

November 07, 2023

**MEMORANDUM**

TO: Docket ID: EPA-HQ-OAR-2022-0481

FROM: Amanda Hansen, U.S. EPA

SUBJECT: Final Regulation Edits for 40 CFR Part 60, Subparts A, L, and La: Secondary Lead Smelters NSPS Technology Review Promulgation

The attachments to this memorandum, for the convenience of interested parties, present the edits that are necessary to incorporate the changes to the General Provisions to 40 Code of Federal Regulations (CFR) part 60 and to 40 CFR part 60, Subparts L and La as promulgated in New Source Performance Standards Review for Secondary Lead Smelters.

Attachment 1: Regulatory text with Subpart A of the General Provisions.

Attachment 2: Regulatory text with final edits in redline/strikeout for Subpart L.

Attachment 3: Regulatory text with final edits to incorporate new Subpart La.

## Attachment 1: Regulatory text with Subpart A of the General Provisions

### § 60.17 Incorporation by reference.

(h) (206) ASTM D7520-16, Standard Test Method for Determining the Opacity of a Plume in the Outdoor Ambient Atmosphere, approved April 1, 2016; IBR approved for [§§60.123\(c\)\(6\); 60.123\(c\)\(6\)\(i\); 60.123\(c\)\(6\)\(ii\); 60.123\(c\)\(6\)\(v\); 60.123a\(c\)\(6\)\(ii\); 60.123a\(c\)\(6\)\(ii\)\(A\); 60.123a\(c\)\(6\)\(ii\)\(B\); 60.123a\(c\)\(6\)\(ii\)\(E\)](#); 60.271(k); 60.272(a) and (b); 60.273(c) and (d); 60.274(h); 60.275(e); 60.276(c); 60.271a; 60.272a(a) and (b); 60.273a(c) and (d); 60.274a(h); 60.275a(e); 60.276a(f); 60.271b; 60.272b(a) and (b); 60.273b(c) and (d); 60.274b(h); 60.275b(e); 60.276b(f); 60.374a(d).

(j) (2) EPA-454/R-98-015, Office of Air Quality Planning and Standards (OAQPS), Fabric Filter Bag Leak Detection Guidance, September 1997, <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=2000D5T6.PDF>; IBR approved for [§§ 60.124\(f\); 60.124a\(f\)](#); 60.273(e); 60.273a(e); 60.273b(e); 60.373a(b); 60.2145(r); 60.2710(r); 60.4905(b); 60.5225(b).

**Attachment 2: Regulatory text with final edits in redline/strikeout for Subpart L**

**Subpart L - Standards of Performance for Secondary Lead Smelters for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and on or Before December 1, 2022**

**§ 60.120 Applicability and designation of affected facility.**

(a) The provisions of this subpart are applicable to the following affected facilities in secondary lead smelters: Pot furnaces of more than 250 kg (550 lb) charging capacity, blast (cupola) furnaces, and reverberatory furnaces.

(b) Any facility under paragraph (a) of this section that commences construction or modification after June 11, 1973, and on or before December 1, 2022, is subject to the requirements of this subpart.

**§ 60.121 Definitions.**

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act and in subpart A of this part.

(a) *Reverberatory furnace* includes the following types of reverberatory furnaces: stationary, rotating, rocking, and tilting.

(b) *Secondary lead smelter* means any facility producing lead from a leadbearing scrap material by smelting to the metallic form.

(c) *Lead* means elemental lead or alloys in which the predominant component is lead.

(d) *Blast furnace* means any furnace used to recover metal from slag.

**§ 60.122 Standard for particulate matter.**

(a) On and after the date on which the performance test required to be conducted by §-60.8 is completed, no owner or operator subject to the provisions of this subpart shall discharge

or cause the discharge into the atmosphere from a blast (cupola) or reverberatory furnace any gases which:

(1) Contain particulate matter (PM) in excess of 50 milligrams per dry standard cubic meter, mg/dscm (0.022 grains per dry standard cubic feet, gr/dscf).

(2) Exhibit 20 percent opacity or greater.

(b) On and after the date on which the performance test required to be conducted by §-60.8 is completed, no owner or operator subject to the provisions of this subpart shall discharge or cause the discharge into the atmosphere from any pot furnace any gases which exhibit 10 percent opacity or greater.

#### **§ 60.123 Test methods and procedures.**

(a) Initial performance tests. The owner or operator shall conduct performance tests to demonstrate initial compliance with the PM emission and opacity standards specified in § 60.122.

(b) Periodic performance tests. After [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], the owner or operator shall conduct periodic performance tests to demonstrate compliance with the PM emissions standards specified in § 60.122(a). The owner or operator shall conduct the first periodic test by no later than July 31, 2024. The owner or operator shall conduct subsequent periodic tests according to the schedule specified in paragraph (b)(1) or (2) of this section.

(1) Conduct performance tests no later than 12 months following the previous compliance test.

(2) Conduct performance tests no later than 24 months following the previous compliance test if the previous compliance test measured PM emissions of 25 mg/dscm or less and the owner

or operator has obtained approval from the Administrator for a written request to extend the period of the periodic performance test. The extension request will be deemed automatically approved if the owner or operator submits the results of a PM performance test of 25 mg/dscm or less, the owner or operator submits a request for the extension within 4 months after the subject compliance test, and the Administrator does not provide a response to such request within 6 months of submission.

(ac) Test methods: In conducting the performance tests required in § 60.8, the owner or operator shall use the following EPA reference test methods and procedures ~~the test methods in~~ appendix A of this part or other methods and procedures as specified in this section, except as provided in § 60.8(b).

(b1) EPA Method 1 at 40 CFR part 60, appendix A-1 to select sampling port locations and the number of traverse points.

(2) EPA Method 2 at 40 CFR part 60, appendix A-1 or EPA Method 5D at 40 CFR part 60, appendix A-3, Section 8.3 for positive fabric filters, to measure the volumetric flow rate of the gas stream.

(3) EPA Method 3, 3A, or 3B at 40 CFR part 60, appendix A-2 to determine the dry molecular weight of the stack gas and concentrations of carbon dioxide and oxygen in the sample gas. ~~The owner or operator shall determine compliance with the particulate matter standards in § 60.122 as follows:~~

(4) EPA Method 4 at 40 CFR part 60, appendix A-3 to determine ~~ing~~ the moisture content of the gas stream.

(5) ~~(1)~~ EPA Method 5 or 5D at 40 CFR part 60, appendix A-3 to measure PM concentrations. The EPA Method 5 tests shall be conducted during representative periods of

furnace operation, including charging and tapping, and the sampling time and sample volume for each test run shall be at least 60 minutes and 0.90 dscm (31.8 dscf), respectively. As an alternative to using EPA Method 5, owners or operators may measure PM emissions by the following methods:

(i) EPA Method 12 at 40 CFR part 60, appendix A-5 (see section 16.1 of Method 12) to measure PM and inorganic lead concentrations.

(ii) EPA Method 29 at 40 CFR part 60, appendix A-8 to measure metal (lead) concentrations and PM. Method 5 shall be used to determine the particulate matter concentration during representative periods of furnace operation, including charging and tapping. The sampling time and sample volume for each run shall be at least 60 minutes and 0.90 dscm (31.8 dscf). (see section 1.2 of Method 29).

(26) EPA Method 9 at 40 CFR part 60, appendix A-4 and the procedures specified in § 60.11 for determining opacity. The ASTM D7520-16 (Standard Test Method for Determining the Opacity of a Plume in the Outdoor Ambient Atmosphere) is an acceptable alternative to EPA Method 9 with the specified conditions in paragraphs (c)(6)(i) through (v) of this section.

(i) During the digital camera opacity technique (DCOT) certification procedure outlined in Section 9.2 of ASTM D7520-16, the owner or operator or the DCOT vendor shall present the plumes in front of various backgrounds of color and contrast representing conditions anticipated during field use such as blue sky, trees, and mixed backgrounds (clouds and/or a sparse tree stand).

(ii) The owner or operator shall also have standard operating procedures (SOPs) in place including daily or other frequency quality checks to ensure the equipment is within

manufacturing specifications as outlined in section 8.1 of ASTM D7520-16. Records shall be maintained in a form suitable and readily available for expeditious review.

(iii) The owner or operator shall follow the record keeping procedures outlined in § 63.10(b)(1) for the DCOT certification, compliance report, data sheets, and all raw unaltered JPEGs used for opacity and certification determination.

(iv) The owner or operator or the DCOT vendor shall have a minimum of four (4) independent technology users apply the software to determine the visible opacity of the 300 certification plumes. For each set of 25 plumes, the user may not exceed 15 percent opacity of any one reading and the average error shall not exceed 7.5 percent opacity.

(v) This approval does not provide or imply a certification or validation of any vendor's hardware or software. The onus to maintain and verify the certification and/or training of the DCOT camera, software, and operator in accordance with ASTM D7520-16 and this section is on the owner or operator, DCOT operator, and DCOT vendor.

#### **§ 60.124 Monitoring requirements.**

(a) The owner shall comply with the applicable monitoring requirements specified in the NSPS General provision § 60.13.

(b) The owner shall prepare, and at all times operate according to, a SOP manual that describes in detail procedures for inspection, maintenance, and bag leak detection and corrective action plans for all baghouses (fabric filters or cartridge filters) used to reduce PM and opacity emissions from any affected source subject to the emissions standards in § 60.122.

(c) The owner shall submit the SOP manual for the baghouses (fabric filters or cartridge collectors) described in paragraph (b) of this section to the Administrator or delegated authority for review and approval.

(d) The procedures specified in the SOP manual for inspections and routine maintenance shall, at a minimum, include the requirements of paragraphs (d)(1) through (9) of this section.

(1) Daily monitoring of the pressure drop across each baghouse cell.

(2) Weekly confirmation that dust is being removed from hoppers through visual inspection, or equivalent means of ensuring the proper functioning of removal mechanisms.

(3) Daily check of compressed air supply for pulse-jet baghouses.

(4) An appropriate methodology for monitoring cleaning cycles to ensure proper operation.

(5) Monthly check of bag cleaning mechanisms for proper functioning through visual inspection or equivalent means.

(6) Monthly check of bag tension on reverse air and shaker-type baghouses. Such checks are not required for shaker-type baghouses using self-tensioning (spring loaded) devices.

(7) Quarterly confirmation of the physical integrity of the baghouse through visual inspection of the baghouse interior for air leaks.

(8) Quarterly inspection of fans for wear, material buildup, and corrosion through visual inspection, vibration detectors, or equivalent means.

(9) Continuous operation of a bag leak detection system.

(e) The procedures specified in the SOP manual for baghouse maintenance shall include, at a minimum, a preventative maintenance schedule that is consistent with the baghouse manufacturer's instructions for routine and long-term maintenance.

(f) The bag leak detection system required by paragraph (d)(9) of this section, shall meet the specification and requirements of paragraphs (f)(1) through (8) of this section.



(1) The bag leak detection system shall be certified by the manufacturer to be capable of detecting PM emissions at concentrations of 50.0 mg/dscm (0.022 gr/dscf) or less.

(2) The bag leak detection system sensor shall provide output of relative PM loadings.

