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measurement of opacity; all continuous monitoring system performance evaluations, including calibration checks and adjustments; all periods during which the continuous monitoring system or monitoring device is inoperative; and all maintenance and repairs made to the continuous monitoring system or monitoring device.

(b) Each owner or operator shall maintain at the source for a period of at least 2 years a log for each plant department in which the operating status of process, conveying, and emission control equipment is described for each shift. For malfunctions and upsets, the following information shall be recorded in the log:

- (1) The time of discovery.
- (2) A description of the malfunction or upset.
- (3) The time corrective action was initiated.
- (4) A description of corrective action taken.
- (5) The time corrective action was completed.
- (6) A description of steps taken to reduce emissions of inorganic arsenic to the atmosphere between the time of discovery and the time corrective action was taken.

(c) Each owner or operator subject to the provisions of this subpart shall maintain for a period of at least 2 years records of 6-minute average opacity levels for each separate control device.

(d) Each owner or operator subject to the provisions of §61.186 shall maintain for a period of at least 2 years records of ambient inorganic arsenic concentrations at all sampling sites and other data needed to determine such concentrations.

**§61.186 Reporting requirements.**

(a) Each owner or operator subject to the provisions of §61.183(a) shall provide the Administrator at least 30 days prior notice of each reference opacity level determination required in §61.183(a) to afford the Administrator the opportunity to have an observer present.

(b) Each owner or operator subject to the provisions of §61.183(a) shall submit to the Administrator:

- (1) Within 60 days of conducting the evaluation required in §61.183(b)(1), a

written report of the continuous monitoring system evaluation;

(2) Within 30 days of establishing the reference opacity level required in §61.183(d), a written report of the reference opacity level. The report shall also include the opacity data used and the calculations performed to determine the reference opacity level, and sufficient documentation to show that process and emission control equipment were operating normally during the reference opacity level determination; and

(3) A written report each quarter of each occurrence of excess opacity during the quarter. For the purposes of this paragraph, an occurrence of excess opacity is any 6-minute period during which the average opacity, as measured by the continuous monitoring system, exceeds the reference opacity level established under §61.183(d).

(c) All quarterly reports of excess opacity shall be postmarked by the 30th day following the end of each quarter and shall include the following information:

(1) The magnitude of excess opacity, any conversion factor(s) used, and the dates and times of commencement and completion of each occurrence of excess opacity, the cause of each exceedance of the reference opacity level, and the measures taken to minimize emissions.

(2) Specific identification of each period of excess opacity that occurred during startups, shutdowns, and malfunctions of the source.

(3) The date and time identifying each period during which the continuous monitoring system or monitoring device was inoperative, except for zero and span checks, and the nature of the system repairs or adjustments.

(d) Each owner or operator subject to this subpart shall submit a written report semiannually to the Administrator that describes the status and results, for the reporting period, of any pilot plant studies on alternative arsenic trioxide production processes. Conclusions and recommendations of the studies shall also be reported.

(e) All semiannual progress reports required in paragraph (d) of this section shall be postmarked by the 30th

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day following the end of each 6-month period.

(f) Each owner or operator of a source to which this subpart applies shall submit a written report each quarter to the Administrator that includes the following information:

(1) All ambient inorganic arsenic concentrations measured at all monitoring sites in accordance with § 61.184.

(2) A description of any modifications to the sampling network, during the reporting period, including any major maintenance, site changes, calibrations, and quality assurance information including sampling and analytical precision and accuracy estimates.

(g) All quarterly reports required in paragraph (f) of this section shall be postmarked by the 30th day following the end of each quarter.

### Subpart Q—National Emission Standards for Radon Emissions From Department of Energy Facilities

SOURCE: 54 FR 51701, Dec. 15, 1989, unless otherwise noted.

#### § 61.190 Designation of facilities.

The provisions of this subpart apply to the design and operation of all storage and disposal facilities for radium-containing material (i.e., byproduct material as defined under section 11.e(2) of the Atomic Energy Act of 1954 (as amended)) that are owned or operated by the Department of Energy that emit radon-222 into air, including these facilities: The Feed Materials Production Center, Fernald, Ohio; the Niagara Falls Storage Site, Lewiston, New York; the Weldon Spring Site, Weldon Spring, Missouri; the Middlesex Sampling Plant, Middlesex, New Jersey; the Monticello Uranium Mill Tailings Pile, Monticello, Utah. This subpart does not apply to facilities listed in, or designated by the Secretary of Energy under title I of the Uranium Mill Tailings Control Act of 1978.

#### § 61.191 Definitions.

As used in this subpart, all terms not defined here have the meaning given them in the Clean Air Act or subpart A

of part 61. The following terms shall have the following specific meanings:

(a) *Facility* means all buildings, structures and operations on one contiguous site.

(b) *Source* means any building, structure, pile, impoundment or area used for interim storage or disposal that is or contains waste material containing radium in sufficient concentration to emit radon-222 in excess of this standard prior to remedial action.

#### § 61.192 Standard.

No source at a Department of Energy facility shall emit more than 20 picocuries per square meter per second (pCi/(m<sup>2</sup>-sec)) (1.9 pCi/(ft<sup>2</sup>-sec)) of radon-222 as an average for the entire source, into the air. This requirement will be part of any Federal Facilities Agreement reached between Environmental Protection Agency and Department of Energy.

[54 FR 51701, Dec. 15, 1989, as amended at 65 FR 62158, Oct. 17, 2000]

#### § 61.193 Exemption from the reporting and testing requirements of 40 CFR 61.10.

All facilities designated under this subpart are exempt from the reporting requirements of 40 CFR 61.10.

### Subpart R—National Emission Standards for Radon Emissions From Phosphogypsum Stacks

SOURCE: 57 FR 23317, June 3, 1992, unless otherwise noted.

#### § 61.200 Designation of facilities.

The provisions of this subpart apply to each owner or operator of a phosphogypsum stack, and to each person who owns, sells, distributes, or otherwise uses any quantity of phosphogypsum which is produced as a result of wet acid phosphorus production or is removed from any existing phosphogypsum stack.

#### § 61.201 Definitions.

As used in this subpart, all terms not defined here have the meaning given them in the Clean Air Act or subpart A of part 61. The following terms shall have the following specific meanings: