established worst-case conditions.
- (e) *Establishing operating limits.* You must establish operating limits under the conditions required for your initial compliance demonstration, except you may elect to establish operating limit(s) for conditions other than those under which a performance test was conducted as specified in paragraph (e)(1) of this section and, if applicable, paragraph (e)(2) of this section.
- (1) The operating limits may be based on the results of the performance test and supplementary information such as engineering assessments and manufacturer's recommendations. These limits may be established for conditions as unique as individual emission episodes. You must provide rationale in the precompliance report for the specific level for each operating limit, including any data and calculations used to develop the limit and a description of why the limit indicates proper operation of the control device. The procedures provided in this paragraph (e)(1) have not been approved by the Administrator and determination of the operating limit using these procedures is subject to review and approval by the Administrator.

(2) If you elect to establish separate operating limits for different emission episodes, you must maintain records as specified in §63.8085(g) of each point at which you change from one operating limit to another, even if the duration of the monitoring for an operating limit is less than 15 minutes.

(f) *Averaging periods.* If you elect to establish separate operating limits for different emission episodes, you may elect to determine operating block averages instead of the daily averages specified in §63.998(b)(3). An operating block is a period of time that is equal to the time from the beginning to end of an emission episode or sequence of emission episodes.

(g) *Flow indicators.* If flow to a control device could be intermittent, you must install, calibrate, and operate a flow indicator at the inlet or outlet of the control device to identify periods of no flow. Periods of no flow may not be used in daily or block averages, and it may not be used in fulfilling a minimum data availability requirement.

[68 FR 69185, Dec. 11, 2003, as amended at 70 FR 25681, May 13, 2005]

### **§ 63.8010 What requirements apply to my storage tanks?**

(a) You must meet each emission limit in Table 2 to this subpart that applies to your storage tanks, and you must meet each applicable requirement specified in §63.8000(b). For each control device used to comply with Table 2 to this subpart, you must comply with Subpart SS of this Part 63 as specified in §63.8000(c), except as specified in §63.8000(d) and paragraphs (b) through (d) of this section.

(b) *Exceptions to Subparts SS and WW of this Part 63.* (1) If you conduct a performance test or design evaluation for a control device used to control emissions only from storage tanks, you must establish operating limits, conduct monitoring, and keep records using the same procedures as required in Subpart SS of this Part 63 for control devices used to reduce emissions from process vents instead of the procedures specified in §§63.985(c), 63.998(d)(2)(i), and 63.999(b)(2).

(2) When the term storage vessel is used in Subparts SS and WW of this Part 63, the term storage tank, as defined in §63.8105 applies for the purposes of this subpart.

(c) *Planned routine maintenance.* The emission limits in Table 2 to this subpart for control devices used to control emissions from storage tanks do not apply during periods of planned routine maintenance. Periods of planned routine maintenance of each control device, during which the control device does not meet the emission limit specified in Table 2 to this subpart, must not exceed 240 hours per year (hr/yr). You may submit an application to the Administrator requesting an extension of this time limit to a total of 360 hr/yr. The application must explain why the extension is needed, it must indicate that no material will be added to the storage tank between the time the 240 hr/yr limit is exceeded and the control device is again operational, and it must be submitted at least 60 days before the 240 hr/yr limit will be exceeded.

(d) *Vapor balancing alternative.* As an alternative to the emission limits specified in Table 2 to this subpart, you may elect to implement vapor balancing in accordance with §63.1253(f), except as specified in paragraphs (d)(1) and (2) of this section.

(1) To comply with §63.1253(f)(6)(i), the owner or operator of an offsite cleaning and reloading facility must comply with §§63.7995 through 63.8105 instead of complying with §63.1253(f)(7)(ii).

(2) You may elect to set a pressure relief device to a value less than the 2.5 psig required in §63.1253(f)(5) if you provide rationale in your notification of compliance status report explaining why the alternative value is sufficient to prevent breathing losses at all times.

### **§ 63.8015 What requirements apply to my equipment leaks?**

(a) You must meet each requirement in Table 3 to this subpart that applies to your equipment leaks, except as specified in paragraphs (b) through (d) of this section.

(b) *Exceptions to requirements in §63.424(a).* (1) When §63.424(a) refers to “a bulk gasoline terminal or pipeline breakout station subject to the provisions of this subpart,” the phrase “a miscellaneous coating manufacturing affected source subject to 40 CFR Part 63, subpart HHHHH” shall apply for the purposes of this subpart.

(2) When §63.424(a) refers to “equipment in gasoline service,” the phrase “equipment in organic HAP service” shall apply for the purposes of this subpart.

(3) When §63.424(a) specifies that “each piece of equipment shall be inspected during loading of a gasoline cargo tank,” the phrase “each piece of equipment must be inspected when it is operating in organic HAP service” shall apply for the purposes of this subpart.

(4) Equipment in service less than 300 hours per year, equipment in vacuum service, or equipment contacting non-process fluids is excluded from this section.

(c) When §63.1036 refers to batch processes, any part of the miscellaneous coating manufacturing operations applies for the purposes of this subpart.

(d) For the purposes of this subpart, pressure testing for leaks in accordance with §63.1036(b) is not required after reconfiguration of an equipment train if flexible hose connections are the only disturbed equipment.

[68 FR 69185, Dec. 11, 2003, as amended at 70 FR 25681, May 13, 2005]

### **§ 63.8020 What requirements apply to my wastewater streams?**

(a) You must meet each requirement in Table 4 to this subpart that applies to your wastewater streams, and you must meet each applicable requirement specified in §63.8000 and paragraphs (b) through (d) of this section.

(b) For each wastewater stream that you generate, you must either designate the wastewater stream as a Group 1 wastewater stream according to the procedures in paragraph (b)(1) of this section, or you must determine whether the wastewater stream is a Group 1 wastewater stream according to the procedures in paragraph (b)(2) of this section.

(1) You may designate any wastewater stream as a Group 1 wastewater stream. You do not have to determine the concentration for any designated Group 1 wastewater stream.

(2) For wastewater streams that you do not designate as Group 1 wastewater streams, you must use the procedures specified in §63.144(b) to establish the concentrations, except as specified in paragraphs (b)(2)(i) and (ii) of this section.

(i) References to Table 8 compounds in §63.144 do not apply for the purposes of this subpart.

(ii) *Alternative test methods.* (A) As an alternative to the test methods specified in §63.144(b)(5)(i), you may use Method 8260 or 8270 as specified in §63.1257(b)(10)(iii).

(B) As an alternative to using the methods specified in §63.144(b)(5)(i), you may conduct wastewater analyses using Method 1666 or 1671 of 40 CFR Part 136, Appendix A, and comply with the sampling protocol requirements specified in §63.144(b)(5)(ii). The validation requirements specified in §63.144(b)(5)(iii) do not apply if you use Method 1666 or 1671 of 40 CFR Part 136, Appendix A.

(c) For each enhanced biological treatment unit used to comply with the requirements in Table 4 to this subpart, you must monitor total suspended solids (TSS), biological oxygen demand (BOD), and the biomass

concentration. In the precompliance report you must identify and provide rationale for proposed operating limits for these parameters, methods for monitoring, the frequency of monitoring, and recordkeeping and reporting procedures that will demonstrate proper operation of the enhanced biological treatment unit. Alternatively, you may use the precompliance report to request to monitor other parameters, and you must include a description of planned reporting and recordkeeping procedures and the basis for the selected monitoring frequencies and the methods that will be used.

(d) If you transfer the wastewater offsite for enhanced biological treatment, you must obtain written certification from the offsite facility stating that the offsite facility will comply with the requirements of this subpart. The certifying entity may revoke the certification by providing 90 days' notice. Upon expiration of the notice period, you may not transfer wastewater to that treatment facility.

#### **§ 63.8025 What requirements apply to my transfer operations?**

(a) You must comply with each emission limit and work practice standard in Table 5 to this subpart that applies to your transfer operations, and you must meet all applicable requirements specified in §63.8000(b). For each control device used to comply with Table 5 to this subpart, you must comply with Subpart SS of this Part 63 as specified in §63.8000(c), except as specified in §63.8000(d) and paragraph (b) of this section.

(b) If you have Group 1 transfer operations, as defined in §63.8105, then all transfer racks used for bulk loading coatings must meet the requirements for high throughput transfer racks in Subpart SS of this part.

#### **§ 63.8030 What requirements apply to my heat exchange systems?**

(a) You must comply with the requirements specified in Table 6 to this subpart that apply to your heat exchange systems, except as specified in paragraphs (b) through (e) of this section.

(b) The phrase a chemical manufacturing process unit meeting the conditions of §63.100(b)(1) through (b)(3) of this section in §63.104(a) means the miscellaneous coating manufacturing operations defined in §63.7985(b) for the purposes of this subpart.

(c) The reference to §63.100(c) in §63.104(a) does not apply for the purposes of this subpart.

(d) The reference to §63.103(c)(1) in §63.104(f)(1) does not apply. For the purposes of this subpart, records must be retained as specified in §63.10(b)(1).

(e) The reference to the periodic report required by §63.152(c) of Subpart G of this part means the compliance report required by §63.8075(e) for the purposes of this subpart.

#### **Alternative Means of Compliance**

#### **§ 63.8050 How do I comply with emissions averaging for stationary process vessels at existing sources?**

(a) As an alternative to complying with the requirements in Table 1 to this subpart for each individual stationary process vessel, you may elect to comply with emissions averaging for stationary process vessels greater than or equal to 250 gallons (gal) at your existing affected source as specified in paragraphs (b) through (e) of this section.

(b) *General requirements.* (1) A State may prohibit averaging of HAP emissions and require the owner or operator of an existing affected source to comply with the emission limits and work practice standards in Table 1 to this subpart.

(2) All stationary process vessels in an emissions averaging group must be equipped with a tightly-fitting vented cover.

(c) *Initial compliance.* To demonstrate initial compliance with the emissions averaging alternative, you must comply with the provisions in paragraphs (c)(1) through (4) of this section.