(3) The bag leak detection system shall be equipped with an alarm system that will alarm when an increase in relative particulate loadings is detected over a preset level.

(4) The owner shall install and operate the bag leak detection system in a manner consistent with the guidance provided in EPA-454/R-98-015, Office of Air quality Planning and Standards (OAQPS) Fabric Filter Bag Leak Detection Guidance, (incorporated by reference, see § 60.17) or the manufacturer's written specifications and recommendations for installation, operation, and adjustment of the system.

(5) The initial adjustment of the system shall, at a minimum, consist of establishing the baseline output by adjusting the sensitivity (range) and the averaging period of the device, and establishing the alarm set points and the alarm delay time.

(6) Following initial adjustment, the owner shall not adjust the sensitivity or range, averaging period, alarm set points, or alarm delay time, except as detailed in the approved SOP manual required under paragraph (b) of this section. The owner cannot increase the sensitivity by more than 100 percent or decrease the sensitivity by more than 50 percent over a 365-day period unless such adjustment follows a complete baghouse inspection that demonstrates that the baghouse is in good operating condition.

(7) For negative pressure, induced air baghouses, and positive pressure baghouses that are discharged to the atmosphere through a stack, the owner shall install the bag leak detector downstream of the baghouse and upstream of any wet acid gas scrubber.

(8) Where multiple detectors are required, the system's instrumentation and alarm may be shared among detectors.

(g) The owner shall include in the SOP manual required by paragraph (b) of this section a corrective action plan that specifies the procedures to be followed in the case of a bag leak detection system alarm. The corrective action plan shall include, at a minimum, the procedures used to determine and record the time and cause of the alarm as well as the corrective actions taken to minimize emissions as specified in paragraphs (g)(1) and (2) of this section.

(1) The procedures used to determine the cause of the alarm shall be initiated within 30 minutes of the alarm.

(2) The cause of the alarm shall be alleviated by taking the necessary corrective action(s) that may include, but not be limited to, those listed in paragraphs (g)(2)(i) through (vi) of this section.

(i) Inspecting the baghouse for air leaks, torn or broken filter elements, or any other malfunction that may cause an increase in emissions.

(ii) Sealing off defective bags or filter media.

(iii) Replacing defective bags or filter media, or otherwise repairing the control device.

(iv) Sealing off a defective baghouse compartment.

(v) Cleaning the bag leak detection system probe, or otherwise repairing the bag leak detection system.

(vi) Shutting down the process producing the PM emissions.

(h) Baghouses equipped with high-efficiency particulate air (HEPA) filters as a secondary filter used to control emissions from any source subject to the PM and opacity emission standards in §60.122 are exempt from the requirement to be equipped with a bag leak

detection system. The owner or operator shall monitor and record the pressure drop across each HEPA filter system daily. If the pressure drop is outside the limit(s) specified by the filter manufacturer, the owner or operator shall take appropriate corrective measures, which may include but not be limited to those given in paragraphs (h)(1) through (4) of this section.

(1) Inspecting the filter and filter housing for air leaks and torn or broken filters.

(2) Replacing defective filter media, or otherwise repairing the control device.

(3) Sealing off a defective control device by routing air to other control devices

(4) Shutting down the process producing the particulate emissions.

(i) Baghouses followed by a wet electrostatic precipitator (WESP) used as a secondary control device for any source subject to the PM and opacity emission standards in § 60.122 are exempt from the requirement to be equipped with a bag leak detection system.

(j) If a wet scrubber is used to demonstrate continuous compliance with the PM emissions standards for blast and reverberatory furnaces specified in § 60.122(a), the owner or operator shall monitor and record the pressure drop and water flow rate of the wet scrubber during the initial performance or periodic compliance test conducted to demonstrate compliance with the PM emissions limit under § 60.122(a). Thereafter, the owner or operator shall monitor and record the pressure drop and water flow rate values at least once every hour and maintain the pressure drop and water flow rate at levels no lower than 30 percent below the pressure drop and water flow rate measured during the initial performance or compliance test.

(k) During the initial performance test required by § 60.123(a), or any periodic performance test required by § 60.123(b), the owner or operator shall establish the value or range of values of the monitoring parameter(s) for each control device used to comply with the PM and opacity emission standards specified in § 60.122.

(1) If an affected source is subject to the monitoring requirements specified in 40 CFR part 63, subpart X (National Emissions Standards for Hazardous Air Pollutants from Secondary Lead Smelting) and those requirements are as stringent or more stringent than the monitoring requirements specified in paragraphs (a) through (j) of this section, compliance with the monitoring requirements specified in 40 CFR part 63, subpart X also demonstrates compliance with the monitoring requirements specified in paragraphs (a) through (k) of this section.

**§ 60.125 Notification, recordkeeping and reporting requirements.**

(a) The owner or operator shall comply with the applicable notification and recordkeeping requirements specified in § 60.7 and the reporting requirements specified in the NSPS General Provisions § 60.19.

(1) Records shall be maintained in a form suitable and readily available for expeditious review, according to § 60.7(f). However, electronic recordkeeping and reporting may be used if suitable for the specific case (e.g., by electronic media such as Excel spreadsheet, on CD or hard copy), and when required by this subpart.

(2) Records shall be kept on site for at least 2 years after the date of occurrence, measurement, maintenance, corrective action, report, or record, according to § 60.7(f).

(b) The SOP manual required in § 60.124(b) shall be submitted to the Administrator in electronic format for review and approval of the initial submittal and whenever an update is made to the procedure.

(c) The owner or operator shall maintain for a period of 2 years, records of the information listed in paragraphs (c)(1) through (10) of this section.

(1) Electronic records of the bag leak detection system output.

(2) An identification of the date and time of all bag leak detection system alarms, the time that procedures to determine the cause of the alarm were initiated, the cause of the alarm, an explanation of the corrective actions taken, and the date and time the cause of the alarm was corrected.

(3) All records of inspections and maintenance activities required under § 60.124(d) as part of the practices described in the SOP manual for baghouses required under § 60.124(b).

(4) Electronic records of the pressure drop and water flow rate values for wet scrubbers used to control PM emissions from blast or reverberatory furnaces as required in § 60.124(j).

(5) Records of the occurrence and duration of each malfunction of operation (i.e., process equipment) or the air pollution control equipment and monitoring equipment.

(6) Records of actions taken during periods of malfunction to minimize emissions in accordance with § 60.11(d), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.

(7) Records of all alarms from the bag leak detection system specified in § 60.124(d)(9).

(8) Records maintained as part of the practices described in the SOP manual for baghouses required under § 60.124(b), including an explanation of the periods when the procedures were not followed, and the corrective actions taken.

(9) Record of the periods when the pressure drop and water flow rate of wet scrubbers used to control process fugitive sources dropped below the levels established in § 60.124(j), and an explanation of the corrective actions taken.

(10) Records of the rationale for the control device monitoring parameter value(s), established as specified in § 60.124(k), monitoring frequency, and averaging time. Include all data and calculations used to develop the value and a description of why the value, monitoring

frequency, and averaging time demonstrate continuous compliance with the applicable emission standard.

(d) In addition to the reporting requirements specified in § 60.7 and § 60.19, the owner or operator shall submit the results of the initial and periodic performance tests within 60 days after the date of completing each performance test required by this subpart, following the procedures specified in paragraphs (d)(1) through (3) of this section.

(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 shall be submitted in a file format generated using the EPA's ERT. Alternatively, the owner or operator 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 shall 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.

(3) Confidential business information (CBI).

(i) The EPA will make all the information submitted through CEDRI available to the public without further notice to the owner or operator. Do not use CEDRI to submit information that the owner or operator claims as CBI. Although we do not expect persons to assert a claim of

CBI, if the owner or operator wishes to assert a CBI claim for some of the information submitted under paragraph (a)(1) or (2) of this section, the owner or operator shall submit a complete file, including information claimed to be CBI, to the EPA.

(ii) The file shall be generated using the EPA's ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website.

(iii) Clearly mark the part or all of the information that the owner or operator claims to be CBI. Information not marked as CBI may be authorized for public release without prior notice. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

(iv) The preferred method to receive CBI is for it to be transmitted electronically using email attachments, File Transfer Protocol, or other online file sharing services. Electronic submissions shall be transmitted directly to the OAQPS CBI Office at the email address [oaqpscbi@epa.gov](mailto:oaqpscbi@epa.gov), and as described above, should include clear CBI markings and be flagged to the attention of the Group Leader, Measurement Policy Group. If assistance is needed with submitting large electronic files that exceed the file size limit for email attachments, and if the owner or operator does not have a file sharing service, please email [oaqpscbi@epa.gov](mailto:oaqpscbi@epa.gov) to request a file transfer link.

(v) If the owner or operator cannot transmit the file electronically, the owner or operator may send CBI information through the postal service to the following address: OAQPS Document Control Officer (C404-02), OAQPS, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention Group Leader, Measurement Policy Group. The mailed CBI material should be double wrapped and clearly marked. Any CBI markings should not show through the outer envelope.

(vi) All CBI claims shall be asserted at the time of submission. Anything submitted using CEDRI cannot later be claimed CBI. Furthermore, under CAA section 114(c), emissions data is not entitled to confidential treatment, and the EPA is required to make emissions data available to the public. Thus, emissions data will not be protected as CBI and will be made publicly available.

(vii) The owner or operator shall submit the same file submitted to the CBI office with the CBI omitted to the EPA through CEDRI via the EPA's CDX as described in paragraphs (d)(1) and (2) of this section.

(e) Claims of EPA system outage. If the owner or operator is required to electronically submit a report through CEDRI in the EPA's CDX, the owner or operator may assert a claim of EPA system outage for failure to timely comply with that reporting requirement. To assert a claim of EPA system outage, the owner or operator shall meet the requirements outlined in paragraphs (e)(1) through (7) of this section.

(1) The owner or operator shall have been or will be precluded from accessing CEDRI and submitting a required report within the time prescribed due to an outage of either the EPA's CEDRI or CDX systems.

(2) The outage shall have occurred within the period of time beginning five business days prior to the date that the submission is due.

(3) The outage may be planned or unplanned.

(4) The owner or operator shall submit notification to the Administrator in writing as soon as possible following the date the owner or operator first knew, or through due diligence should have known, that the event may cause or has caused a delay in reporting.



(5) The owner or operator shall provide to the Administrator a written description identifying:

(i) The date(s) and time(s) when CDX or CEDRI was accessed and the system was unavailable;

(ii) A rationale for attributing the delay in reporting beyond the regulatory deadline to EPA system outage;

(iii) A description of measures taken or to be taken to minimize the delay in reporting;  
and

(iv) The date by which the owner or operator proposes to report, or if the owner or operator has already met the reporting requirement at the time of the notification, the date the owner or operator reported.

(6) The decision to accept the claim of EPA system outage and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(7) In any circumstance, the report shall be submitted electronically as soon as possible after the outage is resolved.

(f) *Claims of force majeure.* If the owner or operator is required to electronically submit a report through CEDRI in the EPA's CDX, the owner or operator may assert a claim of *force majeure* for failure to timely comply with that reporting requirement. To assert a claim of *force majeure*, the owner or operator shall meet the requirements outlined in paragraphs (f)(1) through (5) of this section.

