

Draft Rule 270 for Public Workshop on December 18, 2008, 10:30 a.m.
Maricopa County Air Quality Department 1001 N. Central Ave.
Suite 560, Phoenix, AZ 85004
Comments due January 2, 2009.
Contact Patty Nelson at (602)506-6709.

REGULATION II - PERMITS AND FEES

RULE 270 PERFORMANCE TESTS

INDEX

SECTION 100 - GENERAL

- 101 PURPOSE
- 102 AUTHORITY TO REQUIRE TESTING
- 103 SUPPORTIVE DATA FOR GOOD MAINTENANCE AND OPERATING PRACTICES

SECTION 200 - DEFINITIONS (~~NOT INCLUDED~~)

- 201 FORCE MAJEURE

SECTION 300 - STANDARDS

- 301 PERFORMANCE TESTS REQUIRED

SECTION 400 - ADMINISTRATIVE REQUIREMENTS

- 401 PERFORMANCE TESTS REQUIRED
- 402 TESTING CRITERIA
- 403 TESTING CONDITIONS
- 404 NOTICE OF TESTING PROTOCOL AND TESTING DATE
- 405 TESTING FACILITIES REQUIRED
- 406 MINIMUM TESTING ~~REQUIRED~~ REQUIREMENTS
- 407 COMPLIANCE WITH THE EMISSION LIMITS
- 408 ADDITIONAL TESTING

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SECTION 500 - MONITORING AND RECORDS ~~(NOT INCLUDED)~~

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Revised 07/13/88
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MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS

REGULATION II - PERMITS AND FEES

RULE 270
PERFORMANCE TESTS

SECTION 100 - GENERAL

- 101 PURPOSE:** To establish performance testing requirements for owners ~~and~~ and/or operators of stationary sources.
- 102 AUTHORITY TO REQUIRE TESTING:** Nothing in this rule shall be construed to ~~abrogate~~ limit the Control Officer and/or Administrator's authority to require testing provided for in other conditions.
- 103 SUPPORTIVE DATA FOR GOOD MAINTENANCE AND OPERATING PRACTICES:** Nothing in this rule shall be so construed as to prevent the utilization of measurements from emissions monitoring devices or techniques not designated as performance tests as evidence of compliance with applicable good maintenance and operating requirements.

SECTION 200 - DEFINITIONS - ~~(NOT INCLUDED)~~ See Rule 100 (General Provisions and Definitions) of these rules for definitions of terms that are used but not specifically defined in this rule.

- 201** **FORCE MAJEURE** - An event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents the owner or operator from complying with the regulatory requirement to conduct performance tests within the specified timeframe despite the affected facility's best efforts to fulfill the obligation. Examples of such events are acts of nature, acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility.

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SECTION 300 - STANDARDS

301 PERFORMANCE TESTS REQUIRED: Except as provided in Section ~~407~~ 408 of this rule:

- 301.1** The applicable procedures and testing methods contained in the Arizona Testing Manual; 40 CFR 52, Appendices D and E; 40 CFR 60, Appendices A through F; ~~and~~ 40 CFR 61, Appendices B and C and 40 CFR 51, Appendix M shall be used to determine compliance with the requirements established in this rule or contained in permits issued pursuant to this rule.
- 301.2** The opacity of visible emissions shall be determined by EPA Reference Method 9 of the Arizona Testing Manual or by EPA Reference Method 203B as specified by the applicable rule. A permit may specify a method other than Method 9 for determining the opacity of emissions from a particular emissions unit, if the method has been promulgated by the Administrator, ~~in 40 CFR 60, Appendix A.~~
- 301.3** ~~The heat content of solid fuel shall be determined according to ASTM Method D-3176-89 (Standard Practice for Ultimate Analysis of Coal and Coke) and ASTM Method D-2015-91 (Test Method for Gross Calorific Value of Coal and Coke by the Adiabatic Bomb Calorimeter).~~
- 301.4** ~~All except~~ Except for ambient air monitoring and emissions performance testing required under Rule 360, New Source Performance Standards (NSPS), and Rule 370, Federal Hazardous Air Pollutant Program, of these rules, alternative and equivalent test methods in any test ~~plan~~ protocol submitted to the Control Officer may be approved by the Control Officer for the duration of that ~~plan~~ protocol provided that the following ~~three~~ criteria are met:
- a. The alternative or equivalent test method measures the same chemical and physical characteristics as the test method it is intended to replace; and
 - b. The alternative or equivalent test method has substantially the same or better reliability, accuracy, and precision as the test method it is intended to replace; and

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- c. Applicable quality assurance procedures are followed in accordance with the Arizona Testing Manual, 40 CFR 60, or other methods approved by the Control Officer; and
- d. The Administrator has approved the alternative method in the case of ambient air monitoring and performance testing requirements for federal applicable requirements.

