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change in the operating conditions submitted pursuant to the requirements of paragraph (b)(2)(ii)(B) that will result in any reduction in the maximum capture of inorganic arsenic emissions.

(3) Comply with the following inspection and maintenance requirements after installing the secondary hood system required in paragraph (b)(1) of this section:

(i) At least once every month, visually inspect the components of the secondary hood system that are exposed to potential damage from crane and ladle operation, including the hood enclosure, side- and back-wall hood seals, and the horizontal slot.

(ii) Replace or repair any defective or damaged components of the secondary hood system within 30 days after discovering the defective or damaged components.

(c) No owner or operator of a copper converter subject to the provisions of this subpart shall cause or allow to be discharged into the atmosphere any copper converter secondary emissions that exit from a control device and contain particulate matter in excess of 11.6 milligrams per dry standard cubic meter.

(d) The owner or operator of a copper converter subject to the provisions of this subpart shall submit a description of a plan for control of inorganic arsenic emissions from the copper converter and associated air pollution control equipment. This plan shall be submitted within 90 days after the effective date of this subpart, unless a waiver of compliance is granted under § 61.11. If a waiver of compliance is granted, the plan shall be submitted on a date set by the Administrator. Approval of the plan will be granted by the Administrator provided he finds that:

(1) It includes a systematic procedure for identifying malfunctions and for reporting them immediately to smelter supervisory personnel.

(2) It specifies the procedures that will be followed to ensure that equipment or process breakdowns due entirely or in part to poor maintenance or other preventable conditions do not occur.

(3) It specifies the measures that will be taken to ensure compliance with paragraph (b)(2) of this section.

(e) The owner or operator shall implement the plan required under paragraph (d) of this section unless otherwise specified by the Administrator.

(f) At all times, including periods of startup, shutdown, and malfunction, the owner or operator of a copper converter subject to the provisions of this subpart shall operate and maintain the converter and associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions of inorganic arsenic to the atmosphere to the maximum extent practicable. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator, which may include, but is not limited to, monitoring results, review of operating and maintenance procedures, inspection of the source, and review of other records.

### § 61.173 Compliance provisions.

(a) The owner or operator of each copper converter to which § 61.172(b)—(f) applies shall demonstrate compliance with the requirements of § 61.172(b)(1) as follows:

(1) The owner or operator of each existing copper converter shall install a secondary hood system to meet the requirements of § 61.172(b)(1) no later than 90 days after the effective date, unless a waiver of compliance has been approved by the Administrator in accordance with § 61.11.

(2) The owner or operator of each new copper converter shall install a secondary hood system to meet the requirements of § 61.172(b)(1) prior to the initial startup of the converter, except that if startup occurs prior to the effective date, the owner or operator shall meet the requirements of § 61.172(b)(1) on the effective date.

### § 61.174 Test methods and procedures.

(a) To determine compliance with § 61.172(c), the owner or operator shall conduct emission tests and reduce the test data in accordance with the test methods and procedures contained in this section unless the Administrator:

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(1) Specifies or approves, in specific cases, the use of a reference method with minor changes in methodology,

(2) Approves the use of an equivalent method,

(3) Approves the use of an alternative method, the results of which he has determined to be adequate for indicating whether a specific source is in compliance, or

(4) Waives the requirement for emission tests as provided in §61.13.

(b) The owner or operator shall conduct the emission tests required in paragraph (a) of this section:

(1) After achieving the optimum operating conditions submitted under §60.172(b)(2)(ii)(B) for the equipment required in §61.172(b)(1), but no later than 90 days after the effective date of this subpart in the case of an existing copper converter or a copper converter that has an initial startup date preceding the effective date, or

(2) After achieving the optimum operating conditions submitted under §60.172(b)(2)(ii)(B) for the equipment required in §61.172(b)(1), but no later than 90 days after startup in the case of a new copper converter, initial startup of which occurs after the effective date, or

(3) At such other times as may be required by the Administrator under section 114 of the Act.

(c) The owner or operator shall conduct each emission test under representative operating conditions and at sample locations subject to the Administrator's approval, and shall make available to the Administrator such records as may be necessary to determine the conditions of the emission test.

(d) For the purpose of determining compliance with §61.172(c), the owner or operator shall use reference methods in 40 CFR part 60, appendix A, as follows:

(1) Method 5 for the measurement of particulate matter,

(2) Method 1 for sample and velocity traverses,

(3) Method 2 for velocity and volumetric flow rate,

(4) Method 3 for gas analysis, and

(5) Method 4 for stack gas moisture.

(e) For Method 5, the sampling time for each run shall be at least 60 min-

utes and the minimum sampling volume shall be 0.85 dscm (30 dscf) except that smaller times or volumes when necessitated by process variables or other factors may be approved by the Administrator.

