

3. General Provisions

3.1 Applicability

(a) General

- (1) In addition to the requirements of the General Provisions of Part I of this text, the owner or operator of an affected facility in this Part shall comply with the provisions of this Section, except when otherwise specified in an applicable Source Category of this Part, and the relevant Source Category under this Part.
- (2) An affected facility in this Part is any facility which is subject to the National Emission Standards for Hazardous Air Pollutants as promulgated in 40CFR Parts 61 and 63* and any other source for which the Director has specified that the provisions of this Part apply.
- (3) No requirement established under this Part shall be interpreted, construed, or applied to diminish or replace the requirements of a more stringent emission limitation or other applicable requirement established by the Director or by the Administrator of the U. S. Environmental Protection Agency pursuant to other authority of either the Georgia Air Quality Act or the Federal Clean Air Act.
- (4) Any requirements established pursuant to the procedural regulations in 40CFR Part 63* (including, but not limited to, equivalent emissions limitations established pursuant to section 112(g) of the Federal Clean Air Act), shall have the force and effect of requirements promulgated in this Part and shall be subject to the provisions of this Section, except when explicitly specified otherwise.
- (5) If an owner or operator of an existing source obtains an extension of compliance for such source in accordance with the provisions 40CFR Part 63, subpart D*, the owner or operator shall comply with all requirements of this Section except those requirements that are specifically overridden in the extension of compliance for that source unless the Director specifically obviates such exclusion.

3.2 [Reserved]

3.3 [Reserved]

3.4 Performance Testing Requirements

(a) Notification of performance test.

- (1) The owner or operator of an affected source shall notify the Director in writing of his or her intention to conduct a performance test at least 60 calendar days before the performance test is scheduled to begin to allow the Director, upon request, to review and approve the site-specific test plan required under paragraph (b) of this section and to have an observer present during the test. Observation of the performance test by the Director is optional.
- (2) In the event the owner or operator is unable to conduct the performance test

on the date specified in the notification requirement specified in paragraph (a)(1) of this section, due to unforeseeable circumstances beyond his or her control, the owner or operator shall notify the Director within 5 days prior to the scheduled performance test date and specify the date when the performance test is rescheduled. This notification of delay in conducting the performance test shall not relieve the owner or operator of legal responsibility for compliance with any other applicable provisions or with any other applicable Federal, State, or local requirement under the Federal Clean Air Act or the Georgia Air Quality Act.

(b) ~~Quality assurance program.~~

(1) The results of the quality assurance program required in this paragraph will be considered by the Director when he/she determines the validity of a performance test.

(2) ~~Submission of site-specific test plan.~~

(i) Before conducting a required performance test, the owner or operator of an affected source shall develop and, if requested by the Director, shall submit a site-specific test plan to the Director for approval. The test plan shall include a test program summary, the test schedule, data quality objectives, and both an internal and external quality assurance (QA) program. Data quality objectives are the pretest expectations of precision, accuracy, and completeness of data.

(ii) The internal QA program shall include, at a minimum, the activities planned by routine operators and analysts to provide an assessment of test data precision; an example of internal QA is the sampling and analysis of replicate samples.

(iii) The external QA program shall include, at a minimum, application of plans for a test method performance audit (PA) during the performance test. The PA's consist of blind audit samples provided by the Administrator of the U.S. Environmental Protection Agency or the Director and analyzed during the performance test in order to provide a measure of test data bias. The external QA program may also include systems audits that include the opportunity for on-site evaluation by the Director of instrument calibration, data validation, sample logging, and documentation of quality control data and field maintenance activities.

(iv) The owner or operator of an affected source shall submit the site-specific test plan to the Director upon the Director's request at least 60 calendar days before the performance test is scheduled to take place, that is, simultaneously with the notification of intention to conduct a performance test required under paragraph (a) of this section, or on a mutually agreed upon date.

(v) The Director may request additional relevant information after the submittal of a site-specific test plan.

