

April 26, 2024

MEMORANDUM

TO: Docket ID: EPA-HQ-OAR-2020-0430
FROM: Amanda Hansen, Physical Scientist, U.S. EPA
SUBJECT: Final Regulatory Edits for 40 CFR Part 63 Subpart EEEEEEE: Primary Copper Smelting Area Sources NESHAP Technology Review

This memorandum provides the final regulation edits associated with final action titled, *“National Emission Standards for Hazardous Air Pollutants: Primary Copper Smelting Risk and Technology Review.”*

Attachment 1 to this memorandum, for the convenience of interested parties, presents the subject subparts of the CFR including final regulation edits shown in redline/strikeout format.

Attachment 1: Regulatory text with final edits in redline/strikeout.

**Subpart EEEEEEE – National Emission Standards for Hazardous Air Pollutants for
Primary Copper Smelting Area Sources**

§63.11146 What are the applicability provisions and compliance dates?

(a) You are subject to this subpart if you own or operate a primary copper smelter that is an area source of hazardous air pollutant (HAP) emissions.

(b) This subpart applies to each new or existing affected source. The affected source is each primary copper smelter.

(1) An affected source is existing if you commenced construction or reconstruction of the affected source before October 6, 2006.

(2) An affected source is new if you commenced construction or reconstruction of the affected source on or after October 6, 2006.

(c) This subpart does not apply to research and development facilities, as defined in section 112(c)(7) of the Clean Air Act (CAA).

(d) If you own or operate an area source subject to this subpart, you must obtain a permit under 40 CFR part 70 or 40 CFR part 71.

(e) If you own or operate an existing affected source, you must achieve compliance with the applicable provisions of this subpart by January 23, 2007.

(f) If you own or operate a new affected source, you must achieve compliance with the applicable provisions of this subpart by the dates in paragraphs (f)(1) and (2) of this section.

(1) If you startup a new affected source on or before January 23, 2007, you must achieve compliance with the applicable provisions of this subpart not later than January 23, 2007.

(2) If you startup a new affected source after January 23, 2007, you must achieve compliance with the applicable provisions of this subpart upon startup of your affected source.

§63.11147 What are the standards and compliance requirements for existing sources not using batch copper converters?

(a) *Emissions limits and work practice standards.* (1) You must not discharge to the atmosphere through any combination of stacks or other vents captured process exhaust gases from the copper concentrate dryers, smelting vessels, converting vessels, matte drying and grinding plants, secondary gas systems, and anode refining department that contain particulate matter less than 10 microns in aerodynamic diameter (PM₁₀) in excess of 89.5 pounds per hour (lb/hr) on a 24-hour average basis.

(2) You must operate a capture system that collects the gases and fumes released during the transfer of molten materials from smelting vessels and converting vessels and conveys the collected gas stream to a control device.

(3) You must operate one or more capture systems that collect the gases and fumes released from each vessel used to refine blister copper, remelt anode copper, or remelt anode scrap and convey each collected gas stream to a control device. One control device may be used for multiple collected gas streams.

(b) *Compliance requirements.* For purposes of determining compliance with the emissions limit in paragraph (a)(1) of this section, you must comply with the requirements in paragraphs (b)(1) through (7) of this section.

(1) You must calibrate, maintain and operate a system to continuously measure emissions of particulate matter (PM) from the smelter's main stack.

(2) All PM collected by the smelter main stack continuous PM sampling system is reported as PM₁₀ unless you demonstrate to the satisfaction of the permitting authority that, due

to an infrequent event, the measured PM contains a large fraction of particles greater than 10 microns in diameter.

(3) To determine the mass emissions rate, the PM_{10} concentration as determined by the smelter main stack continuous PM sampling system is multiplied by the volumetric flow rate for the smelter main stack and any necessary conversion factors.

(4) Compliance with the PM_{10} emissions limit is demonstrated based on the average mass PM_{10} emissions rate for each 24-hour period.

(5) The results of the PM monitoring and calculated average mass PM_{10} emissions rate for each 24-hour period must be recorded and the records maintained for at least 5 years. Collected data must be available for inspection when the required laboratory analysis is completed.

(6) You must submit to the permitting authority by the 20th day of each month a report summarizing the 24-hour average mass PM_{10} emissions rates for the previous month. [Beginning \[INSERT DATE 180 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER\], the owner or operator must electronically submit all subsequent reports in PDF format to the EPA via CEDRI, which can be accessed through EPA's CDX \(<https://cdx.epa.gov/>\) following the procedures specified in §63.9\(k\).](#)

(7) You may certify initial compliance with the emissions limit in paragraph (a)(1) of this section based on the results of PM sampling conducted during the previous month.

(c) *Operation and maintenance requirements.* (1) At all times, ~~including periods of startup, shutdown, and malfunction,~~ you must ~~to the extent practicable,~~ maintain and operate any affected source, including associated air pollution control equipment [and monitoring equipment,](#) in a manner consistent with [safety and](#) good air pollution control practices for minimizing emissions. [The general duty to minimize emissions does not require the owner or operator to](#)

make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether a source is operating in compliance with acceptable operation~~ng~~ and maintenance requirements ~~procedures are being used~~ will be based on information available to the permitting authority which may include, but is not limited to, monitoring results, ~~opacity observations~~, review of operation~~ing~~ and maintenance procedures, review of operation and maintenance records, and inspection of the source.

(2) All pollution control equipment must be installed, maintained, and operated properly. Instructions from the vendor or established maintenance practices that maximize pollution control must be followed. All necessary equipment control and operating devices, such as pressure gauges, amp meters, volt meters, flow rate indicators, temperature gauges, continuous emission monitors, etc., must be installed, operated properly, and easily accessible to compliance inspectors. A copy of all manufacturers' operating instructions for pollution control equipment and pollution emitting equipment must be maintained at your facility site. These instructions must be available to all employees who operate the equipment and must be made available to the permitting authority upon request. Maintenance records must be made available to the permitting authority upon request.

(3) You must document the activities performed to assure proper operation and maintenance of the air pollution control equipment and monitoring systems or devices.

(4) Except as provided in paragraph (c)(5) of this section, in the event of an emergency situation the owner or operator must comply with the requirements in paragraphs (c)(4)(i) through (iii) of this section. For the purposes of complying with this paragraph, an emergency situation is any situation arising from sudden and reasonably unforeseeable events beyond the control of the facility owner or operator that requires immediate corrective action to restore

normal operation, and that causes the affected source to exceed an applicable emissions limitation under this subpart, due to unavoidable increases in emissions attributable to the emergency. An emergency must not include noncompliance to the extent it is caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

(i) During the period of the emergency, you must implement all reasonable steps to minimize levels of emissions that exceed the emissions standards or other applicable requirements in this subpart.

(ii) You must document through signed contemporaneous logs or other relevant evidence that an emergency occurred and you can identify the probable cause, your facility was being operated properly at the time the emergency occurred, and the corrective actions taken to minimize emissions as required by paragraph (c)(4)(i) of this section.