(1) Estimate uncontrolled emissions from each affected stationary process vessel in pounds per batch using the procedures specified in §63.1257(d)(2), except as specified in paragraphs (c)(1)(i) and (ii) of this section. For the purposes of this section, uncontrolled emissions means the emissions from the vessel if it were equipped only with a tightly-fitting vented cover. You must identify the range of typical operating parameters and perform the calculation using the values that result in the highest emissions, and you must document the operating parameters and resulting emissions calculations in the precompliance report.

(i) When you are required to calculate uncontrolled emissions from heating, you may not calculate emissions using Equation 13 of Subpart GGG of this Part 63.

(ii) The statement in §63.1257(d)(2)(i)(B) that “the partial pressure of HAP shall be assumed to be 25 percent of the saturated value if the purge flow rate is greater than 100 scfm” does not apply. For the purposes of this subpart, multiply the HAP partial pressure in Equation 12 of 40 CFR Part 63, Subpart GGG by a HAP-specific saturation factor determined in accordance with Equations 1 through 3 of this section. Solve equation 1 of this section iteratively beginning with saturation factors (in the right-hand side of the equation) of 1.0 for each condensable compound. Stop iterating when the calculated saturation factors for all compounds are the same to two significant figures for subsequent iterations. Note that for multi-component emission streams, saturation factors must be calculated for all condensable compounds, not just the HAP.

$$S_i = \frac{K_i A}{K_i A + V + \sum_{i=1}^n S_i V_i^{sat}} \quad Eq. 1$$

$$V_i^{sat} = \frac{VP_i}{\left(P_T - \sum_{i=1}^n P_i\right)} \quad Eq. 2$$

$$K_i = K_o \left(\frac{M_o}{M_i}\right)^{1/3} \quad Eq. 3$$

where:

$S_i$ =saturation factor for individual condensable compounds in the emission stream

$P_i$ =partial pressure of individual condensable compounds in the emission stream calculated using Raoult's Law or other appropriate methods

$P_T$ =pressure of the vessel vapor space

$A$ =surface area of liquid

$V$ =purge flow rate as used in Equation 12 of 40 CFR Part 63, Subpart GGG

$V_i^{sat}$ =volumetric flowrate of condensable compounds in the emission stream

$K_i$ =mass transfer coefficient of individual condensable compounds in the emission stream

$K_o$ =mass transfer coefficient of a reference compound (e.g., 0.83 cm/s for water)

$M_o$ =molecular weight of reference compound (e.g., 18.02 for water)

$M_i$ =molecular weight of individual condensable compounds in the emission stream

n=number of condensable compounds in the emission stream

(2) Estimate controlled emissions in pounds per batch for each vessel as specified in paragraphs (c)(2)(i) through (iii) of this section.

(i) Except as specified in paragraphs (c)(2)(ii) and (iii) of this section, estimate controlled emissions as if the vessel were controlled in compliance with entry 2.b.i. in Table 1 to this subpart.

(ii) Estimate the controlled emissions using the control level achieved on November 15, 1990 if that value is greater than the applicable control level required by entry 2.b.i in Table 1 to this subpart.

(iii) Estimate the controlled emissions using the control level required to comply with a State or Federal rule other than this subpart if that level is greater than the applicable control level required by entry 2.b.i in Table 1 to this subpart and the other rule was in effect before the date when you request approval to comply with emissions averaging.

(3) Determine actual emissions in pounds per batch for each vessel in accordance with paragraph (c)(3)(i), (ii), or (iii) of this section, as applicable.

(4) Provide rationale in the precompliance report for why the sum of the actual emissions will be less than the sum of emissions from the vessels if they had been controlled in accordance with Table 1 to this subpart. The approved actual emissions calculated according to paragraph (c)(3) of this section are emission limits that must be incorporated into your operating permit.

(d) *Continuous compliance.* (1) Maintain a monthly log of the number of batches produced that can be correlated with the emissions estimates per batch developed in accordance with paragraph (c) of this section.

(2) Sum the actual emissions for all of the process vessels in the emissions averaging group every three months, with the first 3-month period beginning on the compliance date, and compare the resulting total with the total emissions for the vessels calculated in accordance with paragraph (c)(2) of this section. Compliance is demonstrated if the sum of the actual emissions is less than the emissions estimated in accordance with paragraph (c)(2) of this section.

(3) For control devices, establish operating limits and monitor as specified in §63.8000.

(e) *Recordkeeping and reporting.* Comply with §§63.8070, 63.8075, and 63.8080.

[68 FR 69185, Dec. 11, 2003, as amended at 70 FR 25682, May 13, 2005]

### **§ 63.8055 How do I comply with a weight percent HAP limit in coating products?**

(a) As an alternative to complying with the requirements in Table 1 to this subpart for each individual stationary process vessel at an existing source, you may elect to comply with a 5 weight percent HAP limit for process vessels at your affected source that are used to manufacture coatings with a HAP content of less than 0.05 kg per kg product as specified in paragraph (b) of this section.

(b) You may only comply with the alternative during the production of coatings that contain less than 5 weight percent HAP, as determined using any of the procedures specified in paragraphs (b)(1) through (4) of this section.

(1) Method 311 (Appendix A to 40 CFR Part 63).

(2) Method 24 (Appendix A to 40 CFR Part 60). You may use Method 24 to determine the mass fraction of volatile matter and use that value as a substitute for the mass fraction of HAP.

(3) You may use an alternative test method for determining mass fraction of HAP if you obtain prior approval by the Administrator. You must follow the procedure in §63.7(f) to submit an alternative test method for approval.

(4) You may rely on formulation data from raw material suppliers if it represents each organic HAP that is present at 0.1 percent by mass or more for OSHA-defined carcinogens, as specified in 29 CFR 1910.1200(d)(4), and at 1.0 percent by mass or more for other compounds. If the HAP weight percent estimated based on formulation data conflicts with the results of a test conducted according to paragraphs (b)(1) through (3) of this section, then there is a rebuttal presumption that the test results are accurate unless, after consultation, you demonstrate to the satisfaction of the permitting authority that the test results are not accurate and that the formulation data are more appropriate.

[68 FR 69185, Dec. 11, 2003, as amended at 70 FR 25682, May 13, 2005; 70 FR 75927, Dec. 21, 2005]

### **Notification, Reports, and Records**

#### **§ 63.8070 What notifications must I submit and when?**

(a) You must submit all of the notifications in §§63.6(h)(4) and (5), 63.7(b) and (c), 63.8(e), (f)(4) and (6), 63.9(b) through (h) that apply to you by the dates specified.

(b) *Initial notification.* (1) As specified in §63.9(b)(2), if you have an existing affected source on December 11, 2003, you must submit an initial notification not later than 120 calendar days after December 11, 2003.

(2) As specified in §63.9(b)(3), if you start up your new affected source on or after December 11, 2003, you must submit an initial notification not later than 120 calendar days after you become subject to this subpart.

(c) *Notification of performance test.* If you are required to conduct a performance test, you must submit a notification of intent to conduct a performance test at least 60 calendar days before the performance test is scheduled to begin as required in §63.7(b)(1). For any performance test required as part of the initial compliance procedures for process vessels in Table 1 to this subpart, you must also submit the test plan required by §63.7(c) and the emission profile with the notification of the performance test.

#### **§ 63.8075 What reports must I submit and when?**

(a) You must submit each report in Table 9 to this subpart that applies to you.

(b) Unless the Administrator has approved a different schedule for submission of reports under §63.10(a), you must submit each report as specified in Table 9 to this subpart and paragraphs (b)(1) and (2) of this section.

(1) The compliance reports must be submitted semi-annually. The first report must be submitted no later than 240 days after the applicable compliance date and shall cover the 6-month period beginning on the compliance date. Each subsequent compliance report must cover the 6-month period following the preceding period.

(2) For each affected source that is subject to permitting regulations pursuant to 40 CFR Part 70 or 40 CFR Part 71, and if the permitting authority has established dates for submitting semi-annual reports pursuant to 40 CFR 70.6(a)(3)(iii)(A) or 40 CFR 71.6(a)(3)(iii)(A), you may submit the first and subsequent compliance reports according to the dates the permitting authority has established instead of according to the dates in Table 9.

(c) *Precompliance report.* You must submit a precompliance report to request approval of any of the information in paragraphs (c)(1) through (4) of this section. We will either approve or disapprove the report

within 90 days after we receive it. If we disapprove the report, you must still be in compliance with the emission limitations and work practice standards in this subpart by the compliance date.

(1) Requests for approval to set operating limits for parameters other than those specified in §§63.8005 through 63.8025, including parameters for enhanced biological treatment units. Alternatively, you may make these requests according to §63.8(f).

(2) Descriptions of daily or per batch demonstrations to verify that control devices subject to §63.8000(d)(3) are operating as designed.

(3) A description of the test conditions, data, calculations, and other information used to establish operating limits according to §63.8005(e)(1).

(4) If you comply with emissions averaging in §63.8050, the data and results of emission calculations as specified in §63.8050(c)(1) through (3), and rationale for why the sum of actual emissions will be less than the sum of emissions if the process vessels were controlled in accordance with Table 1 to this subpart as specified in §63.8050(c)(4).

(d) *Notification of compliance status report.* You must submit a notification of compliance status report according to the schedule in paragraph (d)(2) of this section, and the notification of compliance status report must include the information specified in paragraph (d)(2) of this section.

(1) You must submit the notification of compliance status report no later than 150 days after the applicable compliance date specified in §63.7995.

(2) The notification of compliance status report must include the information in paragraphs (d)(3)(i) through (vi) of this section.

(i) The results of any applicability determinations ( e.g., HAP content of coating products; halogenated vent stream determinations; group determinations for storage tanks, wastewater, and transfer operations; and equipment that is in organic HAP service).

(ii) The results of performance tests, engineering analyses, design evaluations, flare compliance assessments, inspections and repairs, and calculations used to demonstrate initial compliance according to §§63.8005 through 63.8025 and 63.8055. For performance tests, results must include descriptions of sampling and analysis procedures and quality assurance procedures.

(iii) Descriptions of monitoring devices, monitoring frequencies, and the operating limits established during the initial compliance demonstrations, including data and calculations to support the levels you establish.