SECTION 400 - ADMINISTRATIVE REQUIREMENTS

401 PERFORMANCE TESTS REQUIRED: ~~Within 60 days after date a source subject to the permit requirements of this rule has achieved the capability to operate at its maximum production rate on a sustained basis but no later than 180 days after initial start-up of such source and at such other times as may be required by the Control Officer and/or Administrator, the owner or operator of such source shall conduct performance tests and shall furnish the Control Officer and/or Administrator with a written report of the results of the tests.~~

401.1 Performance tests shall be conducted according to the following schedule:

a. New or Modified Sources: The owner and/or operator of a new or modified source subject to this rule shall conduct performance test(s) and furnish the Control Officer with the results of such performance test(s). These actions shall occur within 60 days after achieving the allowable maximum production rate at which the affected facility will be operated but not later than 180 days after initial startup of such facility.

b. Existing Permitted Sources: The owner and/or operator of an existing permitted source subject to this rule shall conduct performance test(s) no less frequently than within 52 to 56 months following the most recent performance test(s) or as otherwise specified in the applicable standard or in the facility permit.

401.2 An extension to the performance test deadline may be requested due to claims of the force majeure.

a. The owner and/or operator shall notify the Control Officer in writing of the circumstances beyond their control before the performance test deadline. The

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notification shall include a description of the force majeure and a rationale for attributing the delay in testing to the force majeure, describe the measures taken or to be taken to minimize the delay, and identify the date by which the owner and/or operator proposes to conduct the performance test.

b. The decision as to whether or not to grant an extension to the performance test deadline is solely within the discretion of the Control Officer. Until an extension to the performance test deadline has been approved by the Control Officer in writing, the owner and/or operator of the affected facility remains subject to the requirements of this rule.

c. The performance test shall be conducted as soon as practicable after the force majeure occurs.

d. Extensions for testing required pursuant to a federal New Source Performance Standard (NSPS), National Emission Standard for Hazardous Air Pollutants (NESHAP), or other federal regulation shall be approved by the Administrator.

402 TESTING CRITERIA:

402.1 Performance tests shall be conducted and data reduced in accordance with the test methods and procedures contained in the Arizona Testing Manual unless the Control Officer:

a. Specifies or approves in specific cases, the use of a reference method with minor changes in methodology; or

402.2 **b.** Approves the use of an equivalent method; or

402.3 **c.** Approves the use of an alternative method the results of which the Control Officer has determined to be adequate for indicating whether a specific source is in compliance; or

402.4 **d.** Waives the requirement for performance tests because the owner ~~or~~ and/or operator of a source has demonstrated by other means to the Control Officer's satisfaction that the source is in compliance with the standard.

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402.5402.2 Nothing in this rule shall be construed to ~~abrogate~~ limit the Control Officer's authority to require testing.

402.3 In the case of performance test requirements for federal applicable requirements, an equivalent or alternative method shall not be approved under subsection 402 unless the Administrator also has approved the equivalent or alternative method.

403 **TESTING CONDITIONS:** Performance tests shall be conducted under ~~such conditions as the Control Officer shall specify to the plant operator based on representative performance of the source or facility.~~ representative operating conditions. The owner and/or operator shall demonstrate to the Control Officer that the operating conditions during testing are representative of the actual operation. Additional permit conditions as a result of performance testing, such as operating constraints, may also be included in the permit. All equipment shall be operated during testing in accordance with the most recently approved Operations and Maintenance (O&M) Plan or according to its operations manual if no O&M Plan is required. The owner ~~or~~ and/or operator shall make available to the Control Officer such records as may be necessary to determine the conditions of the performance tests. Operations during periods of start-up, shutdown, and malfunction shall not constitute representative conditions ~~of~~ for performance tests unless otherwise specified in the applicable ~~standard~~ requirement.