(iii) You must submit a notice of the emergency to the permitting authority within two working days of the time when emissions limitations were exceeded due to the emergency (or an alternate timeframe acceptable to the permitting authority). This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

(5) Before [INSERT DATE 180 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER], ~~As~~ an alternative to the requirements in paragraph (c)(4) of this section, you must comply with the startup, shutdown, and malfunction requirements in ~~§ 40-CFR~~ 63.6(e)(3). On or after [INSERT DATE 180 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER], you may not use the requirements in § 63.6(e)(3) as an alternative to the requirements in paragraph (c)(4) of this section. You must comply with all emissions limitation or work practice standards at all times.

(d) *Deviations.* You must submit written notification to the permitting authority of any deviation from the requirements of this subpart, including the number, date, time, duration, and the cause of such events (including unknown cause, if applicable); a list of the affected sources or equipment; an estimate of the quantity of each regulated pollutant emitted over any emission limit and a description of the method used to estimate the emissions; and the probable cause of such deviations and any corrective actions or preventative measures taken. You must submit this notification within 14 days of the date the deviation ~~occurred~~started.

(e) *Reports.* (1) You must submit semiannual monitoring reports to your permitting authority. All instances of deviations from the requirements of this subpart must be clearly identified in the reports. The report must contain the number, date, time, duration, and the cause of each deviation (including unknown cause, if applicable); a list of the affected sources or equipment; an estimate of the quantity of each regulated pollutant emitted over any emission limit and a description of the method used to estimate the emissions; and the probable cause of such deviations and any corrective actions or preventative measures taken. Examples of methods used to estimate the emissions would include product-loss calculations, mass balance calculations, measurements when available, or engineering judgment based on known process parameters.

(2) Beginning [INSERT DATE 6 MONTHS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER], the owner or operator must electronically submit all subsequent semiannual monitoring reports in PDF format to the EPA via CEDRI, which can be accessed through EPA's CDX (<https://cdx.epa.gov/>) following the procedures specified in §63.9(k).

(f) *Records.* (1) You must retain records of all required monitoring data and support information. Support information includes all calibration and maintenance records, all original

strip charts or appropriate recordings for continuous monitoring instrumentation, and copies of all reports required by this subpart. For all monitoring requirements, the owner or operator must record, where applicable, the date, place, and time of sampling or measurement; the date analyses were performed; the company or entity that performed the analyses; the analytical techniques or methods used; the results of such analyses; and the operating conditions existing at the time of sampling or measurement.

(2) You must maintain records of the activities performed to assure proper operation and maintenance of the air pollution control equipment and monitoring systems or devices. Records of these activities must be maintained for at least 5 years.

§63.11148 What are the standards and compliance requirements for existing sources using batch copper converters?

(a) *Emissions limits and work practice standards.* (1) For each copper concentrate dryer, you must not discharge to the atmosphere from the dryer vent any gases that contain ~~total~~ filterable particulate matter (PM) in excess of 0.022 grains per dry standard cubic foot (gr/dscf).

(2) You must exhaust the process off gas from each smelting vessel to a control device according to the requirements in paragraphs (a)(2)(i) and (ii) of this section.

(i) During periods when copper ore concentrate feed is charged to and smelted to form molten copper matte and slag layers in the smelting vessel, you must exhaust the process off gas from the smelting vessel to a gas cleaning system controlling PM and to a sulfuric acid plant prior to discharge to the atmosphere.

(ii) During periods when no copper ore concentrate feed is charged to the smelting vessel but the smelting vessel remains in operation to temporarily hold molten material in the vessel before resuming copper production, you must exhaust the process off gas from the smelting

vessel to an electrostatic precipitator, wet scrubber, or baghouse prior to discharge to the atmosphere.

(3) You must control the process emissions released when tapping copper matte or slag from a smelting vessel according to paragraphs (a)(3)(i) and (ii) of this section.

(i) You must operate a capture system that collects the gases and fumes released when copper matte or slag is tapped from the smelting vessel. The design and placement of this capture system must be such that the tapping port opening, launder, and receiving vessel (e.g., ladle, slag pot) are positioned within the confines or influence of the capture system's ventilation draft during those times when the copper matte or slag is flowing from the tapping port opening.

(ii) You must not cause to be discharged to the atmosphere from the capture system used to comply with paragraph (a)(3)(i) of this section any gases that contain ~~total~~ filterable PM in excess of 0.022 gr/dscf.

(4) For each batch copper converter, you must meet the requirements in paragraphs (a)(4)(i) through (iv) of this section.

(i) You must operate a primary capture system that collects the process off gas vented when one or more batch copper converters are blowing. If you operate a batch copper converter that does not use a “U”-shaped side flue located at one end of the converter, then the capture system design must include use of a primary hood that covers the entire mouth of each batch copper converter vessel when the copper converter is positioned for blowing. The capture system may use multiple intake and duct segments through which the ventilation rates are controlled independently of each other.

(ii) If you operate a batch copper converter that does not use a “U”-shaped side flue located at one end of the converter, then you must operate a secondary capture system that

collects gases and fumes released from the batch copper converter when the converter mouth is rotated out partially or totally from within the confines or influence of the primary capture system's ventilation draft during charging, skimming, pouring, or holding. The capture system design must use additional hoods (e.g., sliding secondary hoods, air curtain hoods) or other capture devices (e.g., building evacuation systems). The capture system may use multiple intake and duct segments through which the ventilation rates are controlled independently of each other, and individual duct segments may be connected to separate PM control devices.

(iii) You must exhaust the process off gas captured by the primary capture system that is used to comply with paragraph (a)(4)(i) of this section to a gas cleaning system controlling PM and to a sulfuric acid plant prior to discharge to the atmosphere.

(iv) For each secondary capture system that is used to comply with paragraph (a)(4)(ii) of this section and is not vented to a gas cleaning system controlling PM and a sulfuric acid plant, you must not cause to be discharged to the atmosphere any gases that contain ~~total~~ [filterable](#) particulate matter in excess of 0.02 grains/dscf.

(b) *Monitoring requirements for electrostatic precipitators.* To monitor the performance of each electrostatic precipitator used to comply with the PM emissions limits in paragraph (a) of this section, you must use a continuous opacity monitoring system (COMS) that is installed at the outlet of each electrostatic precipitator or a common duct at the outlet of multiple electrostatic precipitators.

(1) Each COMS must meet Performance Specification 1 in [appendix B to 40 CFR part 60](#), ~~appendix B~~.

(2) You must comply with the quality assurance requirements in paragraphs (b)(2)(i) through (v) of this section.

(i) You must automatically (intrinsic to the opacity monitor) check the zero and upscale (span) calibration drifts at least once daily. For a particular COMS, the acceptable range of zero and upscale calibration materials is as defined in the applicable version of Performance Specification 1 in [appendix B to 40 CFR part 60](#), ~~appendix B~~.