(1) The owner or operator may submit a claim if a *force majeure* event is about to occur, occurs, or has occurred or there are lingering effects from such an event within the period of time beginning five business days prior to the date the submission is due. For the purposes of this

section, a *force majeure* event is defined as 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 requirement to submit a report electronically within the time period prescribed. Examples of such events are acts of nature (e.g., hurricanes, earthquakes, or floods), acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility (e.g., large scale power outage).

(2) The owner or operator shall submit notification to the Administrator in writing as soon as possible following the date the owner or operator first knew, or through due diligence should have known, that the event may cause or has caused a delay in reporting.

(3) The owner or operator shall provide to the Administrator:

(i) A written description of the *force majeure* event;

(ii) A rationale for attributing the delay in reporting beyond the regulatory deadline to the *force majeure* event;

(iii) A description of measures taken or to be taken to minimize the delay in reporting;

and

(iv) The date by which the owner or operator proposes to report, or if the owner or operator has already met the reporting requirement at the time of the notification, the date the owner or operator reported.

(4) The decision to accept the claim of *force majeure* and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(5) In any circumstance, the reporting shall occur as soon as possible after the *force majeure* event occurs.

### **Attachment 3: Regulatory text to incorporate new Subpart La**

#### **§ 60.120a Applicability and designation of affected facility.**

(a) The provisions of this subpart are applicable to the following affected facilities in secondary lead smelters: Process fugitive emissions sources, blast (cupola) furnaces, and reverberatory furnaces.

(b) Any facility under paragraph (a) of this section that commences construction, reconstruction, or modification after [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], is subject to the requirements of this subpart.

#### **§ 60.121a Definitions.**

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act and in subpart A of this part.

*Blast furnace* means any furnace used to recover metal from slag.

*Lead* means elemental lead or alloys in which the predominant component is lead.

*Process fugitive emissions source* means a source of particulate matter (PM) emissions at a secondary lead smelter that is associated with lead smelting or refining including, but not limited to, smelting furnace charging points; smelting furnace lead and slag taps; pot and refining furnaces; and casting kettles.

*Reverberatory furnace* includes the following types of reverberatory furnaces: stationary, rotating, rocking, and tilting.

*Secondary lead smelter* means any facility producing lead from a lead-bearing scrap material by smelting to the metallic form.

#### **§ 60.122a Standard for particulate matter.**

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall discharge or cause the discharge into the atmosphere from a blast (cupola) or reverberatory furnace any gases which:

(1) Contain PM in excess of 10 milligrams per dry standard cubic meter, mg/dscm (0.0044 grains per dry standard cubic feet, gr/dscf).

(2) Exhibit opacity greater than 5 percent.

(b) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall discharge or cause the discharge into the atmosphere from any process fugitive emissions source any gases which:

(1) Contain PM in excess of 4.9 mg/dscm (0.0021 grains per dry standard cubic feet, gr/dscf).

(2) Exhibit opacity greater than 5 percent.

(c) The PM and opacity emissions standards specified in paragraphs (a) and (b) of this section apply at all times, including periods of startup, shutdown, and malfunction.

**§ 60.123a Test methods and procedures.**

(a) Initial performance tests. The owner or operator shall conduct performance tests to demonstrate initial compliance with the PM and opacity emission standards specified in § 60.122a.

(b) Periodic performance tests. Following the initial compliance demonstration required by paragraph (a) of this section, the owner or operator shall conduct periodic performance tests

to demonstrate compliance with the PM and opacity emissions standards specified in § 60.122a according to the schedule specified in paragraph (b)(1) or (2) of this section.

(1) Conduct performance tests no later than 12 months following the previous compliance test.

(2) Conduct performance tests up to 24 calendar months following the previous compliance test if the previous compliance test measured PM emissions equal to or less than the concentrations specified in paragraphs (b)(2)(i) and (ii) of this section and the owner or operator has obtained approval from the Administrator for a written request to extend the period of the periodic performance test. The extension request will be deemed automatically approved if the owner or operator submits the results of a PM performance test equal to or less than the applicable concentrations specified in paragraphs (b)(2)(i) and (ii) of this section, the owner or operator submits the request for the extension within 4 months after the subject compliance test, and the Administrator does not provide a response to such request within 6 months of submission.

(i) 5 mg/dscm for blast and reverberatory furnaces.

(ii) 2.4 mg/dscm for process fugitive emissions sources.

(c) Test methods. In conducting the performance tests required in § 60.8, the owner or operator shall use the following EPA reference test methods and procedures in appendix A of this part or other methods and procedures as specified in this section, except as provided in § 60.8(b).

(1) EPA Method 1 at appendix A-1 to this part for selecting sampling port locations and the number of traverse points.

(2) EPA Method 2 at appendix A-1 to this part at appendix A-1 to this part or EPA Method 5D at appendix A-3 to this part, section 8.3 for positive fabric filters, to measure the volumetric flow rate of the gas stream.

(3) EPA Method 3, 3A, 3B, or 3C at appendix A-1 to this part to determine the dry molecular weight of the stack gas and the concentrations of carbon dioxide and oxygen in the sample gas.

(4) EPA Method 4 at appendix A-3 to this part to determine the moisture content of the gas stream.

(5) EPA Method 5 or 5D at appendix A-3 to this part for measuring PM concentrations. The EPA Method 5 or 5D tests shall be conducted during representative periods of furnace operation, including charging and tapping, and the sampling time and sample volume for each test run shall be at least 60 minutes and 0.90 dscm (31.8 dscf), respectively. As an alternative to using EPA Method 5, owners or operators may measure PM emissions by the following methods:

(i) EPA Method 12 at appendix A-5 to this part (see section 16.1 of Method 12) to measure inorganic lead concentrations and PM.