(iv) Identification of parts of the affected source that are subject to overlapping requirements described in §63.8090 and the authority under which you will comply.

(v) Identify storage tanks for which you are complying with the vapor balancing alternative in §63.8010(e).

(vi) If you transfer Group 1 wastewater stream to an offsite facility for treatment, include the name and location of the transferee and a description of the Group 1 wastewater stream that is sent to the treatment facility. If the offsite facility provides enhanced biological treatment, also include the certification required by §63.8020(d) that the offsite facility will comply with the requirements of this subpart.

(e) *Compliance report.* The compliance report must contain the information specified in paragraphs (e)(1) through (8) of this section.

(1) Company name and address.

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- (2) Statement by a responsible official with that official's name, title, and signature, certifying the accuracy of the content of the report.
- (3) Date of report and beginning and ending dates of the reporting period.
- (4) Applicable records and information for periodic reports as specified in referenced Subparts F, SS, TT, UU, and WW of this Part 63.
- (5) For each SSM during which excess emissions occur, the compliance report must include the information specified in paragraphs (e)(5)(i) and (ii) of this section.
- (i) Records that the procedures specified in your startup, shutdown, and malfunction plan (SSMP) were followed or documentation of actions taken that are not consistent with the SSMP.
- (ii) A description of each malfunction.
- (6) The compliance report must contain the information on deviations, as defined in §63.8105, according to paragraphs (e)(6)(i), (ii), and (iii) of this section.
- (i) If there are no deviations from any emission limit, operating limit, or work practice standard specified in this subpart, include a statement that there were no deviations from the emission limits, operating limits, or work practice standards during the reporting period.
- (ii) For each deviation from an emission limit, operating limit, and work practice standard that occurs at an affected source where you are not using a continuous monitoring system (CMS) to comply with the emission limit or work practice standards in this subpart, you must include the information in paragraphs (e)(6)(ii)(A) through (C) of this section.
- (A) The total operating time of each affected source during the reporting period.
- (B) Information on the number, duration, and cause of deviations (including unknown cause, if applicable), as applicable, and the corrective action taken.
- (C) Operating logs for the day(s) during which the deviation occurred, except operating logs are not required for deviations of the work practice standards for equipment leaks.
- (iii) For each deviation from an emission limit or operating limit occurring at an affected source where you are using a CMS to comply with the emission limit in this subpart, you must include the information in paragraphs (e)(6)(iii)(A) through (K) of this section. This includes periods of SSM.
- (A) The date and time that each CMS was inoperative, except for zero (low-level) and high-level checks.
- (B) The date, time, and duration that each CEMS was out-of-control, including the information in §63.8(c)(8).
- (C) The date and time that each deviation started and stopped, and whether each deviation occurred during a period of startup, shutdown, or malfunction or during another period.
- (D) A summary of the total duration of the deviation during the reporting period, and the total duration as a percent of the total source operating time during that reporting period.
- (E) A breakdown of the total duration of the deviations during the reporting period into those that are due to startup, shutdown, control equipment problems, process problems, other known causes, and other unknown causes.
- (F) A summary of the total duration of CMS downtime during the reporting period, and the total duration of CMS downtime as a percent of the total source operating time during that reporting period.

(G) An identification of each HAP that is known to be in the emission stream or wastewater stream, as applicable.

(H) A description of the product being produced.

(I) Identification of the CMS.

(J) The date of the latest CMS certification or audit.

(K) The operating day or operating block average values of monitored parameters for each day(s) during which the deviation occurred.

(7) If you use a CEMS, and there were no periods during which it was out-of-control as specified in §63.8(c)(7), include a statement that there were no periods during which the CEMS was out-of-control during the reporting period.

(8) *Notification of process change.* (i) Except as specified in paragraph (e)(8)(ii) of this section, whenever you change any of the information submitted in either the notification of compliance status report or any previously reported change to the notification of compliance status report, you must document the change in your compliance report. The notification must include all of the information in paragraphs (e)(8)(i)(A) and (B) of this section.

(A) Revisions to any of the information reported in the original notification of compliance status report under paragraph (d) of this section.

(B) Information required by the notification of compliance status report under paragraph (d) of this section for changes involving the addition of processes or equipment at the affected source.

(ii) You must submit a report 60 days before the scheduled implementation date of any of the changes identified in paragraphs (e)(8)(ii)(A), (B), or (C) of this section.

(A) Any change to the information contained in either the precompliance report or any previously reported change to the precompliance report.

(B) A change in the status of a control device from small to large.

(C) A change in compliance status.

### **§ 63.8080 What records must I keep?**

You must keep the records specified in paragraphs (a) through (g) of this section.

(a) Each applicable record required by Subpart A of this Part 63 and in referenced Subparts SS, TT, UU, and WW of this Part 63.

(b) If complying with emissions averaging, records of the monthly number of batches for each process vessel, the quarterly actual emissions for each process vessel, the quarterly estimated emissions for each process vessel if it had been controlled as specified in Table 1 to this subpart, and comparison of the sums of the quarterly actual and estimated emissions as specified in §63.8050(d).

(c) A record of each time a safety device is opened to avoid unsafe conditions in accordance with §63.8000(b)(2).

(d) Records of the results of each CPMS calibration check and the maintenance performed, as specified in §63.8000(d)(5).

(e) For each CEMS, you must keep the records of the date and time that each deviation started and stopped, and whether the deviation occurred during a period of startup, shutdown, or malfunction or during another period.

(f) In the SSMP required by §63.6(e)(3), you are not required to include Group 2 or non-affected emission points. For equipment leaks only, the SSMP requirement is limited to control devices and is optional for other equipment.

(g) If you establish separate operating limits as allowed in §63.8005(e), you must maintain a log of operation or a daily schedule indicating the time when you change from one operating limit to another.

### **Other Requirements and Information**

#### **§ 63.8090 What compliance options do I have if part of my plant is subject to both this subpart and another subpart?**

(a) *Compliance with 40 CFR Parts 264 and 265, Subparts AA, BB, and/or CC.* (1) After the compliance dates specified in §63.7995, if a control device that you use to comply with this subpart is also subject to monitoring, recordkeeping, and reporting requirements in 40 CFR Part 264, Subpart AA, BB, or CC; or the monitoring and recordkeeping requirements in 40 CFR Part 265, Subpart AA, BB, or CC; and you comply with the periodic reporting requirements under 40 CFR Part 264, Subpart AA, BB, or CC that would apply to the device if your facility had final-permitted status, you may elect to comply either with the monitoring, recordkeeping, and reporting requirements of this subpart; or with the monitoring and recordkeeping requirements in 40 CFR Part 264 or 265 and the reporting requirements in 40 CFR Part 264, as described in this paragraph (a), which constitute compliance with the monitoring, recordkeeping, and reporting requirements of this subpart. If you elect to comply with the monitoring, recordkeeping, and reporting requirements in 40 CFR Parts 264 and/or 265, you must report the information required for the compliance report in §63.8075(e), and you must identify in the notification of compliance status report required by §63.8075(d) the monitoring, recordkeeping, and reporting authority under which you will comply.

(2) After the compliance dates specified in this section, if any equipment at an affected source that is subject to this subpart is also subject to 40 CFR Part 264, Subpart BB or to 40 CFR Part 265, Subpart BB, then compliance with the recordkeeping and reporting requirements of 40 CFR Part 264 and/or 265 may be used to comply with the recordkeeping and reporting requirements of §63.1255, to the extent that the requirements of 40 CFR Part 264 and/or 265 duplicate the requirements of this subpart. You must identify in the notification of compliance status report required by §63.8075(d) if you will comply with the recordkeeping and reporting authority under 40 CFR Part 264 and/or 265.

(b) *Compliance with 40 CFR Part 60, Subpart Kb.* After the compliance dates specified in §63.7995, you are in compliance with this subpart for any storage tank that is assigned to miscellaneous coating manufacturing operations and that is both controlled with a floating roof and in compliance with the provisions of 40 CFR Part 60, Subpart Kb. You are in compliance with this subpart if you have a storage tank with a fixed roof, closed-vent system, and control device in compliance with 40 CFR Part 60, Subpart Kb, you must comply with the monitoring, recordkeeping, and reporting requirements in this subpart. You must also identify in your notification of compliance status report required by §63.8075(d) which storage tanks are in compliance with 40 CFR Part 60, Subpart Kb.

(c) *Compliance with 40 CFR Part 63, Subpart FFFF.* After the compliance dates specified in §63.7995, an affected source under this Subpart HHHHH that includes equipment that is also part of an affected source under 40 CFR Part 63, Subpart FFFF is deemed in compliance with this Subpart HHHHH if all of the conditions specified in paragraphs (c)(1) through (5) of this section are met.

(1) Equipment used for both miscellaneous coating manufacturing operations and as part of a miscellaneous organic chemical manufacturing process unit (MCPU), as defined in §63.2435, must be part of a process unit group developed in accordance with the provisions in §63.2535(l).

(2) For the purposes of complying with §63.2535(l), a miscellaneous coating manufacturing “process unit” consists of all coating manufacturing equipment that is also part of an MCPU in the process unit group. All miscellaneous coating manufacturing operations that are not part of a process unit group must comply with the requirements of this Subpart HHHHH.

(3) The primary product for a process unit group that includes miscellaneous coating manufacturing equipment must be organic chemicals as described in §63.2435(b)(1).

(4) The process unit group must be in compliance with the requirements in 40 CFR Part 63, Subpart FFFF as specified in §63.2535(l)(3)(i) no later than the applicable compliance dates specified in §63.2445.

(5) You must include in the notification of compliance status report required in §63.8070(d) the records as specified in §63.2535(l)(1) through (3).

[68 FR 69185, Dec. 11, 2003, as amended at 71 FR 58503, Oct. 4, 2006]

#### **§ 63.8095 What parts of the General Provisions apply to me?**

Table 10 to this subpart shows which parts of the General Provisions in §§63.1 through 63.15 apply to you.

#### **§ 63.8100 Who implements and enforces this subpart?**

(a) This subpart can be implemented and enforced by us, the U.S. Environmental Protection Agency (U.S. EPA), or a delegated authority such as your State, local, or tribal agency. If the U.S. EPA Administrator has delegated authority to your State, local, or tribal agency, then that agency also has the authority to implement and enforce this subpart. You should contact your U.S. EPA Regional Office to find out if this subpart is delegated to your State, local, or tribal agency.

(b) In delegating implementation and enforcement authority of this subpart to a State, local, or tribal agency under 40 CFR Part 63, Subpart E, the authorities contained in paragraphs (b)(1) through (4) of this section are retained by the Administrator of U.S. EPA and are not delegated to the State, local, or tribal agency.

(1) Approval of alternatives to the non-opacity emission limits and work practice standards in §63.8000(a) under §63.6(g).

(2) Approval of major alternatives to test methods under §63.7(e)(2)(ii) and (f) and as defined in §63.90.

(3) Approval of major alternatives to monitoring under §63.8(f) and as defined in §63.90.

(4) Approval of major alternatives to recordkeeping and reporting under §63.10(f) and as defined in §63.90.

#### **§ 63.8105 What definitions apply to this subpart?**

(a) For an affected source complying with the requirements in Subpart SS of this Part 63, the terms used in this subpart and in Subpart SS of this Part 63 have the meaning given them in §63.981, except as specified in §§63.8000(d)(5)(ii) and (7), 63.8010(c)(2), 63.8025(b), and paragraph (g) of this section.

(b) For an affected source complying with the requirements in Subpart TT of this Part 63, the terms used in this subpart and in Subpart TT of this Part 63 have the meaning given them in §63.1001.

(c) For an affected source complying with the requirements in Subpart UU of this Part 63, the terms used in this subpart and in Subpart UU of this Part 63 have the meaning given them in §63.1020.

(d) For an affected source complying with the requirements in Subpart WW of this Part 63, the terms used in this subpart and Subpart WW of this Part 63 have the meaning given them in §63.1061, except as specified in §§63.8000(d)(7), 63.8010(c)(2), and paragraph (g) of this section.

(e) For an affected source complying with requirements in §§63.1253, 63.1257, and 63.1258, the terms used in this subpart and in §§63.1253, 63.1257, and 63.1258 have the meaning given them in §63.1251, except as specified in §63.8000(d)(7) and paragraph (g) of this section.

(f) For an affected source complying with the requirements of §63.104, the terms used in this subpart and in §63.104 have the meaning given them in §63.101, except as specified in §63.8000(d)(7) and paragraph (g) of this section.

(g) All other terms used in this subpart are defined in the CAA, in 40 CFR 63.2, and in this paragraph (g). If a term is defined in §63.2, §63.981, §63.1001, §63.1020, §63.1061, or §63.1251 and in this paragraph (g), the definition in this paragraph (g) applies for the purposes of this subpart.

*Bulk loading* means the loading, into a tank truck or rail car, of liquid coating products that contain one or more of the organic HAP, as defined in section 112 of the CAA, from a loading rack. A loading rack is the system used to fill tank trucks and railcars at a single geographic site.

*Coating* means a material such as paint, ink, or adhesive that is intended to be applied to a substrate and consists of a mixture of resins, pigments, solvents, and/or other additives, where the material is produced by a manufacturing operation where materials are blended, mixed, diluted, or otherwise formulated. Coating does not include materials made in processes where a formulation component is synthesized by chemical reaction or separation activity and then transferred to another vessel where it is formulated to produce a material used as a coating, where the synthesized or separated component is not stored prior to formulation. Typically, coatings include products described by the following North American Industry Classification System (NAICS) codes, code 325510, Paint and Coating Manufacturing, code 325520, Adhesive and Sealant Manufacturing, and code 325910, Ink Manufacturing.

*Construction* means the onsite fabrication, erection, or installation of an affected source. Addition of new equipment to an affected source does not constitute construction, but it may constitute reconstruction of the affected source if it satisfies the definition of reconstruction in §63.2.

*Deviation* means any instance in which an affected source subject to this subpart, or an owner or operator of such a source:

- (1) Fails to meet any requirement or obligation established by this subpart including, but not limited to, any emission limit, operating limit, or work practice standard;
- (2) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit; or
- (3) Fails to meet any emission limit, operating limit, or work practice standard in this subpart during startup, shutdown, or malfunction, regardless of whether or not such failure is permitted by this subpart.

*Enhanced biological treatment system* means an aerated, thoroughly mixed treatment unit(s) that contains biomass suspended in water followed by a clarifier that removes biomass from the treated water and recycles recovered biomass to the aeration unit. The mixed liquor volatile suspended solids (biomass) is greater than 1 kilogram per cubic meter throughout each aeration unit. The biomass is suspended and aerated in the water of the aeration unit(s) either by submerged air flow or mechanical agitation. A thoroughly mixed treatment unit is a unit that is designed and operated to approach or achieve uniform biomass distribution and organic compound

concentration throughout the aeration unit by quickly dispersing the recycled biomass and the wastewater entering the unit.

*Excess emissions* means emissions greater than those allowed by the emission limit.

*Group 1a storage tank* means a storage tank at an existing source with a capacity greater than or equal to 20,000 gal storing material that has a maximum true vapor pressure of total organic HAP greater than or equal to 1.9 pounds per square inch, absolute (psia). Group 1a storage tank also means a storage tank at a new source with either a capacity greater than or equal to 25,000 gal storing material that has a maximum true vapor pressure of total HAP greater than or equal to 0.1 psia or a capacity greater than or equal to 20,000 gal and less than 25,000 gal storing material that has a maximum true vapor pressure of total HAP greater than or equal to 1.5 psia.

*Group 1b storage tank* means a storage tank at a new source that has a capacity greater than or equal to 10,000 gal, stores material that has a maximum true vapor pressure of total organic HAP greater than or equal to 0.02 psia, and is not a Group 1a storage tank.

*Group 2 storage tank* means a storage tank that does not meet the definition of a Group 1a or Group 1b storage tank.

*Group 1 transfer operations* means all bulk loading of coating products if the coatings contain greater than or equal to 3.0 million gallons per year (gal/yr) of HAP with a weighted average HAP partial pressure greater than or equal to 1.5 psia.

*Group 2 transfer operations* means bulk loading of coating products that does not meet the definition of Group 1 transfer operations, and all loading of coating products from a loading rack to other types of containers such as cans, drums, and totes.

*Group 1 wastewater stream* means a wastewater stream that contains total partially soluble and soluble HAP at an annual average concentration greater than or equal to 4,000 parts per million by weight (ppmw) and load greater than or equal to 750 pounds per year (lb/yr) at an existing source or greater than or equal to 1,600 ppmw and any partially soluble and soluble HAP load at a new source.

*Group 2 wastewater stream* means a wastewater stream that does not meet the definition of a Group 1 wastewater stream.

*Halogenated vent stream* means a vent stream determined to contain halogen atoms in organic compounds at a concentration greater than or equal to 20 ppmv as determined by the procedures specified in §63.8000(b).

*Hydrogen halide and halogen HAP* means hydrogen chloride, chlorine, and hydrogen fluoride.

*In organic HAP service* means that a piece of equipment either contains or contacts a fluid (liquid or gas) that is at least 5 percent by weight of total organic HAP as determined according to the provisions of §63.180(d). The provisions of §63.180(d) also specify how to determine that a piece of equipment is not in organic HAP service.

*Large control device* means a control device that controls total HAP emissions of greater than or equal to ten tpy, before control.

*Maximum true vapor pressure* means the equilibrium partial pressure exerted by the total organic HAP in the stored or transferred liquid at the temperature equal to the highest calendar-month average of the liquid storage or transfer temperature for liquids stored or transferred above or below the ambient temperature or at the local maximum monthly average temperature as reported by the National Weather Service for liquids stored or transferred at the ambient temperature, as determined:

- (1) In accordance with methods described in American Petroleum Institute Publication 2517, Evaporative Loss From External Floating-Roof Tanks (incorporated by reference as specified in §63.14 of Subpart A of this Part 63); or
- (2) As obtained from standard reference texts; or
- (3) As determined by the American Society for Testing and Materials Method D2879–83 (incorporated by reference as specified in §63.14 of Subpart A of this part); or
- (4) Any other method approved by the Administrator.

*Partially soluble HAP* means HAP listed in Table 7 of this subpart.

*Point of determination (POD)* means each point where process wastewater exits the miscellaneous coating operations.

Note to definition for point of determination: The regulation allows determination of the characteristics of a wastewater stream at the point of determination or downstream of the point of determination if corrections are made for changes in flow rate and annual average concentration of partially soluble and soluble HAP compounds as determined in §63.144. Such changes include losses by air emissions; reduction of annual average concentration or changes in flow rate by mixing with other water or wastewater streams; and reduction in flow rate or annual average concentration by treating or otherwise handling the wastewater stream to remove or destroy HAP.

*Process vessel* means any stationary or portable tank or other vessel with a capacity greater than or equal to 250 gal and in which mixing, blending, diluting, dissolving, temporary holding, and other processing steps occur in the manufacturing of a coating.

*Process vessel vent* means a vent from a process vessel or vents from multiple process vessels that are manifolded together into a common header, through which a HAP-containing gas stream is, or has the potential to be, released to the atmosphere. Emission streams that are undiluted and uncontrolled containing less than 50 ppmv HAP, as determined through process knowledge that no HAP are present in the emission stream or using an engineering assessment as discussed in §63.1257(d)(2)(ii), test data using Method 18 of 40 CFR Part 60, Appendix A, or any other test method that has been validated according to the procedures in Method 301 of Appendix A of this part, are not considered process vessel vents. Flexible elephant trunk systems when used with closed vent systems and drawing ambient air ( *i.e.*, the system is not ducted, piped, or otherwise connected to the unit operations) away from operators when vessels are opened are not process vessel vents. Process vessel vents do not include vents on storage tanks, wastewater emission sources, or pieces of equipment subject to the requirements in Table 3 of this subpart. A gas stream going to a fuel gas system is not a process vessel vent. A gas stream routed to a process for a process purpose is not a process vessel vent.