(ii) You must adjust the zero and span whenever the 24-hour zero drift or 24-hour span drift exceeds 4 percent opacity. The COMS must allow for the amount of excess zero and span drift measured at the 24-hour interval checks to be recorded and quantified. The optical surfaces exposed to the effluent gases must be cleaned prior to performing the zero and span drift adjustments, except for systems using automatic zero adjustments. For systems using automatic zero adjustments, the optical surfaces must be cleaned when the cumulative automatic zero compensation exceeds 4 percent opacity.

(iii) You must apply a method for producing a simulated zero opacity condition and an upscale (span) opacity condition using a certified neutral density filter or other related technique to produce a known obscuration of the light beam. All procedures applied must provide a system check of the analyzer internal optical surfaces and all electronic circuitry including the lamp and photodetector assembly.

(iv) Except during periods of system breakdowns, repairs, calibration checks, and zero and span adjustments, the COMS must be in continuous operation and must complete a minimum of one cycle of sampling and analyzing for each successive 10 second period and one cycle of data recording for each successive 6-minute period.

(v) You must reduce all data from the COMS to 6-minute averages. Six-minute opacity averages must be calculated from 36 or more data points equally spaced over each 6-minute period. Data recorded during periods of system breakdowns, repairs, calibration checks, and zero

and span adjustments must not be included in the data averages. An arithmetic or integrated average of all data may be used.

(3) You must evaluate opacity measurements from the COMS on a 24-hour rolling average excluding periods of startup, shutdown, and malfunction. If the 24-hour rolling average opacity exceeds 15 percent, you must initiate investigation of the relevant controls or equipment within 24 hours of the first discovery of the high opacity incident and, if necessary, take corrective action as soon as practicable to adjust or repair the controls or equipment to reduce the opacity average to below the 15 percent level.

(4) You must log in ink or electronic format and maintain a record of 24-hour opacity measurements performed in accordance with paragraph (b)(3) of this section and any corrective actions taken, if any. A record of corrective actions taken must include the [start date](#), ~~and start time~~, [and duration in hours](#) during which the 24-hour rolling average opacity exceeded 15 percent and the [start date](#), [start time](#) and type of the corrective action [and the date and time the corrective action was completed](#).

(c) *Monitoring requirements for baghouses.* To monitor the performance of each baghouse used to comply with PM emissions limits in paragraph (a) of this section, you must use a bag leak detection system according to the requirements in paragraphs (c)(1) through (4) of this section.

(1) You must install, calibrate, maintain, and continuously operate a bag leak detection system for the baghouse to monitor the baghouse performance.

(2) The baghouse leak detection system must meet the specifications and requirements in paragraphs (c)(2)(i) through (vi) of this section.

(i) The bag leak detection system must be certified by the manufacturer to be capable of detecting particulate matter emissions at concentrations that can effectively discern any dysfunctional leaks of the baghouse.

(ii) The bag leak detection system sensor must provide output of relative or absolute particulate matter loadings.

(iii) The bag leak detection system must be equipped with a device to continuously record the output signal from the sensor.

(~~iii~~iv) The bag leak detection system must be equipped with an alarm system that will sound automatically when an increase in relative particulate emissions over a preset level is detected. The alarm must be located where it is easily heard by plant operating personnel.

(iv) The bag leak detection system must be installed downstream of the baghouse.

(v) The bag leak detection system must be installed, operated, calibrated, and maintained in a manner consistent with the manufacturer's written specifications and recommendations. The calibration of the system must, at a minimum, consist of establishing the relative baseline output level by adjusting the sensitivity and the averaging period of the device and establishing the alarm set points and the alarm delay time.

(3) If the bag leak detection system alarm sounds, you must initiate investigation of the baghouse within 24 hours of the first discovery of the alarm and, if necessary, take corrective action as soon as practicable to adjust or repair the baghouse to minimize possible exceedances of the applicable PM emissions limits in paragraph (a) of this section.

(4) You must log in ink or electronic format and maintain a record of installation, calibration, maintenance, and operation of the bag leak detection system. If the bag leak detection system alarm sounds, the records must include an identification of the date and time of

all bag leak detection alarms, their cause, [the time you initiated corrective actions](#), and an explanation of the corrective actions taken, [including the date corrective actions were completed](#), if any.

(d) *Alternative monitoring requirements for baghouses.* As an alternative to the requirements in paragraph (c) of this section for bag leak detection systems, you must monitor the performance of each baghouse used to comply with a PM emissions limit in paragraph (a) of this section using a COMS that is installed at the outlet on the baghouse or a common duct at the outlet of multiple baghouses. Each COMS must meet the requirements in paragraphs (b)(1) through (4) of this section.

(e) *Performance testing.* (1) You must demonstrate initial compliance with the applicable PM emissions limits in paragraph (a) of this section based on the results of a performance test for each affected source.

(i) You may certify initial compliance for an affected source based on the results of a previous performance test conducted within the past 12 months before your compliance date.

(ii) If you have not conducted a performance test to demonstrate compliance with the applicable emissions limits within the past 12 months before your compliance date, you must conduct a performance test within 180 days of your compliance date and report the results in your notification of compliance status.

(2) You must demonstrate subsequent compliance with the applicable PM emissions limits in paragraph (a) of this section based on the results of repeat performance tests conducted at least every 2.5 years for each affected source.

(3) [Before **\[INSERT DATE 180 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER\]**](#), ~~Y~~you must conduct each performance test according to §63.7(e)(1)

using the test methods and procedures in paragraphs (e)(3)(i) through (v) of this section. On or after [INSERT DATE 180 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER], you must conduct each performance test using the test methods and procedures in paragraphs (e)(3)(i) through (vi) of this section.

(i) Method 1 or 1A in appendix A-1 to (40 CFR part 60, ~~appendix A~~) to select sampling port locations and the number of traverse points in each stack or duct. Sampling sites must be located at the outlet of the control device (or at the outlet of the emissions source if no control device is present) prior to any releases to the atmosphere.

(ii) Method 2, 2A, 2C, 2D, 2F, or 2G in appendixes A-1 and A-2 to (40 CFR part 60, ~~appendix A~~) to determine the volumetric flow rate of the stack gas.

(iii) Method 3, 3A, or 3B in appendix A-2 to (40 CFR part 60, ~~appendix A~~) to determine the dry molecular weight of the stack gas. You may use ANSI/ASME PTC 19.10-1981, "~~Flue and Exhaust Gas Analyses~~" (incorporated by reference—see §63.14) as an alternative to EPA Method 3B manual portion only and not the instrumental portion.

(iv) Method 4 in appendix A-3 to (40 CFR part 60, ~~appendix A~~) to determine the moisture content of the stack gas.

(v) Method 5 in appendix A-3 to (40 CFR part 60, ~~appendix A~~) to determine the PM concentration for negative pressure baghouses or Method 5D in appendix A-3 to (40 CFR part 60, ~~appendix A~~) for positive pressure baghouses. A minimum of three valid test runs are needed to comprise a PM performance test.

(vi) You must conduct each performance test that applies to your affected source under normal operating conditions of the affected source. The owner or operator may not conduct performance tests during periods of malfunction. The owner or operator must record the process

information that is necessary to document operating conditions during the test and include in such record an explanation to support that such conditions represent the entire range of normal operation, including operational conditions for maximum emissions if such emissions are not expected during maximum production. The owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of performance tests.

(f) *Operation and maintenance requirements.* (1) At all times, you must maintain and operate any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require the owner or operator to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether a source is operating in compliance with operation and maintenance requirements will be based on information available to the permitting authority which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source. ~~At all times, including periods of startup, shutdown, and malfunction, you must to the extent practicable, maintain and operate any affected source, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the permitting authority which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.~~

(2) All pollution control equipment must be installed, maintained, and operated properly. Instructions from the vendor or established maintenance practices that maximize pollution control must be followed. All necessary equipment control and operating devices, such as pressure gauges, amp meters, volt meters, flow rate indicators, temperature gauges, continuous emissions monitor, etc., must be installed, operated properly and easily accessible to compliance inspectors. A copy of all manufacturers' operating instructions for pollution control equipment and pollution emitting equipment must be maintained at your facility site. These instructions must be available to all employees who operate the equipment and must be made available to the permitting authority upon request. Maintenance records must be made available to the permitting authority upon request.

(3) You must document the activities performed to assure proper operation and maintenance of the air pollution control equipment and monitoring systems or devices. Records of these activities must be maintained as required by the permitting authority.

(4) Except as specified in paragraph (f)(5) of this section, in the event of an emergency situation, you must comply with the requirements specified in paragraphs (f)(4)(i) through (iii) of this section. For the purpose of complying with this paragraph, an emergency situation is any situation arising from sudden and reasonably unforeseeable events beyond the control of the facility owner or operator that requires immediate corrective action to restore normal operation and that causes the affected source to exceed applicable emission limitation under this subpart due to unavoidable increases in emissions attributable to the emergency. An emergency must not include noncompliance to the extent it is caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

(i) During the period of the emergency you must implement all reasonable steps to minimize levels of emissions that exceeded the emission standards or other applicable requirements in this subpart.

(ii) You must document through signed contemporaneous logs or other relevant evidence that an emergency occurred and you can identify the probable cause, your facility was being operated properly at the time the emergency occurred, and the corrective actions taken to minimize emissions as required by paragraph (f)(4)(i) of this section. Documentation must include the date, time, duration, of such events (including unknown cause, if applicable); a list of the affected sources or equipment; and an estimate of the quantity of each regulated pollutant emitted over any emission limit and a description of the method used to estimate the emissions.

(iii) You must submit a notice of the emergency to the permitting authority within two working days of the time when emission limitations were exceeded due to the emergency (or an alternate timeframe acceptable to the permitting authority). This notice must contain the number, date, time, duration, and the cause of such events (including unknown cause, if applicable); a list of the affected sources or equipment; an estimate of the quantity of each regulated pollutant emitted over any emission limit and a description of the method used to estimate the emissions; and the probable cause of such deviations and any corrective actions or preventative measures taken ~~a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.~~

(5) Before [INSERT DATE 180 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER], ~~As~~ an alternative to the requirements in paragraph (f)(4) of this section, you must comply with the startup, shutdown, and malfunction requirements in ~~§40-CFR~~ 63.6(e)(3). On or after [INSERT DATE 180 DAYS AFTER DATE OF PUBLICATION IN

THE FEDERAL REGISTER], you may not use the requirements in § 63.6(e)(3) as an alternative to the requirements in paragraph (f)(4) of this section. Emissions limitation or work practice standards apply at all times.

(g) *Recordkeeping requirements.* (1) You must maintain records of the occurrence and duration in hours of ~~any each~~ startup, shutdown, or malfunction of process, air pollution control, and monitoring equipment~~in the operation of an affected source subject to this subpart; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.~~

(2) In the event that an affected unit fails to meet an applicable standard, record the number of failures. For each failure record the date, time, cause and duration of each failure.
~~You must maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this section recorded in a permanent form suitable for inspection. The file must be retained for at least 5 years following the date of such measurements, maintenance, reports.~~

(3) For each failure to meet an applicable standard, record and retain a list of the affected sources or equipment, whether the failure occurred during a period of startup, shutdown or malfunction, actions taken to minimize emissions, an estimate of the quantity of each regulated pollutant emitted over any emission limit and a description of the method used to estimate the emissions.

(4) Record actions taken to minimize emissions in accordance with § 63.11147(c), paragraph (f) of this section, or § 63.11149(c)(3) as applicable, and any corrective actions taken to return the affected unit to its normal or usual manner of operation.

(5) You must maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this section recorded in a permanent form suitable for inspection. The file must be retained for at least 5 years following the date of such measurements, maintenance, and reports.

(6) Any records required to be maintained by this subpart that are submitted electronically via the EPA's CEDRI may be maintained in electronic format. This ability to maintain electronic copies does not affect the requirement for facilities to make records, data, and reports available upon request to a delegated air agency or the EPA as part of an on-site compliance evaluation.

(h) Reporting requirements. (1) You must prepare and submit to the permitting authority an excess emissions and monitoring systems performance report and summary report every calendar quarter. A less frequent reporting interval may be used for either report as approved by the permitting authority.

(2) The summary report must include the information in paragraphs (h)(2)(i) through (iv) of this section.

(i) The magnitude of excess emissions computed, any conversion factor(s) used, and the date and -time of commencement and completion-of each time period of excess emissions. The

process operating time during the reporting period. [Examples of methods used to estimate the emissions would include product-loss calculations, mass balance calculations, measurements when available, or engineering judgment based on known process parameters.](#)

(ii) Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the affected facility. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted.

(iii) The date, ~~and~~ time, [and duration in hours](#) identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments.

(iv) When no excess emissions have occurred or the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information must be stated in the report.

[\(i\) *Electronic reporting requirements. Beginning on \[INSERT DATE 6 MONTHS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER\], within 60 days after the date of completing each performance test required by this subpart, you must submit the results of the performance test following the procedures specified in §63.9\(k\).*](#)

[\(1\) *Data collected using test methods supported by the EPA's Electronic Reporting Tool \(ERT\) as listed on the EPA's ERT website \(<https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert>\) at the time of the test. Submit the results of the performance test to the EPA via the Compliance and Emissions Data Reporting Interface \(CEDRI\), which can be accessed through the EPA's Central Data Exchange \(CDX\) \(<https://cdx.epa.gov/>\). The data must be submitted in a file format generated using the EPA's ERT. Alternatively, you may submit an electronic file consistent with the extensible markup language \(XML\) schema listed on the EPA's ERT website.*](#)

(2) Data collected using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT website at the time of the test. The results of the performance test must be included as an attachment in the ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website. Submit the ERT generated package or alternative file to the EPA via CEDRI.

