
40 C.F.R. § 57.304

Bypass, excess emissions and malfunctions.

(a) *Definition of excess emissions.* For the purposes of this subpart, any emissions greater than those permitted by the NSO provisions established under § 57.302 (performance level of interim constant controls) or § 57.303 (plantwide emission limitation) of this subpart shall constitute excess emissions. Emission of any gas stream identified under § 57.301 (a), (b), (c), (d) or (e) of this subpart that is not treated by a sulfur dioxide constant control system shall also constitute an excess emission under this subpart.

(b) *The excess emission report.* Each NSO shall require the smelter to report all excess emissions to the issuing agency, as provided in § 57.305(b). The report shall include the following:

- (1) Identity of the stack or other emission points where the excess emissions occurred;
- (2) Magnitude of the excess emissions expressed in the units of each applicable emission limitation, as well as the operating data, documents, and calculations used in determining the magnitude of the excess emissions;
- (3) Time and duration of the excess emissions;
- (4) Identity of the equipment causing the excess emissions;

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