
40 C.F.R. § 75.68

Temporary modifications to otherwise applicable quality-assurance requirements during the COVID-19 national emergency.

(a) Notwithstanding any other provision of this part, during and following the emergency period defined in paragraph (a)(1) of this section, the provisions of this section shall apply for purposes of reporting the data that are required to be reported under this part and completing the tests that are required to be completed under this part.

(1) For purposes of this section, the emergency period begins on March 13, 2020, the date of the declaration of a national emergency concerning the novel coronavirus disease (COVID-19) outbreak by the President of the United States in accordance with 50 U.S.C. 1621, and concludes 60 days after the date of termination of the national emergency by Congress or the President in accordance with 50 U.S.C. 1622, provided that the emergency period under this section shall not extend past the expiration of the effectiveness of this section.

(2) The provisions of this section shall apply with respect to the following tests that are required to be completed under this part:

(i) Any quality-assurance test of a continuous emission monitoring system required under appendix B to this part or § 75.74(c).

(ii) Any quality-assurance test of a fuel flowmeter required under section 2.1.6 of appendix D to this part or § 75.74(c).

(iii) Any certification or recertification test of a continuous emission monitoring system required under § 75.20 or § 75.70(d).

(iv) Any certification test of a fuel flowmeter required under section 2.1.5 of appendix D to this part or § 75.70(d).

(v) Any periodic analysis of fuel sulfur content, density, or gross calorific value required under section 2.2 or 2.3 of appendix D to this part, provided that there have been no changes in the fuel supply since the most recent previous fuel analysis that would reasonably be expected to cause a change in such fuel characteristics.

(vi) Any periodic retest of NO_x emission rates required under section 2.2 of appendix E to this part.

(vii) Any periodic retest of fuel-and-unit-specific NO_x emission rates required under § 75.19(c)(4)(i)(D) that is required only because of the passage of time and not because of changes in the fuel supply, physical changes to the unit, changes in the manner of unit operation, or changes to the emission controls.

(3) Following a failure to complete by the applicable deadline (or by the end of any grace period following the deadline) any required quality-assurance test or tests described in paragraph (a)(2)(i) or (ii) of this section for any continuous emission monitoring system or fuel flowmeter under this part, for any subsequent operating hour in the emergency period prior to completion of the test or tests in accordance with paragraph (a)(6)(i) of

this section, the owner or operator of an affected unit may continue to report data determined using measurements obtained from the continuous emission monitoring system or fuel flowmeter as valid, provided that the following conditions are met:

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