§63.11149 What are the standards and compliance requirements for new sources?

(a) *Emissions limits and work practice standards.* (1) You must not discharge to the atmosphere exhaust gases that contain ~~total PM~~filterable PM in excess of 0.6 pound per ton of copper concentrate feed charged on a 24-hour average basis from any combination of stacks, vents, or other openings on furnaces, reactors, or other types of process vessels used for the production of anode copper from copper sulfide ore concentrates by pyrometallurgical techniques. Examples of such process equipment include, but are not limited to, copper concentrate dryers, smelting flash furnaces, smelting bath furnaces, converting vessels, combined smelting and converting reactors, anode refining furnaces, and anode shaft furnaces.

(2) You must operate a capture system that collects the gases and fumes released during the transfer of molten materials from smelting vessels and converting vessels and conveys the collected gas stream to a baghouse or other PM control device.

(3) You must operate one or more capture systems that collect the gases and fumes released from each vessel used to refine blister copper, remelt anode copper, or remelt anode scrap and convey each collected gas stream to a baghouse or other PM control device. One control device may be used for multiple collected gas streams.

(b) *Monitoring requirements.* (1) You must install, operate, and maintain a PM continuous emissions monitoring system (CEMS) to measure and record PM concentrations and gas stream flow rates for the exhaust gases discharged to the atmosphere from each affected source subject to the emissions limit in paragraph (a)(1) of this section. A single PM CEMS may be used for the combined exhaust gas streams from multiple affected sources at a point before the gases are discharged to the atmosphere. For each PM CEMS used to comply with this paragraph, you must meet the requirements in paragraphs (b)(1)(i) through (iii) of this section.

(i) You must install, certify, operate, and maintain the PM CEMS according to EPA Performance Specification 11 in 40 CFR part 60, appendix B, and the quality assurance requirements of Procedure 2 in [appendix F to 40 CFR part 60](#), ~~appendix F~~.

(ii) You must conduct an initial performance evaluation of the PM CEMS according to the requirements of Performance Specification 11 in ~~40 CFR part 60~~, appendix B [to part 60 of this chapter](#). Thereafter, you must perform the performance evaluations as required by Procedure 2 in ~~40 CFR part 60~~, appendix F [to part 60 of this chapter](#).

(iii) You must perform quarterly accuracy determinations and daily calibration drift tests for the PM CEMS according to Procedure 2 in [appendix F to 40 CFR part 60](#), ~~appendix F~~.

(2) You must install, operate, and maintain a weight measurement system to measure and record the weight of the copper concentrate feed charged to the smelting vessel on a daily basis.

[\(3\) Quality Control Program. \(i\) You must comply with the requirements in § 63.8\(d\)\(1\) and \(2\).](#)

[\(ii\) The owner or operator shall keep the written procedures required in § 63.8\(d\)\(1\) and \(2\) on record for the life of the affected source or until the affected source is no longer subject to the provisions of this part, to be made available for inspection, upon request, by the](#)

Administrator. If the performance evaluation plan is revised, the owner or operator shall keep previous (i.e., superseded) versions of the performance evaluation plan on record to be made available for inspection, upon request, by the Administrator, for a period of 5 years after each revision to the plan. The program of corrective action should be included in the plan required under §63.8(d)(2).

(c) *Compliance requirements.* (1) You must demonstrate initial compliance with the emissions limit in paragraph (a)(1) of this section using the procedures in paragraph (c)(2) this section within 180 days after startup and report the results in your notification of compliance status no later than 30 days after the end of the compliance demonstration.

(2) You must demonstrate continuous compliance with the emissions limit in paragraph (a)(1) of this section using the procedures in paragraph (c)(2)(i) through (iii) of this section whenever your facility is producing copper from copper concentrate.

(i) You must continuously monitor and record PM emissions, determine and record the daily (24-hour) value for each day, and calculate and record the daily average pounds of ~~total~~ filterable PM per ton of copper concentrate feed charged to the smelting vessel according to the requirements in paragraph (b) of this section.

(ii) You must calculate the daily average at the end of each calendar day for the preceding 24-hour period.

(iii) You must maintain records of the calculations of daily averages with supporting information and data, including measurements of the weight of copper concentrate feed charged to the smelting vessel. Collected PM CEMS data must be made available for inspection.

(3) (i) At all times, you must maintain and operate any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent

with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require the owner or operator to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether a source is operating in compliance with operation and maintenance requirements will be based on information available to the permitting authority which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

(ii) All pollution control equipment must be installed, maintained, and operated properly. Instructions from the vendor or established maintenance practices that maximize pollution control must be followed. All necessary equipment control and operating devices, such as pressure gauges, amp meters, volt meters, flow rate indicators, temperature gauges, continuous emissions monitor, etc., must be installed, operated properly and easily accessible to compliance inspectors. A copy of all manufacturers' operating instructions for pollution control equipment and pollution emitting equipment must be maintained at your facility site. These instructions must be available to all employees who operate the equipment and must be made available to the permitting authority upon request. Maintenance records must be made available to the permitting authority upon request.

(iii) You must document the activities performed to assure proper operation and maintenance of the air pollution control equipment and monitoring systems or devices. Records of these activities must be maintained as required by the permitting authority.

(4) (i) In the event that an affected unit fails to meet an applicable standard, record the number of failures. For each failure record the date, time, the cause and duration of each failure.

(ii) For each failure to meet an applicable standard, record and retain a list of the affected sources or equipment, an estimate of the quantity of each regulated pollutant emitted over any emission limit and a description of the method used to estimate the emissions.

(iii) Record actions taken in accordance with the general duty requirements to minimize emissions in §63.11149(c)(3) and any corrective actions taken to return the affected unit to its normal or usual manner of operation.

(d) *Alternative startup, shutdown, and malfunction requirements.* Before [INSERT DATE 180 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER], ~~You~~you must comply with the requirements specified in this paragraph as an alternative to the requirements in ~~§40-CFR~~ 63.6(e)(3). On or after [INSERT DATE 180 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER], you may not use the requirements in § 63.6(e)(3) as an alternative to the requirements in this paragraph. emissions limitation or work practice standards apply at all times. In the event of an emergency situation, you must comply with the requirements specified in paragraphs (d)(1) through (3) of this section. For the purpose of complying with this paragraph, an emergency situation is any situation arising from sudden and reasonably unforeseeable events beyond the control of the facility owner or operator that requires immediate corrective action to restore normal operation, and that causes the affected source to exceed an applicable emissions limitation under this subpart, due to unavoidable increases in emissions attributable to the emergency. An emergency must not include noncompliance to the extent it is caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

(1) During the period of the emergency, you must implement all reasonable steps to minimize levels of emissions that exceeded the emission standards or other applicable requirements in this subpart.