*Recovery device*, as used in the wastewater provisions, means an individual unit of equipment used for the purpose of recovering chemicals for fuel value ( *i.e.*, net positive heating value), use, reuse, or for sale for fuel value, use, or reuse. Examples of equipment that may be recovery devices include organic removal devices such as decanters, strippers, or thin-film evaporation units. To be a recovery device, a decanter and any other equipment based on the operating principle of gravity separation must receive only multi-phase liquid streams. A recovery device is considered part of the miscellaneous coating manufacturing operations.

*Responsible official* means responsible official as defined in 40 CFR 70.2.

*Safety device* means a closure device such as a pressure relief valve, frangible disc, fusible plug, or any other type of device which functions exclusively to prevent physical damage or permanent deformation to a unit or its air emission control equipment by venting gases or vapors directly to the atmosphere during unsafe conditions

resulting from an unplanned, accidental, or emergency event. For the purposes of this subpart, a safety device is not used for routine venting of gases or vapors from the vapor headspace underneath a cover such as during filling of the unit or to adjust the pressure in response to normal daily diurnal ambient temperature fluctuations. A safety device is designed to remain in a closed position during normal operations and open only when the internal pressure, or another relevant parameter, exceeds the device threshold setting applicable to the air emission control equipment as determined by the owner or operator based on manufacturer recommendations, applicable regulations, fire protection and prevention codes and practices, or other requirements for the safe handling of flammable, combustible, explosive, reactive, or hazardous materials.

*Shutdown* means the cessation of operation of an affected source, any process vessels within an affected source, or equipment required or used to comply with this subpart if steps taken to cease operation differ from those under routine procedures for removing the vessel or equipment from service. Shutdown also applies to the emptying and degassing of storage tanks.

*Small control device* means a control device that controls total HAP emissions of less than 10 tpy, before control.

*Soluble HAP* means the HAP listed in Table 8 of this subpart.

*Startup* means the setting in operation of a new affected source. For new equipment added to an affected source, including equipment required or used to comply with this subpart, startup means the first time the equipment is put into operation. Startup includes the setting in operation of equipment any time the steps taken differ from routine procedures for putting the equipment into operation.

*Storage tank* means a tank or other vessel that is used to store organic liquids that contain one or more HAP as raw material feedstocks or products. The following are not considered storage tanks for the purposes of this subpart:

- (1) Vessels permanently attached to motor vehicles such as trucks, railcars, barges, or ships;
- (2) Pressure vessels designed to operate in excess of 204.9 kilopascals and without emissions to the atmosphere;
- (3) Vessels storing organic liquids that contain HAP only as impurities;
- (4) Wastewater storage tanks; and
- (5) Process vessels.

*Total organic compounds or (TOC)* means the total gaseous organic compounds (minus methane and ethane) in a vent stream.

*Wastewater storage tank* means a stationary structure that is designed to contain an accumulation of wastewater and is constructed primarily of nonearthen materials ( e.g., wood, concrete, steel, plastic) which provide structural support.

*Wastewater stream* means water that is discarded from miscellaneous coating manufacturing operations through a POD, and that contains an annual average concentration of total partially soluble and soluble HAP compounds of at least 1,600 ppmw at any flow rate. For the purposes of this subpart, noncontact cooling water is not considered a wastewater stream.

*Work practice standard* means any design, equipment, work practice, or operational standard, or combination thereof, that is promulgated pursuant to Section 112(h) of the Clean Air Act.

**Table 1 to Subpart HHHHH of Part 63—Emission Limits and Work Practice Standards for Process Vessels**

As required in §63.8005, you must meet each emission limit and work practice standard in the following table that applies to your process vessels.

For each . . .	You must . . .	And you must . . .
1. Portable process vessel at an existing source	a. Equip the vessel with a cover or lid that must be in place at all times when the vessel contains a HAP, except for material additions and sampling	Nonapplicable.
2. Stationary process vessel at an existing source	a. Equip the vessel with a cover or lid that must be in place at all times when the vessel contains a HAP, except for material additions and sampling; or	i. Considering both capture and any combination of control (except a flare), reduce emissions of organic HAP with a vapor existing pressure $\geq 0.6$ kPa by $\geq 75$ percent by weight, and reduce emissions of organic HAP with a vapor pressure $< 0.6$ kPa by $\geq 60$ percent by weight.
	b. Equip the vessel with a tightly fitting vented cover or lid that must be closed at all times when the vessel contains HAP, except for material additions and sampling	i. Reduce emissions of organic HAP with a vapor pressure $\geq 0.6$ kPa by $\geq 75$ percent by weight, and reduce emissions of organic HAP with a vapor pressure $< 0.6$ kPa by $\geq 60$ percent by weight, by venting emissions through a closed-vent system to any combination of control devices (except a flare); or ii. Reduce emissions of total organic HAP by venting emissions from a non-halogenated vent stream through a closed-vent system to a flare; or iii. Reduce emissions of total organic HAP by venting emissions through a closed-vent system to a condenser that reduces the outlet gas temperature to:
		$< 10$ °C if the process vessel contains HAP with a partial pressure $< 0.6$ kPa, or
		$< 2$ °C if the process vessel contains HAP with a partial pressure $\geq 0.6$ kPa and $< 17.2$ kPa, or
		$< -5$ °C if the process vessel contains HAP with a partial pressure $\geq 17.2$ kPa.
3. Portable and stationary process vessel at a new source	a. Equip the vessel with a tightly fitting vented cover or lid that must be closed at all times when the vessel contains HAP, except for material additions and sampling	i. Reduce emissions of total organic HAP by $\geq 95$ percent by weight by venting emissions through a closed-vent system to any combination of control devices (except a flare); or ii. Reduce emissions of total organic HAP by venting emissions from a non-halogenated vent stream through a closed-vent system to a flare; or

For each . . .	You must . . .	And you must . . .
		iii. Reduce emissions of total organic HAP by venting emissions through a closed-vent system to a condenser that reduces the outlet gas temperature to: <-4 °C if the process vessel contains HAP with a partial pressure <0.7 kPa, or
		<-20 °C if the process vessel contains HAP with a partial pressure ≥0.7 kPa and <17.2 kPa, or
		<-30 °C if the process vessel contains HAP with a partial pressure ≥17.2 kPa.
4. Halogenated vent steam from a process vessel subject to the requirements of item 2 or 3 of this table for which you use a combustion control device to control organic HAP emissions	a. Use a halogen reduction device after the combustion control device; or	i. Reduce overall emissions of hydrogen halide and halogen HAP by ≥95 percent; or ii. Reduce overall emissions of hydrogen halide and halogen HAP to ≤0.45 kilogram per hour (kg/hr).
	b. Use a halogen reduction device before the combustion control device	Reduce the halogen atom mass emission rate to ≤0.45 kg/hr.

[68 FR 69185, Dec. 11, 2003, as amended at 70 FR 25682, May 13, 2005]

**Table 2 to Subpart HHHHH of Part 63—Emission Limits for Storage Tanks**

As required in §63.8010, you must meet each emission limit in the following table that applies to your storage tanks.

For each . . .	Then you must . . .
1. Group 1a storage tank	a. Comply with the requirements of Subpart WW of this part, except as specified in §63.8010(b); or
	b. Reduce total organic HAP emissions from the storage tank by ≥90 percent by weight by venting emissions through a closed-vent system to any combination of control devices (excluding a flare); or
	c. Reduce total organic HAP emissions from the storage tank by venting emissions from a non-halogenated vent stream through a closed-vent system to a flare.
2. Group 1b storage tank	a. Comply with the requirements of Subpart WW of this part, except as specified in §63.8010(b); or
	b. Reduce total organic HAP emissions from the storage tank by ≥80 percent by weight by venting emissions through a closed-vent system to any combination of control devices (excluding a flare); or

	c. Reduce total organic HAP emissions from the storage tank by venting emissions from a non-halogenated vent stream through a closed-vent system to a flare.
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**Table 3 to Subpart HHHHH of Part 63—Requirements for Equipment Leaks**

As required in §63.8015, you must meet each requirement in the following table that applies to your equipment leaks.

For all . . .	You must . . .
1. Equipment that is in organic HAP service at an existing source	a. Comply with the requirements in §§63.424(a) through (d) and 63.428(e), (f), and (h)(4), except as specified in §63.8015(b); or b. Comply with the requirements of Subpart TT of this part; or
	c. Comply with the requirements of Subpart UU of this part, except as specified in §63.8015(c) and (d).
2. Equipment that is in organic HAP service at a new source	a. Comply with the requirements of Subpart TT of this part; or b. Comply with the requirements of Subpart UU of this part, except as specified in §63.8015(c) and (d).

[68 FR 58190, Oct. 8, 2003, as amended at 71 FR 69021, Nov. 29, 2006]

**Table 4 to Subpart HHHHH of Part 63—Emission Limits and Work Practice Standards for Wastewater Streams**

As required in §63.8020, you must meet each emission limit and work practice standard in the following table that applies to your wastewater streams.

For each . . .	You must . . .
1. Wastewater tank used to store a Group 1 wastewater stream	Maintain a fixed roof, which may have openings necessary for proper venting of the tank, such as pressure/vacuum vent or j-pipe vent.
2. Group 1 wastewater stream	a. Convey using hard-piping and treat the wastewater as a hazardous waste in accordance with 40 CFR Part 264, 265, or 266 either onsite or offsite; or
	b. If the wastewater contains <50 ppmw of partially soluble HAP, you may elect to treat the wastewater in an enhanced biological treatment system that is located either onsite or offsite.

**Table 5 to Subpart HHHHH of Part 63—Emission Limits and Work Practice Standards for Transfer Operations**

As required in §63.8025, you must meet each emission limit and work practice standard in the following table that applies to your transfer operations.