404 **NOTICE OF TESTING PROTOCOL AND TESTING DATE:**

404.1 The owner and/or operator of a permitted source shall submit a separate test protocol for each performance test to the Control Officer for review and approval at least 30 days prior to each performance test unless otherwise specified in the applicable standard or in the facility permit. All test protocols shall be submitted in electronic format and also in hard copy format and shall contain all required information to demonstrate that the test will comply with the specified test methods.

404.2 The owner ~~or~~ and/or operator of a permitted source shall provide the Control Officer two weeks prior notice of the actual time and date of each performance test unless otherwise specified in the applicable requirement or in the facility permit to afford the Control Officer the opportunity to have an observer present.

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405 TESTING FACILITIES REQUIRED: The owner ~~or~~ and/or operator of a permitted source shall provide, or cause to be provided, performance testing facilities as follows:

405.1 Sampling ports adequate for test methods applicable to such source. This includes:

a. An air pollution control system constructed such that volumetric flows and pollutant emission rates can be accurately determined by applicable test methods and procedures; and

b. A stack or duct that is free of cyclonic flow during performance tests as demonstrated by applicable test methods and procedures.

405.2 Safe sampling platform(s).

405.3 Safe access to sampling platforms(s).

405.4 Utilities for sampling and testing equipment.

406 MINIMUM TESTING ~~REQUIRED~~ REQUIREMENTS:

406.1 Each performance test shall consist of three separate runs using the applicable test methods. Each run shall be conducted for ~~the time and~~ at least one hour in duration under the conditions specified in the applicable standard unless otherwise specified in the applicable requirement or in the facility permit. Adjusting or tuning the process based on real time emissions data not normally available to the equipment operators shall not be cause for testing delays and is prohibited once the test has commenced.

406.2 For the purpose of determining compliance with an applicable ~~standard~~ requirement, the arithmetic mean of results of the three runs shall apply. The same test methods shall be used simultaneously for both the inlet and outlet measurements, if applicable; justification for any necessary exceptions shall be provided in the test protocol. Emission rates, concentrations, grain loadings, and/or efficiencies shall be determined as the arithmetic mean of the values determined for each individual test run. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances

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beyond the owner ~~or~~ and/or operator's control, compliance may, upon the Control Officer approval, be determined using the arithmetic mean of the results of the two other runs.

406.3 If the Control Officer is present, tests may only be stopped with the Control Officer. If the Control Officer is not present, tests may only be stopped for good cause, which includes forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances beyond the operator's control. Termination of testing without good cause after the first run is commenced shall constitute a failure of the test.

406.4 The owner and/or operator shall complete and submit a separate test report for each performance test to the Department within 10 days after the completion of testing unless otherwise specified by the Control Officer. All test reports shall be submitted in electronic format and also in hard copy format and shall provide all required information to determine whether or not the source has successfully demonstrated compliance.

407 COMPLIANCE WITH THE EMISSION LIMITS: Except as provided in Section 408 of this rule, compliance with the emission limits as prescribed in permits issued pursuant to this rule shall be determined by the performance tests specified in this rule or in the permit. If test results do not demonstrate compliance with the permit requirements, it may constitute a violation and the Permittee shall make the necessary repairs and/or adjustments to the equipment and demonstrate compliance through retesting. A subsequent test demonstrating compliance will not negate previous non-compliant test findings or any resulting violations. A subsequent test demonstrating compliance shall be conducted within 10 days after the determination is received that the prior test determined non-compliance, unless otherwise specified by the Control Officer. In addition to compliance demonstrations, test results shall be used for annual emissions inventory purposes if the Permittee is required to complete an emissions inventory survey.

408 ADDITIONAL TESTING: In addition to performance tests specified in this rule, compliance with specific emission limits may be determined by:

408.1 Opacity tests.

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- 408.2** Emission limit compliance tests specifically designated as such in the rule establishing the emission limit to be complied with.
- 408.3** Continuous emission monitoring, where applicable quality assurance procedures are followed and where it is designated in the permit or in an applicable ~~standard~~ requirement to show compliance.
- 408.4** Nothing in this rule shall be so construed as to prevent the utilization of measurements from emissions monitoring devices or techniques not designated as performance tests as evidence of compliance with applicable good maintenance and operating requirements.

SECTION 500 - MONITORING AND RECORDS (NOT INCLUDED) In order to demonstrate compliance, the owner and/or operator shall record all process and control equipment information that is necessary to document operating conditions during the test and explain why the conditions represent normal operation. The operational parameters monitored shall be capable of indicating that the equipment is operating within the permitted limits, both during and after the performance tests.