(ii) EPA Method 29 at appendix A-8 to this part to measure metal (lead) concentrations and PM (see section 1.2 of Method 29).

(6) EPA Method 9 at appendix A-4 to this part and the procedures specified in § 60.11 for determining opacity. Owners or operators may use the following methods as alternatives to EPA Method 9 as applicable and appropriate:

(i) EPA Method 22 (Visual Determination of Fugitive Emissions) at appendix A-7 to this part for determining no visible emissions.

(ii) ASTM D7520-16 (incorporated by reference at § 60.17) is an acceptable alternative with the specified conditions in paragraphs (c)(6)(ii)(A) through (E) of this section.

(A) During the digital camera opacity technique (DCOT) certification procedure outlined in section 9.2 of ASTM D7520-16 (incorporated by reference at § 60.17), the owner or operator or the DCOT vendor shall present the plumes in front of various backgrounds of color and contrast representing conditions anticipated during field use such as blue sky, trees, and mixed backgrounds (clouds and/or a sparse tree stand).

(B) The owner or operator shall also have standard operating procedures (SOPs) in place including daily or other frequency quality checks to ensure the equipment is within manufacturing specifications as outlined in section 8.1 of ASTM D7520-16 (incorporated by reference at § 60.17).

(C) The owner or operator shall follow the recordkeeping procedures outlined in § 63.10(b)(1) for the DCOT certification, compliance report, data sheets, and all raw unaltered JPEGs used for opacity and certification determination.

(D) The owner or operator or the DCOT vendor shall have a minimum of four (4) independent technology users apply the software to determine the visible opacity of the 300 certification plumes. For each set of 25 plumes, the user may not exceed 15 percent opacity of any one reading and the average error shall not exceed 7.5 percent opacity.

(E) This approval does not provide or imply a certification or validation of any vendor's hardware or software. The onus to maintain and verify the certification and/or training of the DCOT camera, software, and operator in accordance with ASTM D7520-16 (incorporated by reference at § 60.17) and this section is on the owner or operator, DCOT operator, and DCOT vendor.

**§ 60.124a Monitoring requirements.**

(a) The owner shall comply with the applicable monitoring requirements specified in § 60.13.

(b) The owner shall prepare, and at all times operate according to, an SOP manual that describes in detail procedures for inspection, maintenance, and bag leak detection and corrective action plans for all baghouses (fabric filters or cartridge filters) used to reduce PM and opacity emissions from any affected source subject to the emissions standards in § 60.122a.

(c) The owner shall submit the SOP manual for the baghouses (fabric filters or cartridge collectors) described in paragraph (b) of this section to the Administrator or delegated authority for review and approval.

(d) The procedures specified in the SOP manual for inspections and routine maintenance shall, at a minimum, include the requirements of paragraphs (d)(1) through (9) of this section.

(1) Daily monitoring of the pressure drop across each baghouse cell.

(2) Weekly confirmation that dust is being removed from hoppers through visual inspection, or equivalent means of ensuring the proper functioning of removal mechanisms.

(3) Daily check of compressed air supply for pulse-jet baghouses.

(4) An appropriate methodology for monitoring cleaning cycles to ensure proper operation.

(5) Monthly check of bag cleaning mechanisms for proper functioning through visual inspection or equivalent means.

(6) Monthly check of bag tension on reverse air and shaker-type baghouses. Such checks are not required for shaker-type baghouses using self-tensioning (spring loaded) devices.



(7) Quarterly confirmation of the physical integrity of the baghouse through visual inspection of the baghouse interior for air leaks.

(8) Quarterly inspection of fans for wear, material buildup, and corrosion through visual inspection, vibration detectors, or equivalent means.

(9) Continuous operation of a bag leak detection system.

(e) The procedures specified in the SOP manual for baghouse maintenance shall include, at a minimum, a preventative maintenance schedule that is consistent with the baghouse manufacturer's instructions for routine and long-term maintenance.

(f) The bag leak detection system required by paragraph (d)(9) of this section, shall meet the specification and requirements of paragraphs (f)(1) through (8) of this section.

(1) The bag leak detection system shall be certified by the manufacturer to be capable of detecting PM emissions at concentrations of 50.0 mg/dscm (0.022 gr/dscf) or less.

(2) The bag leak detection system sensor shall provide output of relative PM loadings.

(3) The bag leak detection system shall be equipped with an alarm system that will alarm when an increase in relative particulate loadings is detected over a preset level.

(4) The owner shall install and operate the bag leak detection system in a manner consistent with the guidance provided in EPA-454/R-98-015, Office of Air quality Planning and Standards (OAQPS) Fabric Filter Bag Leak Detection Guidance (incorporated by reference, see § 60.17) or the manufacturer's written specifications and recommendations for installation, operation, and adjustment of the system.

(5) The initial adjustment of the system shall, at a minimum, consist of establishing the baseline output by adjusting the sensitivity (range) and the averaging period of the device, and establishing the alarm set points and the alarm delay time.

(6) Following initial adjustment, the owner shall not adjust the sensitivity or range, averaging period, alarm set points, or alarm delay time, except as detailed in the approved SOP manual required under paragraph (b) of this section. The owner cannot increase the sensitivity by more than 100 percent or decrease the sensitivity by more than 50 percent over a 365-day period unless such adjustment follows a complete baghouse inspection that demonstrates that the baghouse is in good operating condition.

(7) For negative pressure, induced air baghouses, and positive pressure baghouses that are discharged to the atmosphere through a stack, the owner shall install the bag leak detector downstream of the baghouse and upstream of any wet acid gas scrubber.