(3) ~~Approval of site-specific test plan.~~

- (i) The Director will notify the owner or operator of approval or intention to deny approval of the site-specific test plan (if review of the site-specific test plan is requested) within 30 calendar days after receipt of the original plan and within 30 calendar days after receipt of any supplementary information that is submitted under paragraph (b)(3)(i)(B) of this section. Before disapproving any site-specific test plan, the Director will notify the applicant of the Director's intention to disapprove the plan together with:
 - (A) Notice of the information and findings on which the intended disapproval is based; and
 - (B) Notice of opportunity for the owner or operator to present, within 30 calendar days after he/she is notified of the intended disapproval, additional information to the Director before final action on the plan.
- (ii) In the event that the Director fails to approve or disapprove the site-specific test plan within the time period specified in paragraph (b)(3)(i) of this section, the following conditions shall apply:
 - (A) If the owner or operator intends to demonstrate compliance using the test method(s) specified in the relevant standard, the owner or operator shall conduct the performance test within the time specified in this section using the specified method(s);
 - (B) If the owner or operator intends to demonstrate compliance by using an alternative to any test method specified in the relevant standard, the owner or operator shall refrain from conducting the performance test until the Director approves the use of the alternative method when the Director approves the site-specific test plan (if review of the site-specific test plan is requested) or until after the alternative method is approved [see paragraph (c) of this section]. If the Director does not approve the site-specific test plan (if review is requested) or the use of the alternative method within 30 days before the test is scheduled to begin, the performance test dates may be extended such that the owner or operator shall conduct the performance test within 60 calendar days after the Director approves the site-specific test plan or after use of the alternative method is approved. Notwithstanding the requirements in the preceding two sentences, the owner or operator may proceed to conduct the performance test as required in this section (without the Director's prior approval of the site-specific test plan) if he/she subsequently chooses to use the specified testing and monitoring methods instead of an alternative.

- (iii) Neither the submission of a site-specific test plan for approval, nor the Director's approval or disapproval of a plan, nor the Director's failure to approve or disapprove a plan in a timely manner shall:
 - (A) Relieve an owner or operator of legal responsibility for compliance with any applicable provisions or with any other applicable Federal, State, or local requirement; or
 - (B) Prevent the Director from implementing or enforcing a standard or taking any other action under the Federal Clean Air Act or the Georgia Air Quality Act.
- (4) ~~Performance test method audit program.~~
 - (i) The owner or operator shall analyze performance audit (PA) samples during each performance test. The owner or operator shall request performance audit materials 45 days prior to the test date. Cylinder audit gases may be obtained by contacting the Cylinder Audit Coordinator, Quality Assurance Division (MD-77B), Atmospheric Research and Exposure Assessment Laboratory (AREAL), U.S. EPA, Research Triangle Park, North Carolina 27711. All other audit materials may be obtained by contacting the Source Test Audit Coordinator, Quality Assurance Division (MD-77B), AREAL, U.S. EPA, Research Triangle Park, North Carolina 27711.
 - (ii) The Administrator or the Director will have sole discretion to require any subsequent remedial actions of the owner or operator based on the PA results.
 - (iii) If the required PA materials are not provided to an owner or operator of an affected source in time to analyze the PA samples during a performance test, the requirement to conduct a PA under this paragraph shall be waived for such source for that performance test. Waiver under this paragraph of the requirement to conduct a PA for a particular performance test does not constitute a waiver of the requirement to conduct a PA for future required performance tests.
- (c) ~~Use of an alternative test method.~~
 - (1) ~~General.~~ Until permission to use an alternative test method has been granted by the Director under this paragraph, the owner or operator of an affected source remains subject to the requirements of this section and the relevant standard.
 - (2) The owner or operator of an affected source required to do performance testing by a relevant standard may use an alternative test method from that specified in the standard provided that the owner or operator--
 - (i) Notifies the Director of his or her intention to use an alternative test method not later than with the submittal of the site-specific test plan (if requested by the Director) or at least 60 days before the performance test is scheduled to begin if a site-specific test plan is not submitted;

- (ii) Uses Method 301 in Appendix A of this text to validate the alternative test method; and
 - (iii) Submits the results of the Method 301 validation process along with the notification of intention and the justification for not using the specified test method. The owner or operator may submit the information required in this paragraph well in advance of the deadline specified in paragraph (c)(2)(i) of this section to ensure a timely review by the Director in order to meet the performance test date specified in this section or the relevant standard.
- (3) The Director will determine whether the owner or operator's validation of the proposed alternative test method is adequate when the Director approves or disapproves the site-specific test plan required under paragraph (b) of this section. If the Director finds reasonable grounds to dispute the results obtained by the Method 301 validation process, the Director may require the use of a test method specified in a relevant standard.
 - (4) If the Director finds reasonable grounds to dispute the results obtained by an alternative test method for the purposes of demonstrating compliance with a relevant standard, the Director may require the use of a test method specified in a relevant standard.
 - (5) If the owner or operator uses an alternative test method for an affected source during a required performance test, the owner or operator of such source shall continue to use the alternative test method for subsequent performance tests at that affected source until he or she receives approval from the Director to use another test method as allowed under paragraph (c) of this section.
 - (6) Neither the validation and approval process nor the failure to validate an alternative test method shall abrogate the owner or operator's responsibility to comply with the applicable requirements.