(2) You must document through signed contemporaneous logs or other relevant evidence that an emergency occurred and you can identify the probable cause, your facility was being operated properly at the time the emergency occurred, and the corrective actions taken to minimize emissions as required by paragraph (d)(1) of this section.

(3) You must submit a notice of the emergency to the permitting authority within two working days of the time when emissions limitations were exceeded due to the emergency (or an alternate timeframe acceptable to the permitting authority). This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

(e) *Reports.* (1) You must submit to the permitting authority by the 20th day of each month a summary of the daily average PM per ton of copper concentrate feed charged to the smelting vessel for the previous month.

(2) Beginning [INSERT DATE 180 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER], the owner or operator must electronically submit all subsequent monthly PM emission reports and Notification of Compliance Status in PDF format to the EPA via CEDRI, which can be accessed through EPA's CDX (<https://cdx.epa.gov/>) following the procedures specified in §63.9(k).

(3) For each deviation from an emission limitation in (a)(1) of this section occurring at an affected source, you must include in your semiannual monitoring report the information in paragraphs (e)(3)(i) through (x) of this section.

(i) The date and time that each malfunction started and stopped.

(ii) The start date, and start time, and duration in hours (or minutes for CEMS) that each continuous monitoring system was inoperative, except for zero (low-level) and high-level checks.

(iii) The start date, start time, and duration in hours (or minutes for CEMS) that each continuous monitoring system was out-of-control, including the information in §63.8(c)(8).

(iv) The total duration in hours (or minutes for CEMS) of all deviations for each CMS during the reporting period, the total operating time in hours of the affected source during the reporting period, 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.

(v) A breakdown of the total duration in hours (or minutes for CEMS) of the deviations during the reporting period including those that are due to control equipment problems, process problems, other known causes, and other unknown causes.

(vi) The total duration in hours (or minutes for CEMS) of continuous monitoring system downtime for each CMS during the reporting period, the total operating time in hours of the affected source during the reporting period, and the total duration of CMS downtime as a percent of the total source operating time during the reporting period.

(vii) A brief description of the process units.

(viii) The monitoring equipment manufacturer and model number and the pollutant or parameter monitored.

(ix) The date of the latest continuous monitoring system certification or audit.

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

§63.11150 What General Provisions apply to this subpart?

(a) If you own or operate a new or existing affected source, you must comply with the requirements of the General Provisions (40 CFR part 63, subpart A) as specified in Table 1 to this subpart.

(b) If you own or operate an existing affected source subject to §63.11147, your notification of compliance status required by §63.9(h) must include the information specified in paragraphs (b)(1) through (4) of this section.

(1) If you certify initial compliance with the PM emissions limit in §63.11147(a)(1) based on monitoring data from the previous month, your notification of compliance status must include this certification of compliance, signed by a responsible official: “This facility complies with the PM emissions limit in §63.11147(a)(1) based on monitoring data that were collected during the previous month.”

(2) If you conduct a new performance test to demonstrate initial compliance with the PM emissions limit in §63.11147(a)(1), your notification of compliance status must include the results of the performance test, including required monitoring data.

(3) Your notification of compliance status must include this certification of compliance, signed by a responsible official, for the work practice standard in §63.11147(a)(2): “This facility complies with the requirement to capture gases from transfer of molten materials from smelting vessels and converting vessels and convey them to a control device in accordance with §63.11147(a)(2).”

(4) Your notification of compliance status must include this certification of compliance, signed by a responsible official, for the work practice standard in §63.11147(a)(3): “This facility

complies with the requirement to capture gases from operations in the anode refining department and convey them to a PM control device in accordance with §63.11147(a)(3).”

(c) If you own or operate an existing affected source subject to §63.11148, your notification of compliance status required by §63.9(h) must include the information specified in paragraphs (c)(1) through (5) of this section.

(1) If you certify initial compliance with the PM emissions limit in §63.11148(a)(1), (a)(3)(ii), and (a)(4)(iv) based on the results of a previous performance test conducted within the past 12 months before your compliance date, your notification of compliance status must include this certification of compliance, signed by a responsible official: “This facility complies with the PM emissions limit in §63.11148(a)(1) based on the results of a previous performance test.”

(2) If you conduct a new performance test to demonstrate initial compliance with the PM emissions limits in §63.11148(a)(1), (a)(3)(ii), and (a)(4)(iv), your notification of compliance status must include the results of the performance test, including required monitoring data.

(3) Your notification of compliance status must include this certification of compliance, signed by a responsible official, for the work practice standards in §63.11148(a)(2), and (a)(4)(iii): “This facility complies with the requirement to vent captured process gases to a gas cleaning system controlling PM and to a sulfuric acid plant in accordance with §63.11148(a)(2) and (a)(4)(iii).”

(4) Your notification of compliance status must include this certification of compliance, signed by a responsible official, for the work practice standard in §63.11148(a)(3)(i): “This facility complies with the requirement to operate capture systems to collect gases and fumes released when copper matte or slag is tapped from the smelting vessel in accordance with §63.11148(a)(3)(i).”

(5) Your notification of compliance status must include this certification of compliance, signed by a responsible official, for the work practice standard in §63.11148(a)(4): “This facility complies with the requirement to operate capture systems to collect gases and fumes released during batch copper converter operations in accordance with §63.11148(a)(4).”

(d) If you own or operate a new affected source, your notification of compliance status required by §63.9(h) must include the information in paragraphs (d)(1) through (3) of this section.

(1) Your notification of compliance status must include the results of the initial performance test and monitoring data collected during the test that demonstrate compliance with the emissions limit in §63.11149(a)(1).

(2) Your notification of compliance status must include this certification of compliance, signed by a responsible official, for the work practice standard in §63.11149(a)(2): “This facility complies with the requirement to capture gases from transfer of molten materials from smelting vessels and converting vessels and convey them to a PM control device in accordance with §63.11149(a)(2).”

(3) Your notification of compliance status must include this certification of compliance, signed by a responsible official, for the work practice standard in §63.11149(a)(3): “This facility complies with the requirement to capture gases from each vessel used to refine blister copper, remelt anode copper, or remelt anode scrap, and convey them to a PM control device in accordance with §63.11149(a)(3).”

§63.11151 What definitions apply to this subpart?

Terms used in this subpart are defined in the CAA, in 40 CFR 63.2, and in this section as follows:

Anode refining department means the area at a primary copper smelter in which anode copper refining operations are performed. Emissions sources in the anode refining department include anode refining furnaces and anode shaft furnaces.

Baghouse means a control device that collects particulate matter by filtering the gas stream through bags. A *baghouse* is also referred to as a “fabric filter.”