For each . . .	You must . . .
1. Group 1 transfer operation vent	a. Reduce emissions of total organic HAP by $\geq 75$ percent by weight by venting

For each . . .	You must . . .
stream	emissions through a closed-vent system to any combination of control devices (except a flare); or
	b. Reduce emissions of total organic HAP by venting emissions from a non-halogenated vent stream through a closed-vent system to a flare; or
	c. Use a vapor balancing system designed and operated to collect organic HAP vapors displaced from tank trucks and railcars during loading and route the collected HAP vapors to the storage tank from which the liquid being loaded originated or to another storage tank connected by a common header.
2. Halogenated Group 1 transfer operation vent stream for which you use a combustion device to control organic HAP emissions	a. Use a halogen reduction device after the combustion device to reduce emissions of hydrogen halide and halogen HAP by $\geq 95$ percent by weight or to $\leq 0.45$ kg/hr; or b. Use a halogen reduction device before the combustion device to reduce the halogen atom mass emission rate to $\leq 0.45$ kg/hr.

**Table 6 to Subpart HHHHH of Part 63—Requirements for Heat Exchange Systems**

As required in §63.8030, you must meet each requirement in the following table that applies to your heat exchange systems.

For each . . .	You must . . .
Heat exchange system, as defined in §63.101	Comply with the requirements in §63.104, except as specified in §63.8030.

**Table 7 to Subpart HHHHH of Part 63—Partially Soluble Hazardous Air Pollutants**

As specified in §63.8020, the partially soluble HAP in wastewater that are subject to management and treatment requirements in this subpart are listed in the following table:

Chemical name . . .	CAS No.
1. 1,1,1-Trichloroethane (methyl chloroform)	71556
2. 1,1,2,2-Tetrachloroethane	79345
3. 1,1,2-Trichloroethane	79005
4. 1,1-Dichloroethylene (vinylidene chloride)	75354
5. 1,2-Dibromoethane	106934
6. 1,2-Dichloroethane (ethylene dichloride)	107062
7. 1,2-Dichloropropane	78875
8. 1,3-Dichloropropene	542756
9. 2,4,5-Trichlorophenol	95954
10. 2-Butanone (MEK)	78933

Chemical name . . .	CAS No.
11. 1,4-Dichlorobenzene	106467
12. 2-Nitropropane	79469
13. 4-Methyl-2-pentanone (MIBK)	108101
14. Acetaldehyde	75070
15. Acrolein	107028
16. Acrylonitrile	107131
17. Allyl chloride	107051
18. Benzene	71432
19. Benzyl chloride	100447
20. Biphenyl	92524
21. Bromoform (tribromomethane)	75252
22. Bromomethane	74839
23. Butadiene	106990
24. Carbon disulfide	75150
25. Chlorobenzene	108907
26. Chloroethane (ethyl chloride)	75003
27. Chloroform	67663
28. Chloromethane	74873
29. Chloroprene	126998
30. Cumene	98828
31. Dichloroethyl ether	111444
32. Dinitrophenol	51285
33. Epichlorohydrin	106898
34. Ethyl acrylate	140885
35. Ethylbenzene	100414
36. Ethylene oxide	75218
37. Ethylidene dichloride	75343
38. Hexachlorobenzene	118741
39. Hexachlorobutadiene	87683
40. Hexachloroethane	67721
41. Methyl methacrylate	80626

Chemical name . . .	CAS No.
42. Methyl-t-butyl ether	1634044
43. Methylene chloride	75092
44. N-hexane	110543
45. N,N-dimethylaniline	121697
46. Naphthalene	91203
47. Phosgene	75445
48. Propionaldehyde	123386
49. Propylene oxide	75569
50. Styrene	100425
51. Tetrachloroethylene (perchloroethylene)	127184
52. Tetrachloromethane (carbon tetrachloride)	56235
53. Toluene	108883
54. Trichlorobenzene (1,2,4-)	120821
55. Trichloroethylene	79016
56. Trimethylpentane	540841
57. Vinyl acetate	108054
58. Vinyl chloride	75014
59. Xylene (m)	108383
60. Xylene (o)	95476
61. Xylene (p)	106423

[68 FR 69185, Dec. 11, 2003, as amended at 70 FR 25683, May 13, 2005]

**Table 8 to Subpart FFFF of Part 63—Soluble Hazardous Air Pollutants**

As specified in §63.8020, the soluble HAP in wastewater that are subject to management and treatment requirements of this subpart are listed in the following table:

Chemical name . . .	CAS No.
1. Acetonitrile	75058
2. Acetophenone	98862
3. Diethyl sulfate	64675
4. Dimethyl hydrazine (1,1)	57147
5. Dimethyl sulfate	77781
6. Dinitrotoluene (2,4)	121142

7. Dioxane (1,4)	123911
8. Ethylene glycol dimethyl ether	110714
9. Ethylene glycol monobutyl ether acetate	112072
10. Ethylene glycol monomethyl ether acetate	110496
11. Isophorone	78591
12. Methanol	67561
13. Nitrobenzene	98953
14. Toluidine (o-)	95534
15. Triethylamine	121448

[68 FR 69185, Dec. 11, 2003, as amended at 70 FR 25683, May 13, 2005]

**Table 9 to Subpart HHHHH of Part 63—Requirements for Reports**

As required in §63.8075(a) and (b), you must submit each report that applies to you on the schedule shown in the following table:

You must submit a . . .	The report must contain . . .	You must submit the report . . .
1. Precompliance report	The information specified in §63.8075(c)	At least 6 months prior to the compliance date; or for new sources, with the application for approval of construction or reconstruction.
2. Notification of compliance status report	The information specified in §63.8075(d)	No later than 150 days after the compliance date specified in §63.7995.
3. Compliance report	The information specified in §63.8075(e)	Semi-annually according to the requirements in §63.8075(b).

**Table 10 to Subpart HHHHH of Part 63—Applicability of General Provisions to Subpart HHHHH**

As specified in §63.8095, the parts of the General Provisions that apply to you are shown in the following table:

Citation	Subject	Explanation
§63.1	Applicability	Yes.
§63.2	Definitions	Yes.
§63.3	Units and Abbreviations	Yes.
§63.4	Prohibited Activities	Yes.
§63.5	Construction/Reconstruction	Yes.
§63.6(a)	Applicability	Yes.
§63.6(b)(1)–(4)	Compliance Dates for New and Reconstructed sources	Yes.

Citation	Subject	Explanation
§63.6(b)(5)	Notification	Yes.
§63.6(b)(6)	[Reserved]	
§63.6(b)(7)	Compliance Dates for New and Reconstructed Area Sources That Become Major	Yes.
§63.6(c)(1)–(2)	Compliance Dates for Existing Sources	Yes.
§63.6(c)(3)–(4)	[Reserved]	
§63.6(c)(5)	Compliance Dates for Existing Area Sources That Become Major	Yes.
§63.6(d)	[Reserved]	
§63.6(e)(1)–(2)	Operation & Maintenance	Yes.
§63.6(e)(3)(i), (ii), and (v) through (viii)	SSMP	Yes, except information regarding Group 2 emission points and equipment leaks is not required in the SSMP, as specified in §63.8080(f).
§63.6(e)(3)(iii) and (iv)	Recordkeeping and Reporting During Startup, Shutdown, and Malfunction (SSM)	No, §§63.998(d)(3) and 63.998(c)(1)(ii)(D) through (G) specify the recordkeeping requirement for SSM events, and §63.8075(e)(5) specifies reporting requirements.
§63.6(e)(3)(ix)	Title V permit	Yes.
§63.6(f)(1)	Compliance Except During SSM	Yes.
§63.6(f)(2)–(3)	Methods for Determining Compliance	Yes.
§63.6(g)(1)–(3)	Alternative Standard	Yes.
§63.6(h)	Opacity/Visible Emission (VE) Standards	Only for flares for which Method 22 observations are required as part of a flare compliance assessment.
§63.6(i)(1)–(14)	Compliance Extension	Yes.
§63.6(j)	Presidential Compliance Exemption	Yes.
§63.7(a)(1)–(2)	Performance Test Dates	Yes, except substitute 150 days for 180 days.
§63.7(a)(3)	CAA Section 114 Authority	Yes, and this paragraph also applies to flare compliance assessments as specified under §63.997(b)(2).
§63.7(b)(1)	Notification of Performance Test	Yes.
§63.7(b)(2)	Notification of Rescheduling	Yes.
§63.7(c)	Quality Assurance/Test Plan	Yes, except the test plan must be submitted with the notification of the performance test if the control device controls process vessels.

Citation	Subject	Explanation
§63.7(d)	Testing Facilities	Yes.
§63.7(e)(1)	Conditions for Conducting Performance Tests	Yes, except that performance tests for process vessels must be conducted under worst-case conditions as specified in §63.8005.
§63.7(e)(2)	Conditions for Conducting Performance Tests	Yes.
§63.7(e)(3)	Test Run Duration	Yes.
§63.7(f)	Alternative Test Method	Yes.
§63.7(g)	Performance Test Data Analysis	Yes.
§63.7(h)	Waiver of Tests	Yes.
§63.8(a)(1)	Applicability of Monitoring Requirements	Yes.
§63.8(a)(2)	Performance Specifications	Yes.
§63.8(a)(3)	[Reserved]	
§63.8(a)(4)	Monitoring with Flares	Yes.
§63.8(b)(1)	Monitoring	Yes.
§63.8(b)(2)–(3)	Multiple Effluents and Multiple Monitoring Systems	Yes.
§63.8(c)(1)	Monitoring System Operation and Maintenance	Yes.
§63.8(c)(1)(i)	Maintain and operate CMS	Yes.
§63.8(c)(1)(ii)	Routine repairs	Yes.
§63.8(c)(1)(iii)	SSMP for CMS	Yes.
§63.8(c)(2)–(3)	Monitoring System Installation	Yes.
§63.8(c)(4)	Requirements	Only for CEMS; requirements for CPMS are specified in referenced Subpart SS of 40 CFR Part 63. This subpart does not contain requirements for continuous opacity monitoring systems (COMS).
§63.8(c)(4)(i)	CMS Requirements	No. This subpart does not require COMS.
§63.8(c)(4)(ii)	CMS requirements	Yes.
§63.8(c)(5)	COMS Minimum Procedures	No. This subpart does not contain opacity or VE limits.
§63.8(c)(6)	CMS Requirements	Only for CEMS; requirements for CPMS are specified in referenced Subpart SS of 40 CFR Part 63.