3.5 Monitoring Requirements

(a) Applicability.

- (1) (i) Unless otherwise specified in a relevant source category, this section applies to the owner or operator of an affected source required to do monitoring under that source category contained in this part.
- (ii) Relevant source categories will specify monitoring systems, methods, or procedures, monitoring frequency, and other pertinent requirements for source(s) covered by those source categories. This section specifies general monitoring requirements such as those governing the conduct of monitoring and requests to use alternative monitoring methods. In addition, this section specifies detailed requirements that apply to affected sources required to use continuous monitoring systems (CMS) under a relevant source category of this part.

- (2) All CMS required under relevant standards shall be subject to the provisions of this section upon promulgation of performance specifications for CMS as specified in the relevant source category or otherwise by the Director.
 - (3) [Reserved]
 - (4) Additional monitoring requirements for control devices used to comply with provisions in relevant source categories are specified in Section 1.7.
- (b) Conduct of monitoring.
- (1) Monitoring shall be conducted as set forth in this section and the relevant source categories unless the Director:
 - (i) Specifies or approves the use of minor changes in methodology for the specified monitoring requirements and procedures; or
 - (ii) Approves the use of alternatives to any monitoring requirements or procedures.
 - (iii) Owners or operators with flares subject to Section 1.7(b) are not subject to the requirements of this section unless otherwise specified in the relevant source category.
 - (2)
 - (i) When the effluents from a single affected source, or from two or more affected sources, are combined before being released to the atmosphere, the owner or operator shall install an applicable CMS on each effluent.
 - (ii) If the relevant standard is a mass emission standard and the effluent from one affected source is released to the atmosphere through more than one point, the owner or operator shall install an applicable CMS at each emission point unless the installation of fewer systems is:
 - (A) Approved by the Director; or
 - (B) Provided for in a relevant source category (e.g., instead of requiring that a CMS be installed at each emission point before the effluents from those points are channeled to a common control device, the source category specifies that only one CMS is required to be installed at the vent of the control device).
 - (3) When more than one CMS is used to measure the emissions from one affected source (e.g., multiple breechings, multiple outlets), the owner or operator shall report the results as required for each CMS. However, when one CMS is used as a backup to another CMS, the owner or operator shall report the results from the CMS used to meet the monitoring requirements. If both such CMS are used during a particular reporting period to meet the monitoring requirements, then the owner or operator shall report the results from each CMS for the relevant compliance period.

(c) ~~Operation and maintenance of continuous monitoring systems.~~

- (1) The owner or operator of an affected source shall maintain and operate each CMS as specified in this section, or in a relevant source category, and in a manner consistent with good air pollution control practices.
 - (i) The owner or operator of an affected source shall ensure the immediate repair or replacement of CMS parts to correct "routine" or otherwise predictable CMS malfunctions as defined in the source's startup, shutdown, and malfunction plan required by §3.6(e)(3)^{*}. The owner or operator shall keep the necessary parts for routine repairs of the affected equipment readily available. If the plan is followed and the CMS repaired immediately, this action shall be reported in the semiannual startup, shutdown, and malfunction report required under §3.10(d)(5)(i)^{*}.
 - (ii) For those malfunctions or other events that affect the CMS and are not addressed by the startup, shutdown, and malfunction plan, the owner or operator shall report actions that are not consistent with the startup, shutdown, and malfunction plan within 24 hours after commencing actions inconsistent with the plan. The owner or operator shall send a follow-up report within 2 weeks after commencing actions inconsistent with the plan that either certifies that corrections have been made or includes a corrective action plan and schedule. The owner or operator shall provide proof that repair parts have been ordered or any other records that would indicate that the delay in making repairs is beyond his or her control.
 - (iii) The Director's determination of whether acceptable operation and maintenance procedures are being used will be based on information that may include, but is not limited to, review of operation and maintenance procedures, operation and maintenance records, manufacturing recommendations and specifications, and inspection of the CMS. Operation and maintenance procedures written by the CMS manufacturer and other guidance also can be used to maintain and operate each CMS.