Bag leak detection system means a system that is capable of continuously monitoring relative particulate matter (dust) loadings in the exhaust of a baghouse in order to detect bag leaks and other upset conditions. A bag leak detection system includes, but is not limited to, an instrument that operates on triboelectric, light scattering, transmittance or other effect to continuously monitor relative particulate matter loadings.

Batch copper converter means a converter in which molten copper matte is charged and then oxidized to form blister copper by a process that is performed in discrete batches using a sequence of charging, blowing, skimming, and pouring.

[Blowing means the operating mode for a batch copper converter during which air or oxygen-enriched air is injected into the molten converter bath.](#)

Capture system means the collection of components used to capture gases and fumes released from one or more emissions points and then convey the captured gas stream to a control device. A capture system may include, but is not limited to, the following components as applicable to a given capture system design: Duct intake devices, hoods, enclosures, ductwork, dampers, manifolds, plenums, and fans.

Charging means the operating mode for a batch copper converter during which molten or solid material is added into the vessel.

Control device means air pollution control equipment used to remove PM from a gas stream.

Converting vessel means a furnace, reactor, or other type of vessel in which copper matte is oxidized to form blister copper.

Copper concentrate means copper ore that has been beneficiated to increase its copper content.

Copper concentrate dryer means a vessel in which copper concentrates are heated in the presence of air to reduce the moisture content of the material. Supplemental copper-bearing feed materials and fluxes may be added or mixed with the copper concentrates fed to a copper concentrate dryer.

Copper concentrate feed means the mixture of copper concentrate, secondary copper-bearing materials, recycled slags and dusts, fluxes, and other materials blended together for feeding to the smelting vessel.

Copper matte means a material predominately composed of copper and iron sulfides produced by smelting copper ore concentrates.

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 emissions limitation 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 emissions limitation or work practice standard in this subpart during startup, shutdown, or malfunction, regardless of whether or not such failure is permitted by this subpart.

Holding means the operating mode for a batch copper converter or a holding furnace associated with a smelting furnace during which the molten bath is maintained in the vessel but no blowing or smelting is performed nor is material added into or removed from the vessel.

Matte drying and grinding plant means the area at a primary copper smelter in which wet granulated matte copper is ground in a mill, dried by blowing heated air through the mill, and then separated from the drying air stream using a control device such as a baghouse.

Pouring means the operating mode for a batch copper converter during which molten copper is removed from the vessel.

Primary copper smelter means any installation or any intermediate process engaged in the production of copper from copper sulfide ore concentrates through the use of pyrometallurgical techniques.

Responsible official means responsible official as defined at 40 CFR 70.2.

Secondary gas system means a capture system that collects the gases and fumes released when removing and transferring molten materials from one or more vessels using tapping ports, launders, and other openings in the vessels. Examples of molten material include, but are not limited to: Copper matte, slag, and blister copper.

Skimming means the batch copper converter operating mode during which molten slag is removed from the vessel.

Smelting vessel means a furnace, reactor, or other type of vessel in which copper ore concentrate and fluxes are smelted to form a molten mass of material containing copper matte and slag. Other copper-bearing materials may also be charged to the smelting vessel.

Work practice standard means any design, equipment, work practice, or operational standard, or combination thereof.

§63.11152 Who implements and enforces this subpart?

(a) This subpart can be implemented and enforced by the U.S. EPA, or a delegated authority such as a State, local, or tribal agency. If the U.S. EPA Administrator has delegated authority to a State, local, or tribal agency, then that Agency 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 a State, local, or tribal agency within your State.

(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 paragraph (c) of this section are retained by the Administrator of the U.S. EPA and are not transferred to the State, local, or tribal agency.

(c) The authorities that will not be delegated to State, local, or tribal agencies are listed in paragraphs (c)(1) through ~~(5)~~ of this section.

(1) Approval of an alternative non-opacity emissions standard under §63.6(g).

(2) Approval of an alternative opacity emissions standard under §63.6(h)(9).

(3) Approval of a major change to a test method under §63.7(e)(2)(ii) and (f). A “major change to test method” is defined in §63.90.

(4) Approval of a major change to monitoring under §63.8(f). A “major change to monitoring” is defined in §63.90.

(5) Approval of a major change to recordkeeping/reporting under §63.10(f). A “major change to recordkeeping/reporting” is defined in §63.90.

[\(6\) Approval of an alternative to any electronic reporting to the EPA required by this subpart.](#)

As required in §63.11150(a), you must comply with the requirements of the NESHAP General Provisions (~~40 CFR part 63~~, subpart A) as shown in the following table.

Table 1 to Subpart EEEEEEE of Part 63—Applicability of General Provisions to Subpart EEEEEEE

| Citation | Subject | Applies to subpart EEEEEEE? | Explanation |
|--|--|-----------------------------|-------------|
| § 63.1(a)(1), (a)(2), (a)(3), (a)(4), (a)(6), (a)(10)-(a)(12) (b)(1), (b)and (3), (c)(1), (c)(2), and (c)(5), (e) | Applicability | Yes. | |
| § 63.1(a)(5); and (a)(7)-(a)(9), (b)(2), (c)(3); and (c)(4), (d) | Reserved | No. | |
| § 63.2 | Definitions | Yes. | |
| § 63.3 | Units and Abbreviations | Yes. | |
| § 63.4 | Prohibited Activities and Circumvention | Yes. | |
| § 63.5 | Preconstruction Review and Notification Requirements | No. | |
| § 63.6(a), (b)(1)-(b)(5) and; (b)(7), (c)(1), (c)(2), and (c)(5) | Compliance with Standards and Maintenance Requirements— Applicability and Compliance Dates | Yes. | |
| | | | |

| Citation | Subject | Applies to subpart EEEEEEE? | Explanation |
|-----------------------------------|---|--|--|
| § 63.6(e)(1)(i) | Operation and Maintenance Requirements – general duty to minimize emissions | Yes before [INSERT DATE 180 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. No on or after [INSERT DATE 180 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. | See §§ 63.11147(c) and 63.11148(f) for the general duty to minimize emissions at all times at existing sources. See §63.11149(c)(3) for the general duty to minimize emissions at all time at new sources. |
| § 63.6(e)(1)(ii) | Requirement to correct malfunctions as soon as practicable. | Yes before [INSERT DATE 180 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. No on or after [INSERT DATE 180 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. | Malfunctions are no longer exempt. |
| § 63.6(e)(1)(iii) | | Yes. | |
| § 63.6(e)(3) | Startup, Shutdown, and Manufacturing Plan | Yes before [INSERT DATE 180 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. No on or after [INSERT DATE 180 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. | The requirements for emergency situations for existing sources are contained in §§ 63.11147(c)(5) and 63.11148(f)(5). See § 63.11149(d) for the emergency requirements for new sources. |
| § 63.6(f)(1) | Compliance with Nonopacity Emission Standards | Yes before [INSERT DATE 180 DAYS AFTER DATE OF PUBLICATION IN | Emission standards apply at all times. Some requirements of § |