Citation	Subject	Explanation
§63.8(c)(7)–(8)	CMS Requirements	Only for CEMS. Requirements for CPMS are specified in referenced Subpart SS of 40 CFR Part 63.
§63.8(d)	CMS Quality Control	Only for CEMS; requirements for CPMS are specified in referenced Subpart SS of 40 CFR Part 63.
§63.8(e)	CMS Performance Evaluation	Section 63.8(e)(6)(ii) does not apply because this subpart does not require COMS. Other sections apply only for CEMS; requirements for CPMS are specified in referenced Subpart SS of 40 CFR Part 63.
§63.8(f)(1)–(5)	Alternative Monitoring Method	Yes, except you may also request approval using the precompliance report.
§63.8(f)(6)	Alternative to Relative Accuracy Test	Only for CEMS.
§63.8(g)(1)–(4)	Data Reduction	Only when using CEMS, except §63.8(g)(2) does not apply because data reduction requirements for CEMS are specified in §63.8000(d)(4)(iv).
		The requirements for COMS do not apply because this subpart has no opacity or VE limits.
§63.8(g)(5)	Data Reduction	No. Requirements for CEMS are specified in §63.8000(d)(4).
		Requirements for CPMS are specified in referenced Subpart SS of 40 CFR Part 63.
§63.9(a)	Notification Requirements	Yes.
§63.9(b)(1)–(5)	Initial Notifications	Yes.
§63.9(c)	Request for Compliance Extension	Yes.
§63.9(d)	Notification of Special Compliance Requirements for New Source	Yes.
§63.9(e)	Notification of Performance Test	Yes.
§63.9(f)	Notification of VE/Opacity Test	No. This subpart does not contain opacity or VE limits.
§63.9(g)	Additional Notifications When Using CMS	Only for CEMS; requirements for CPMS are specified in referenced Subpart SS of 40 CFR Part 63.
§63.9(h)(1)–(6)	Notification of Compliance Status	Yes, except this subpart has no opacity or VE limits, and §63.9(h)(2) does not apply because §63.8075(d) specifies the required contents and due date of the notification of compliance status report.
§63.9(i)	Adjustment of Submittal Deadlines	Yes.
§63.9(j)	Change in Previous Information	No, §63.8075(e)(8) specifies reporting requirements for process changes.

Citation	Subject	Explanation
§63.10(a)	Recordkeeping/Reporting	Yes.
§63.10(b)(1)	Recordkeeping/Reporting	Yes.
§63.10(b)(2)(i)–(iv)	Records related to SSM	No, §§63.998(d)(3) and 63.998(c)(1)(ii)(D) through (G) specify recordkeeping requirements for periods of SSM.
§63.10(b)(2)(iii)	Records related to maintenance of air pollution control equipment	Yes.
§63.10(b)(2)(vi), (x), and (xi)	CMS Records	Only for CEMS; requirements for CPMS are specified in referenced Subpart SS of 40 CFR Part 63.
§63.10(b)(2)(vii)–(ix)	Records	Yes.
§63.10(b)(2)(xii)	Records	Yes.
§63.10(b)(2)(xiii)	Records	Yes.
§63.10(b)(2)(xiv)	Records	Yes.
§63.10(b)(3)	Records	Yes.
§63.10(c)(1)–(6),(9)–(15)	Records	Only for CEMS; requirements for CPMS are specified in referenced Subpart SS of 40 CFR Part 63.
§63.10(c)(7)–(8)	Records	No. Recordkeeping requirements are specified in §63.8080.
§63.10(d)(1)	General Reporting Requirements	Yes.
§63.10(d)(2)	Report of Performance Test Results	Yes.
§63.10(d)(3)	Reporting Opacity or VE Observations	No. This subpart does not contain opacity or VE limits.
§63.10(d)(4)	Progress Reports	Yes.
§63.10(d)(5)(i)	SSM Reports	No, §63.8075(e)(5) and (6) specify the SSM reporting requirements.
§63.10(d)(5)(ii)	Immediate SSM reports	No.
§63.10(e)(1)–(2)	Additional CMS Reports	Only for CEMS, but §63.10(e)(2)(ii) does not apply because this subpart does not require COMS.
§63.10(e)(3)	Reports	No. Reporting requirements are specified in §63.8075.
§63.10(e)(3)(i)–(iii)	Reports	No. Reporting requirements are specified in §63.8075.
§63.10(e)(3)(iv)–(v)	Excess Emissions Reports	No. Reporting requirements are specified in §63.8075.
§63.10(e)(3)(vi)–viii)	Excess Emissions Report and Summary Report	No. Reporting requirements are specified in §63.8075.
§63.10(e)(4)	Reporting COMS data	No. This subpart does not contain opacity or VE limits.

<b>Citation</b>	<b>Subject</b>	<b>Explanation</b>
§63.10(f)	Waiver for Recordkeeping/Reporting	Yes.
§63.11	Control and work practice requirements	Yes
§63.12	Delegation	Yes.
§63.13	Addresses	Yes.
§63.14	Incorporation by Reference	Yes.
§63.15	Availability of Information	Yes.

[68 FR 69185, Dec. 11, 2003, as amended at 71 FR 20468, Apr. 20, 2006; 73 FR 78216, Dec. 22, 2008]

**Attachment B**  
10 CSR 10-2.040 Compliance Demonstration

This attachment may be used to demonstrate that Factory Boiler (EU0010) and Office Boiler (EU0020) are in compliance with 10 CSR 10-2.040, *Maximum Allowable Emission of Particulate Matter from Fuel Burning Equipment Used for Indirect Heating*, as long as the emission units are limited to burning natural gas.

The PM emission limit is based on whether the emission unit is new or existing. In the Kansas City area, existing means any source that was installed or under construction on February 15, 1979. Factory Boiler (EU0010) was installed in 1988 and Office Boiler (EU0020) was installed in 1997; therefore, both boilers are new units for the purposes on this regulation.

The PM emission limit for new units is based on the total heat input rate (Q) of new and existing heating sources at the installation. The heating sources at the facility and their respective heat input rates are as follows:

EU ID #	EU Description	Heat Input (MMBtu/hr)
EU0010	Factory Boiler	4.3
EU0020	Office Boiler	4.3
Installation's Total Heat Input (Q)		8.6

According to §(3)(B)1., the maximum allowable particulate emission rate (E) for new sources at an installation with total heat input rate of less than 10 MMBtu/hr = 0.4 lb/MMBtu

Potential Emission Rate (E)

Natural Gas

PM emission factor for natural gas = 7.6 lb/10<sup>6</sup> scf [US EPA document AP-42 Table 1.4-2]

Heating value of natural gas = 1020 MMBtu/10<sup>6</sup> scf [US EPA document AP-42 Table 1.4-2]

Potential PM Emissions for natural gas = (7.6 lb/10<sup>6</sup> scf)/(1020 MMBtu/10<sup>6</sup> scf) = 0.0075 lb/MMBtu

Since the uncontrolled potential to emit PM rate of 0.0075 lb/MMBtu is well below the allowable emission rate of 0.40 lb/MMBtu, EU0010 and EU0020 are assumed to be always in compliance.









**Attachment G**

Method 9 Opacity Emissions Observations								
Company					Observer			
Location					Observer Certification Date			
Date					Emission Unit			
Time					Control Device			
Hour	Minute	Seconds				Steam Plume (check if applicable)		Comments
		0	15	30	45	Attached	Detached	
	0							
	1							
	2							
	3							
	4							
	5							
	6							
	7							
	8							
	9							
	10							
	11							
	12							
	13							
	14							
	15							
	16							
	17							
	18							
SUMMARY OF AVERAGE OPACITY								
Set Number	Time				Opacity			
	Start	End		Sum	Average			

Readings ranged from \_\_\_\_\_ to \_\_\_\_\_ % opacity.

Was the emission unit in compliance at the time of evaluation? \_\_\_\_\_  
 YES NO Signature of Observer

## STATEMENT OF BASIS

### Permit Reference Documents

These documents were relied upon in the preparation of the operating permit. Because they are not incorporated by reference, they are not an official part of the operating permit.

- 1) Part 70 Operating Permit Application, received March 6, 2006;
- 2) 2011 Emissions Inventory Questionnaire;
- 3) U.S. EPA document AP-42, *Compilation of Air Pollutant Emission Factors: Volume I, Stationary Point and Area Sources, Fifth Edition*;
- 4) U.S. EPA document *Methods for Estimating Air Emissions from Paint, Ink, and Other Coating Manufacturing Facilities, Volume II: Chapter 8, February 1, 2005*; and,
- 5) Fine, Robert L., letter to James Helgason, MDNR Kansas City Regional Office, March 16, 2007.
- 6) U.S. EPA Consent Agreement and Final Order, Docket No. CAA-07-20110013

### Applicable Requirements Included in the Operating Permit but Not in the Application or Previous Operating Permits

In the operating permit application, the installation indicated they were not subject to the following regulation(s). However, in the review of the application, the agency has determined that the installation is subject to the following regulation(s) for the reasons stated.

None.

### Other Air Regulations Determined Not to Apply to the Operating Permit

The Air Pollution Control Program (APCP) has determined the following requirements to not be applicable to this installation at this time for the reasons stated.

#### 10 CSR 10-6.260, *Restriction of Emission of Sulfur Compounds*

This rule was not applied to Factory Boiler (EU0010) or Office Boiler (EU0020) because according to §(1)(A)2, combustion equipment that uses exclusively pipeline grade natural gas as defined in 40 CFR 72.2 is exempt.

### Construction Permit Revisions

The following revisions were made to construction permits for this installation:

Missouri Department of Natural Resources Construction Permit No. 0797-029 authorized the installation of Mixer No. 6 (EU0030).

The Applicable Requirement section of this construction permit indicated that 10 CSR 10-3.080, *Restriction of Emission of Visible Air Contaminants*, was an applicable regulation. 10 CSR 10-3.080 was rescinded on May 30, 2000 and replaced by 10 CSR 10-6.220.