(d) ~~Quality control program.~~

- (1) The results of the quality control program required in this paragraph will be considered by the Director when he/she determines the validity of monitoring data.
- (2) The owner or operator of an affected source that is required to use a CMS and is subject to any provisions in 40 CFR Part 63^{*} and a relevant source category or as may otherwise be specified by the Director, shall develop and implement a CMS quality control program. As part of the quality control program, the owner or operator shall develop and submit to the Director for approval upon request a site-specific performance evaluation test plan for the CMS performance evaluation required in paragraph (e)(3)(i) of this section, according to the procedures specified in paragraph (e). In addition, each quality control program shall include, at a minimum, a written protocol that describes procedures for each of the following operations:

- (i) Initial and any subsequent calibration of the CMS;
 - (ii) Determination and adjustment of the calibration drift of the CMS;
 - (iii) Preventive maintenance of the CMS, including spare parts inventory;
 - (iv) Data recording, calculations, and reporting;
 - (v) Accuracy audit procedures, including sampling and analysis methods; and
 - (vi) Program of corrective action for a malfunctioning CMS.
- (3) The owner or operator shall keep these written procedures on record for the life of the affected source or until the affected source is no longer subject to an applicable source category, to be made available for inspection, upon request, by the Director. 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 Director, for a period of 5 years after each revision to the plan. Where relevant, e.g., program of corrective action for a malfunctioning CMS, these written procedures may be incorporated as part of the affected source's startup, shutdown, and malfunction plan to avoid duplication of planning and recordkeeping efforts.
- (e) ~~Performance evaluation of continuous monitoring systems.~~
- (1) ~~General.~~ When required by a relevant source category, and at any other time the Director may require, the owner or operator of an affected source being monitored shall conduct a performance evaluation of the CMS. Such performance evaluation shall be conducted according to the applicable specifications and procedures described in this section or in the relevant standard.
 - (2) ~~Notification of performance evaluation.~~ The owner or operator shall notify the Director in writing of the date of the performance evaluation simultaneously with the notification of the performance test date required under 3.0.4(a) or at least 60 days prior to the date the performance evaluation is scheduled to begin if no performance test is required.
 - (3) (i) ~~Submission of site-specific performance evaluation test plan.~~ Before conducting a required CMS performance evaluation, the owner or operator of an affected source shall develop and submit a site-specific performance evaluation test plan to the Director for approval upon request. The performance evaluation test plan shall include the evaluation program objectives, an evaluation program summary, the performance evaluation schedule, data quality objectives, and both an internal and external QA program. Data quality objectives are the pre-evaluation expectations of precision, accuracy, and completeness of data.

- (ii) The internal QA program shall include, at a minimum, the activities planned by routine operators and analysts to provide an assessment of CMS performance. The external QA program shall include, at a minimum, systems audits that include the opportunity for on-site evaluation by the Director of instrument calibration, data validation, sample logging, and documentation of quality control data and field maintenance activities.
- (iii) The owner or operator of an affected source shall submit the site-specific performance evaluation test plan to the Director (if requested) at least 60 days before the performance test or performance evaluation is scheduled to begin, or on a mutually agreed upon date, and review and approval of the performance evaluation test plan by the Director will occur with the review and approval of the site-specific test plan (if review of the site-specific test plan is requested).
- (iv) The Director may request additional relevant information after the submittal of a site-specific performance evaluation test plan.
- (v) In the event that the Director fails to approve or disapprove the site-specific performance evaluation test plan within the time period specified in Section 3.0.4(b)(3), the following conditions shall apply:
 - (A) If the owner or operator intends to demonstrate compliance using the monitoring method(s) specified in the relevant source category, the owner or operator shall conduct the performance evaluation within the time specified using the specified method(s);
 - (B) If the owner or operator intends to demonstrate compliance by using an alternative to a monitoring method specified in the relevant standard, the owner or operator shall refrain from conducting the performance evaluation until the Director approves the use of the alternative method. If the Director does not approve the use of the alternative method within 30 days before the performance evaluation is scheduled to begin, the performance evaluation deadlines specified in paragraph (e)(4) of this section may be extended such that the owner or operator shall conduct the performance evaluation within 60 calendar days after the Director approves the use of the alternative method. Notwithstanding the requirements in the preceding two sentences, the owner or operator may proceed to conduct the performance evaluation as required in this section (without the Director's prior approval of the site-specific performance evaluation test plan) if he/she subsequently chooses to use the specified monitoring method(s) instead of an alternative.
- (vi) Neither the submission of a site-specific performance evaluation test plan for approval, nor the Director's approval or disapproval of a plan, nor the Director' failure to approve or dsapprove a plan in a timely manner shall:

- (A) Relieve an owner or operator of legal responsibility for compliance with any applicable provisions or with any other applicable Federal, State, or local requirement; or
- (B) Prevent the Administrator of the U.S. Environmental Protection Agency or the Director from implementing or enforcing the standard or taking any other action under the Federal Clean Air Act or the Georgia Air Quality Act.

* Code of Federal Regulations, Title 40, Parts 61 and 63.