(8) Where multiple detectors are required, the system's instrumentation and alarm may be shared among detectors.

(g) The owner shall include in the SOP manual required by paragraph (b) of this section a corrective action plan that specifies the procedures to be followed in the case of a bag leak detection system alarm. The corrective action plan shall include, at a minimum, the procedures used to determine and record the time and cause of the alarm as well as the corrective actions taken to minimize emissions as specified in paragraphs (g)(1) and (2) of this section.

(1) The procedures used to determine the cause of the alarm shall be initiated within 30 minutes of the alarm.

(2) The cause of the alarm shall be alleviated by taking the necessary corrective action(s) that may include, but not be limited to, those listed in paragraphs (g)(2)(i) through (vi) of this section.

(i) Inspecting the baghouse for air leaks, torn or broken filter elements, or any other malfunction that may cause an increase in emissions.

(ii) Sealing off defective bags or filter media.

(iii) Replacing defective bags or filter media, or otherwise repairing the control device.

(iv) Sealing off a defective baghouse compartment.

(v) Cleaning the bag leak detection system probe, or otherwise repairing the bag leak detection system.

(vi) Shutting down the process producing the PM emissions.

(h) Baghouses equipped with high-efficiency particulate air (HEPA) filters as a secondary filter used to control emissions from any source subject to the PM and opacity emission standards in § 60.122a are exempt from the requirement to be equipped with a bag leak detection system. The owner or operator shall monitor and record the pressure drop across each HEPA filter system daily. If the pressure drop is outside the limit(s) specified by the filter manufacturer, the owner or operator shall take appropriate corrective measures, which may include but not be limited to those given in paragraphs (h)(1) through (4) of this section.

(1) Inspecting the filter and filter housing for air leaks and torn or broken filters.

(2) Replacing defective filter media, or otherwise repairing the control device.

(3) Sealing off a defective control device by routing air to other control devices

(4) Shutting down the process producing the particulate emissions.

(i) Baghouses followed by a wet electrostatic precipitator (WESP) used as a secondary control device for any source subject to the PM and opacity emission standards in § 60.122a are exempt from the requirement to be equipped with a bag leak detection system.

(j) If a wet scrubber is used to demonstrate continuous compliance with the PM emissions standards for blast and reverberatory furnaces specified in § 60.122a(a), the owner or operator shall monitor and record the pressure drop and water flow rate of the wet scrubber during the

initial performance or annual compliance test conducted to demonstrate compliance with the PM emissions limit under § 60.122a(a). Thereafter, the owner or operator shall monitor and record the pressure drop and water flow rate values at least once every hour and maintain the pressure drop and water flow rate at levels no lower than 30 percent below the pressure drop and water flow rate measured during the initial performance or compliance test.

(k) During the initial performance test required by § 60.123a(a), or any periodic performance test required by § 60.123a(b), the owner or operator shall establish the value or range of values of the monitoring parameter(s) for each control device used to comply with the PM and opacity emission standards specified in § 60.122a.

(l) If an affected source is subject to the monitoring requirements specified in 40 CFR part 63, subpart X (National Emissions Standards for Hazardous Air Pollutants from Secondary Lead Smelting) and those requirements are as stringent or more stringent than the monitoring requirements specified in paragraphs (a) through (j) of this section compliance with 40 CFR part 63, subpart X also demonstrates compliance with the monitoring requirements specified in paragraphs (a) through (k) of this section.

**§ 60.125a Notification, recordkeeping, and reporting requirements.**

(a) The owner or operator shall comply with the applicable notification and recordkeeping requirements specified in § 60.7 and the reporting requirements specified in § 60.19.

(1) Records shall be maintained in a form suitable and readily available for expeditious review, according to § 60.7(f). However, electronic recordkeeping and reporting may be used if suitable for the specific case (e.g., by electronic media such as Excel spreadsheet, on CD or hard copy), and when required by this subpart.

(2) Records shall be kept on site for at least 2 years after the date of occurrence, measurement, maintenance, corrective action, report, or record, according to § 60.7(f).

(b) The SOP manual required in § 60.124a(b) shall be submitted to the Administrator in electronic format for review and approval of the initial submittal and whenever an update is made to the procedure.

(c) The owner or operator shall maintain for a period of 2 years, records of the information listed in paragraphs (c)(1) through (10) of this section.

(1) Electronic records of the bag leak detection system output.

(2) An identification of the date and time of all bag leak detection system alarms, the time that procedures to determine the cause of the alarm were initiated, the cause of the alarm, an explanation of the corrective actions taken, and the date and time the cause of the alarm was corrected.

(3) All records of inspections and maintenance activities required under § 60.124a(d) as part of the practices described in the SOP manual for baghouses required under § 60.124a(b).

(4) Electronic records of the pressure drop and water flow rate values for wet scrubbers used to control PM emissions from blast or reverberatory furnaces as required in § 60.124a(j).

(5) Records of the occurrence and duration of each malfunction of operation (i.e., process equipment) or the air pollution control equipment and monitoring equipment.

(6) Records of actions taken during periods of malfunction to minimize emissions in accordance with § 60.11(d), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.

(7) Records of all alarms and corrective actions taken for the bag leak detection system specified in § 60.124a(d)(9).

(8) Records maintained as part of the practices described in the SOP manual for baghouses required under § 60.124a(b), including an explanation of the periods when the procedures were not followed, and the corrective actions taken.

(9) Record of the periods when the pressure drop and water flow rate of wet scrubbers used to control process fugitive sources dropped below the levels established in § 60.124a(j), and an explanation of the corrective actions taken.

(10) Records of the rationale for the control device monitoring parameter value(s), established as specified in § 60.124a(k), monitoring frequency, and averaging time. Include all data and calculations used to develop the value and a description of why the value, monitoring frequency, and averaging time demonstrate continuous compliance with the applicable emission standard.

(d) In addition to the reporting requirements specified in §§ 60.7 and 60.19, within 60 days after the date of completing each performance test required by this subpart, the owner or operator shall submit the results of the initial and periodic performance tests following the procedures as specified in paragraphs (d)(1) through (3) of this section.

(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 shall be submitted in a file format generated using the EPA's ERT. Alternatively, the owner or operator 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 shall 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.

(3) Confidential business information (CBI).

(i) The EPA will make all the information submitted through CEDRI available to the public without further notice to the owner or operator. Do not use CEDRI to submit information the owner or operator claims as CBI. Although we do not expect persons to assert a claim of CBI, if the owner or operator wishes to assert a CBI claim for some of the information submitted under paragraph (a)(1) or (2) of this section, the owner or operator shall submit a complete file, including information claimed to be CBI, to the EPA.

(ii) The file shall be generated using the EPA's ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website.

(iii) Clearly mark the part or all of the information that the owner or operator claims to be CBI. Information not marked as CBI may be authorized for public release without prior notice. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

(iv) The preferred method to receive CBI is for it to be transmitted electronically using email attachments, File Transfer Protocol, or other online file sharing services. Electronic submissions shall be transmitted directly to the OAQPS CBI Office at the email address [oaqpscbi@epa.gov](mailto:oaqpscbi@epa.gov), and as described above, should include clear CBI markings and be flagged to the attention of the Group Leader, Measurement Policy Group. If assistance is needed with

submitting large electronic files that exceed the file size limit for email attachments, and if the owner or operator does not have a file sharing service, please email [oaqpscbi@epa.gov](mailto:oaqpscbi@epa.gov) to request a file transfer link.

(v) If the owner or operator cannot transmit the file electronically, the owner or operator may send CBI information through the postal service to the following address: OAQPS Document Control Officer (C404-02), OAQPS, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention Group Leader, Measurement Policy Group. The mailed CBI material should be double wrapped and clearly marked. Any CBI markings should not show through the outer envelope.

(vi) All CBI claims shall be asserted at the time of submission. Anything submitted using CEDRI cannot later be claimed CBI. Furthermore, under CAA section 114(c), emissions data is not entitled to confidential treatment, and the EPA is required to make emissions data available to the public. Thus, emissions data will not be protected as CBI and will be made publicly available.

(vii) The owner or operator shall submit the same file submitted to the CBI office with the CBI omitted to the EPA through CEDRI via the EPA's CDX as described in paragraphs (d)(1) and (2) of this section.

(e) *Claims of EPA system outage.* If the owner or operator is required to electronically submit a report through CEDRI in the EPA's CDX, the owner or operator may assert a claim of EPA system outage for failure to timely comply with that reporting requirement. To assert a claim of EPA system outage, the owner or operator shall meet the requirements outlined in paragraphs (e)(1) through (7) of this section.



(1) The owner or operator shall have been or will be precluded from accessing CEDRI and submitting a required report within the time prescribed due to an outage of either the EPA's CEDRI or CDX systems.

(2) The outage shall have occurred within the period of time beginning five business days prior to the date that the submission is due.

(3) The outage may be planned or unplanned.

(4) The owner or operator shall submit notification to the Administrator in writing as soon as possible following the date the owner or operator first knew, or through due diligence should have known, that the event may cause or has caused a delay in reporting.

(5) The owner or operator shall provide to the Administrator a written description identifying:

(i) The date(s) and time(s) when CDX or CEDRI was accessed and the system was unavailable;

(ii) A rationale for attributing the delay in reporting beyond the regulatory deadline to EPA system outage;

(iii) A description of measures taken or to be taken to minimize the delay in reporting;  
and

(iv) The date by which the owner or operator propose to report, or if the owner or operator has already met the reporting requirement at the time of the notification, the date the owner or operator reported.

(6) The decision to accept the claim of EPA system outage and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(7) In any circumstance, the report shall be submitted electronically as soon as possible after the outage is resolved.

(f) *Claims of force majeure.* If the owner or operator is required to electronically submit a report through CEDRI in the EPA's CDX, the owner or operator may assert a claim of *force majeure* for failure to timely comply with that reporting requirement. To assert a claim of *force majeure*, the owner or operator shall meet the requirements outlined in paragraphs (f)(1) through (5) of this section.

(1) The owner or operator may submit a claim if a *force majeure* event is about to occur, occurs, or has occurred or there are lingering effects from such an event within the period of time beginning five business days prior to the date the submission is due. For the purposes of this section, a *force majeure* event is defined as 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 requirement to submit a report electronically within the time period prescribed. Examples of such events are acts of nature (e.g., hurricanes, earthquakes, or floods), acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility (e.g., large scale power outage).

(2) The owner or operator shall submit notification to the Administrator in writing as soon as possible following the date the owner or operator first knew, or through due diligence should have known, that the event may cause or has caused a delay in reporting.

(3) The owner or operator shall provide to the Administrator:

(i) A written description of the *force majeure* event;

(ii) A rationale for attributing the delay in reporting beyond the regulatory deadline to the *force majeure* event;

(iii) A description of measures taken or to be taken to minimize the delay in reporting;  
and

(iv) The date by which the owner or operator proposes to report, or if the owner or operator has already met the reporting requirement at the time of the notification, the date the owner or operator reported.

(4) The decision to accept the claim of *force majeure* and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(5) In any circumstance, the reporting shall occur as soon as possible after the *force majeure* event occurs.