Missouri Department of Natural Resources Construction Permit No. 082003-013 authorized the installation of new equipment added to the facility between 1982 and 1994 including letdown tanks, mixers, an automatic filling machine, mills and a boiler.

The Applicable Requirement section of this construction permit indicated that 10 CSR 10-6.260, *Restriction of Emission of Sulfur Compounds* was applicable to Factory Boiler (EU0010). However,

this rule excludes combustion equipment that uses exclusively pipeline grade natural gas as defined in 40 CFR 72.2 is exempt.

**New Source Performance Standards (NSPS) Applicability**

40 CFR Part 60 Subpart K, *Standards of Performance for Storage Vessels For Petroleum Liquids For Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior To May 19, 1978*

40 CFR Part 60 Subpart Ka, *Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984*

40 CFR Part 60 Subpart Kb, *Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984*

There are no storage vessels at the facility that meet the applicability requirements for these rules.

**Maximum Achievable Control Technology (MACT) Applicability**

40 CFR Part 63, Subpart HHHHH, *National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing*

The facility is subject to this rule because as shown in the following table, they have the potential to emit greater than 10 tons per year of an individual HAP and 25 tons per year of combined HAP. The potential emissions were calculated based on the maximum annual paint production capacity of 1,400,000 gallons and the chemical data for paints produced from July 2008 through June 2009.

PTE HAP Emissions Summary

Ethylene Glycol (ton/yr)	Ethylbenzene (ton/yr)	Glycol Ethers (ton/yr)	Methanol (ton/yr)	Xylene (Mixed Isomers) (ton/yr)	MIBK (ton/yr)	Toluene (ton/yr)	Combined HAPs (ton/yr)
4.08	10.48	0.03	1.63	39.51	0.36	8.01	64.09

**National Emission Standards for Hazardous Air Pollutants (NESHAP) Applicability**

In the permit application and according to Air Pollution Control Program records, there was no indication that any Missouri Air Conservation Law, Asbestos Abatement, 643.225 through 643.250; 10 CSR 10-6.080, Emission Standards for Hazardous Air Pollutants, Subpart M, National Standards for Asbestos; and 10 CSR 10-6.250, Asbestos Abatement Projects - Certification, Accreditation, and Business Exemption Requirements apply to this installation. The installation is subject to these regulations if they undertake any projects that deal with or involve any asbestos containing materials. None of the installation's operating projects underway at the time of this review deal with or involve asbestos containing material. Therefore, the above regulations were not cited in the operating permit. If the installation should undertake any construction or demolition projects in the future that deal with or involve any asbestos containing materials, the installation must follow all of the applicable requirements of the above rules related to that specific project.

**Compliance Assurance Monitoring (CAM) Applicability**

40 CFR Part 64, *Compliance Assurance Monitoring (CAM)*

The CAM rule applies to each pollutant specific emission unit that:

- Is subject to an emission limitation or standard, and
  - Uses a control device to achieve compliance, and
  - Has pre-control emissions that exceed or are equivalent to the major source threshold.
- Mixer No. 27/28 (EU0040) is the only emission unit that uses a control device (fabric filter) to achieve compliance with a relevant standard (10 CSR 10-6.400). However, as shown in the following table, uncontrolled PTE PM<sub>10</sub> is less than the major source threshold. Therefore, the CAM rule does not apply.

EU-#	Description	MHDR (ton/hr) 24-hour avg.	PM Emission Factor (lb/ton)	Uncontrolled PM Emission Rate (lb/hr)	Uncontrolled PM PTE (ton/yr)	Uncontrolled PM <sub>10</sub> PTE (ton/yr)
EU0040	Mixer No. 27/28	1.0	20	20	87.6	43.8

Notes:

1. MHDR source: 2008 EIQ.
2. PM Emission Factor source: U.S. EPA document AP-42, Table 6.4-1.
3. Assumed PM<sub>10</sub> is 50% of PM.

**Greenhouse Gas Emissions**

This installation is a minor source of greenhouse gases (GHG).

**Updated Potential to Emit for the Installation**

Pollutant	Potential to Emit (tpy) <sup>1</sup>
CO	3.01
GHG	1006.2
NO <sub>x</sub>	3.59
SO <sub>x</sub>	0.02
VOC	105.17
HAP	63.95

<sup>1</sup>Each emission unit was evaluated at 8,760 hours of uncontrolled annual operation unless otherwise noted.

**Other Regulatory Determinations**

- 1) 10 CSR 10-2.300, *Control of Emissions from the Manufacturing of Paints, Varnishes, Lacquers, Enamels and Other Allied Surface Coating Products*
  - a) According to §(6)(D) requires that records be kept for two (2) years, however, state operating permit rules require that record be kept for five (5) years.
- 2) 10 CSR 10-6.260, *Restriction of Emission of Sulfur Compounds*
  - a) This rule was not applied to Factory Boiler (EU0010) or Office Boiler (EU0020) because according to §(1)(A)2, combustion equipment that uses exclusively pipeline grade natural gas as defined in 40 CFR 72.2 is exempt.
- 3) 10 CSR 10-6.400, *Restriction of Emission of Particulate Matter from Industrial Processes*
  - a) Mixer No. 27/28 (EU0040) is subject to this rule. The following emission rate calculations demonstrate that this emission unit is in compliance provided that the required control device is in operation and working properly:

Emission Rate Limit

If  $P \leq 60,000$  lb/hr: Emission Rate Limit (lb/hr)  $E = 4.1(P)^{0.67}$

Where: P = process weight rate

PM Emission Rate

Emission Rate (lb/hr) = MHDR (ton/hr) x PM Emission Factor (lb/ton) x (1-Control Efficiency/100)

EU-#	Description	MHDR ton/hr (24- hour avg.)	PM Emission Factor (lb/ton)	Overall Control Efficiency (%)	Controlled Emission Rate (lb/hr)	Allowable Emission Rate (lb/hr)
EU0040	Mixer No. 27/28	1.0	20	95	1.00	4.10

- b) Sand Mills 8, 9, 10, 11 (EU0050 through EU0080) are used for the grinding and dispersion of pigment in liquid paint. During this process, sand, which behaves as a fluidized bed, is blended into liquid paint. The PM emissions are insignificant (< 0.5 lb/hr) and are emitted within the building. Consequently, 10 CSR 10-6.400 was not applied to these units.
  - c) Mixers Nos. 22/23, 24/25, 26, and 29 (EP-02b) vent within the building interior and have no visible emissions. Consequently, 10 CSR 10-6.400 was not applied to these units.
  - d) Mixer No. 6 (EU0030) and Mixers Nos. 1 through 5 (EP-03) are fed entirely by liquid paint materials. No solids or powders are added. The PM emissions are insignificant (< 0.5 lb/hr) and are emitted within the building. Consequently, 10 CSR 10-6.400 was not applied to these units.
  - e) The Automatic Filling Machines (EP-03) are used to fill product containers with paint from the Letdown Tanks. The containers are filled either by gravitational draining or by pumping. The PM emissions are insignificant (< 0.5 lb/hr) and are emitted within the building. Consequently, 10 CSR 10-6.400 was not applied to these units.
  - f) The Letdown Tanks (EU0090 through EU0480) store paint received from the mixers until the paint is transferred to product containers with the Filling Machines. The PM emissions are insignificant (< 0.5 lb/hr) and are emitted within the building. Consequently, 10 CSR 10-6.400 was not applied to these units.
- 4) The following emission units have been removed from the facility and are not included in the operating permit.

EQ EP#	Description	Manufacturer/Model #
EP-03	Ball Mill No. 1	General Electric/5KG1405B1
EP-03	Ball Mill No. 2	Baldor/M41127
EP-03	Ball Mill No. 3	General Electric/5KG1405B1
EP-03	Ball Mill No. 4	General Electric/5K324D101
EP-03	Ball Mill No. 5	Westinghouse

**Other Regulations Not Cited in the Operating Permit or the Above Statement of Basis**

Any regulation which is not specifically listed in either the Operating Permit or in the above Statement of Basis does not appear, based on this review, to be an applicable requirement for this installation for one or more of the following reasons:

- 1) The specific pollutant regulated by that rule is not emitted by the installation;
- 2) The installation is not in the source category regulated by that rule;
- 3) The installation is not in the county or specific area that is regulated under the authority of that rule;

- 4) The installation does not contain the type of emission unit which is regulated by that rule;
- 5) The rule is only for administrative purposes.

Should a later determination conclude that the installation is subject to one or more of the regulations cited in this Statement of Basis or other regulations which were not cited, the installation shall determine and demonstrate, to the Air Pollution Control Program's satisfaction, the installation's compliance with that regulation(s). If the installation is not in compliance with a regulation which was not previously cited, the installation shall submit to the Air Pollution Control Program a schedule for achieving compliance for that regulation(s).

Prepared by:

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Jason Dickneite  
Environmental Engineer

Mr. Bill Claibourn  
Davis Paint Company  
P.O. Box 7589  
North Kansas City, MO 64116

Re: Davis Paint Company, 047-0040  
Permit Number: **OP2013-061**

Dear Mr. Claibourn:

Enclosed with this letter is your Part 70 operating permit. Please review this document carefully. Operation of your installation in accordance with the rules and regulations cited in this document is necessary for continued compliance. It is very important that you read and understand the requirements contained in your permit.

You may appeal this permit to the Administrative Hearing Commission (AHC), P.O. Box 1557, Jefferson City, MO 65102, as provided in RSMo 643.078.16 and 621.250.3. If you choose to appeal, you must file a petition with the AHC within thirty days after the date this decision was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed. If it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the AHC.

If you have any questions or need additional information regarding this permit, please do not hesitate to contact Jason Dickneite at the Department of Natural Resources, Air Pollution Control Program, P.O. Box 176, Jefferson City, MO 65102, or by telephone at (573) 751-4817. Thank you for your time and attention to this matter.

Sincerely,

**AIR POLLUTION CONTROL PROGRAM**

Michael J. Stansfield, P.E.  
Operating Permit Unit Chief

MJS:jdk

Enclosures

c: Kansas City Regional Office  
PAMS File: 2006-03-072