(f) For the purpose of determining applicability under §61.172(a), the owner or operator shall determine the converter arsenic charging rate as follows:

(1) Collect daily grab samples of copper matte and any lead matte charged to the copper converters.

(2) Each calendar month, from the daily grab samples collected under paragraph (f)(1) of this section, put together a composite copper matte sample and a composite lead matte sample. Analyze the composite samples individually using Method 108A, 108B, or 108C to determine the weight percent of inorganic arsenic contained in each sample.

(3) Calculate the converter arsenic charging rate once per month using the following equation:

$$R_c = \sum_{i=1}^n \frac{A_c W_{ci} + A_l W_{li}}{100 H_c}$$

Where:

$R_c$  is the converter arsenic charging rate (kg/h).

$A_c$  is the monthly average weight percent of arsenic in the copper matte charged during the month (%) as determined under paragraph (f)(2) of this section.

$A_l$  is the monthly average weight percent of arsenic in the lead matte charged during the month (%) as determined under paragraph (f)(2) of this section.

$W_{ci}$  is the total weight of copper matte charged to a copper converter during the month (kg).

$W_{li}$  is the total weight of lead matte charged to a copper converter during the month (kg).

$H_c$  is the total number of hours the copper converter department was in operation during the month (h).

$n$  is the number of copper converters in operation during the month.

(4) Determine an annual arsenic charging rate for the copper converter department once per month by computing the arithmetic average of the 12 monthly converter arsenic charging rate values ( $R_c$ ) for the preceding 12-month period.

(g) An owner or operator may petition the Administrator for a modified

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sampling and analysis schedule if analyses performed for the first 12-month period after the effective date show the source to be considerably below the applicability limit prescribed in § 61.172(a).

[51 FR 28029, Aug. 4, 1986, as amended at 55 FR 22027, May 31, 1990]

### § 61.175 Monitoring requirements.

(a) Each owner or operator of a source that is subject to the emission limit specified in § 61.172(c) shall install, calibrate, maintain, and operate a continuous monitoring system for the measurement of the opacity of emissions discharged from the control device according to the following procedures:

(1) Ensure that each system is installed and operational no later than 90 days after the effective date of this subpart for a source that has an initial startup date preceding the effective date; and no later than 90 days after startup for other sources. Verification of the operational status shall, as a minimum, consist of an evaluation of the monitoring system in accordance with the requirements and procedures contained in Performance Specification 1 of appendix B of 40 CFR part 60.

(2) Comply with the provisions of § 60.13(d) of 40 CFR part 60.

(3) Except for system breakdowns, repairs, calibration checks, and zero span adjustments, ensure that each continuous monitoring system is in continuous operation and meets frequency of operation requirements by completing a minimum of one cycle of sampling and analysis for each successive 10-second period and one cycle of data recording for each successive 6-minute period. Each data point shall represent the opacity measured for one cycle of sampling and analysis and shall be expressed as percent opacity.

(b) Except as required in paragraph (c) of this section, calculate 1-hour opacity averages from 360 or more consecutive data points equally spaced over each 1-hour period. Data recorded during periods of monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments shall not be included in the data averages computed under this paragraph.

(c) No later than 60 days after each continuous opacity monitoring system required in paragraph (a) of this section becomes operational, the owner or operator shall establish a reference opacity level for each monitored emission stream according to the following procedures:

(1) Conduct continuous opacity monitoring over a preplanned period of not less than 36 hours during which the processes and emission control equipment upstream of the monitoring system are operating under representative operating conditions subject to the Administrator's approval. This period shall include the time during which the emission test required by § 61.13 is conducted.

(2) Calculate 6-minute averages of the opacity readings using 36 or more consecutive data points equally spaced over each 6-minute period.

(3) Calculate 1-hour average opacity values using 10 successive 6-minute average opacity values (i.e., calculate a new 1-hour average opacity value every 6 minutes). Determine the highest 1-hour average opacity value observed during the 36-hour preplanned test period.

(4) Calculate the reference opacity level by adding 5 percent opacity to the highest 1-hour average opacity calculated in paragraph (c)(3) of this section.

(d) The owner or operator may redetermine the reference opacity level for the copper converter secondary emission stream at the time of each emission test that demonstrates compliance with the emission limit required in § 61.172(c) according to the provisions of paragraphs (c)(1) through (c)(4) of this section.

(e) With a minimum of 30 days prior notice, the Administrator may require the owner or operator to redetermine the reference opacity level for any monitored emission stream.

(f) Each owner or operator who is required to install the equipment specified in § 61.172(b)(1) for the capture of secondary copper converter emissions shall install, calibrate, maintain, and operate a continuous monitoring device on each secondary hood system for the measurement of the air flow through the horizontal-slotted plenum