| Citation | Subject | Applies to subpart EEEEEEE? | Explanation |
|-------------------------------------|---|---|--|
| | | <u>THE FEDERAL REGISTER].</u> No on or after <u>[INSERT DATE 180 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].</u> | <u>63.6(f)(1) are no longer applicable.</u> |
| <u>§ 63.6(f)(2)-(f)(3)</u> | | <u>Yes.</u> | |
| 63.6(e) | Operation and Maintenance Requirements | Yes/No | Operation and maintenance requirements do not apply to existing sources except that the startup, shutdown, and malfunction requirements in §63.6(e)(3) are allowed as an alternative to the rule requirements for emergency situations. Operation and maintenance requirements apply to new sources except that the rule requirements for emergency situations are allowed as an alternative to the startup, shutdown, and malfunction requirements in §63.6(e)(3). |
| § 63.6(f), (g), (i), (j) | Compliance with Nonopacity Emission Standards | Yes. | |
| <u>§ 63.6(h)(1)</u> | <u>Compliance with Opacity and Visible Emission Standards</u> | <u>Yes before [INSERT DATE 180 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].</u> <u>No on or after [INSERT DATE 180 DAYS AFTER DATE OF PUBLICATION IN</u> | <u>Requirements apply to new sources but not existing sources. Emission standards apply at all times. Some requirements of § 63.6(h)(1) are no longer applicable.</u> |

| Citation | Subject | Applies to subpart EEEEEEE? | Explanation |
|---|---|--|--|
| | | <u>THE FEDERAL REGISTER.</u> | |
| § 63.6(b)(6), (c)(3); and (e)(4) , (d), (e)(2), (e)(3)(ii), <u>(h)(2)(ii)</u> , (h)(3), (h)(5)(iv), <u>(i)(15)</u> | Reserved | No. | |
| § 63.6(h)(4 2)- (h)(4) , (h)(5)(i)- (h)(5) (iii), (h)(6)- (h)(9) | | Yes/No. | Requirements apply to new sources but not existing sources. |
| § 63.7(a), (e)(2)- <u>(4)</u> , (f), (g), (h) | Performance Testing Requirements | Yes. | |
| <u>§ 63.7e(1)</u> | <u>Performance Testing Requirements</u> | <u>No.</u> | <u>See § 63.11148(e) for performance testing requirements.</u> |
| <u>§ 63.7(b), (c)</u> | | Yes/No. | Notification of performance tests and quality assurance program apply to new sources but not existing sources. |
| <u>§ 63.8(a)(1)</u> ; and (a)(2) , (b), (c)(1 ii), (c)(2)- <u>(8)</u> , (f), (g) | Monitoring Requirements | Yes. | |
| <u>§ 63.8(c)(1)(i) and (iii)</u> | <u>General Duty and SSM Plan Requirements for Continuous Monitoring Systems</u> | <u>Yes before [INSERT DATE 180 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].</u> <u>No on or after [INSERT DATE 180 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].</u> | |
| § 63.8(a)(3) | Reserved | No. | |
| § 63.8(a)(4) | | No | Subpart EEEEEEE does not require flares. |

| Citation | Subject | Applies to subpart EEEEEEE? | Explanation |
|--|--|--|---|
| § 63.8(d)(1)-(d)(2) , (e) | Quality Control | Yes/No | Requirements for quality control program and performance evaluations apply to new sources but not existing sources. |
| § 63.8(d)(3) | Written Procedures for Continuous Monitoring Systems | Yes before [INSERT DATE 180 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER] . No on or after [INSERT DATE 180 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER] . | Requirements for quality control program and performance evaluations apply to new sources but not existing sources. See § 63.11149(b)(3). |
| § 63.9(a) , (b)(1), (b)(2) , (b) and (5), (c), (d), (h)(1)- (h)(3) , (h)(5) , and (h)(6) , (i), (j) | Notification Requirements | Yes. | |
| § 63.9(b)(3) , (h)(4) | Reserved | No. | |
| § 63.9(b)(4) , (f) | | No. | |
| § 63.9(e) , (g) | | Yes/No | Notification requirements for performance test and use of continuous monitoring systems apply to new sources but not existing sources. |
| § 63.9(k) | Electronic submission of notifications or reports | Yes | |
| § 63.10(a) , (b)(1), (d)(1), (d)(2) , and (d)(4) , (d)(5) , (f) | Recordkeeping and Reporting Requirements | Yes/No | Recordkeeping requirements apply to new sources but not existing sources. |
| § 63.10(b)(2)(iii) , (vi)-(xiv) , (b)(3), (c)(1), (e)(5) - (e)(8) , (e) and | | Yes/No | Recordkeeping requirements apply to new sources but not existing sources. |

| Citation | Subject | Applies to subpart EEEEEEE? | Explanation |
|--|--|---|--|
| (10)- (e) (145), (e)(1), (e)(2) | | | |
| § 63.10(b)(2)(i)-(ii), and (iv)-(v) | General Recordkeeping Requirements and Actions to Minimize Emissions During Startup, Shutdown, and Malfunction | Yes before [INSERT DATE 180 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER] No on or after [INSERT DATE 180 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER] | Recordkeeping requirements apply to new sources but not existing sources. See § 63.11149(c)(4). Startup, Shutdown, and Malfunction are no longer exempt from emission standards. See § 63.11148(g). |
| § 63.10(c)(2)-(e)(4); (e)and (9) | Reserved | No. | |
| § 63.10(c)(15) | Use of Startup, Shutdown, and Malfunction SSM Plan | For new sources, Yes before [INSERT DATE 180 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. No on or after [INSERT DATE 180 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. | Recordkeeping requirements apply to new sources but not existing sources. Startup, Shutdown, and Malfunction Plans are no longer required. |
| § 63.10(d)(3), (e)(4) | | No | Reporting requirements apply to new sources but not existing sources. |
| § 63.10(d)(5) | Startup, Shutdown, and Malfunction Reporting | For new sources, Yes before [INSERT DATE 180 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. No on or after [INSERT DATE 180 DAYS AFTER | Reporting requirements apply to new sources but not existing sources. See §§ 63.11147(e), 63.11148(h), 63.11149(e)(2). |

| Citation | Subject | Applies to subpart EEEEEEE? | Explanation |
|---------------|---|---|---|
| | | <u>DATE OF PUBLICATION IN THE FEDERAL REGISTER.</u> | |
| § 63.10(e)(3) | | Yes/No | Reporting requirements apply to new sources but not existing sources. |
| § 63.11 | Control Device Requirements | No. | Subpart EEEEEEE does not require flares. |
| § 63.12 | State Authorities and Delegations | Yes. | |
| § 63.13 | Addresses | Yes. | |
| § 63.14 | Incorporations by Reference | Yes. | |
| § 63.15 | Availability of Information and Confidentiality | Yes. | |
| § 63.16 | Performance Track Provisions | Yes. | |