

## Title 42—PUBLIC HEALTH

### Chapter I—Public Health Service Department of Health, Education, and Welfare

#### SUBCHAPTER F—QUARANTINE, INSPECTION, AND LICENSING

#### PART 76—PREVENTION, CONTROL, AND ABATEMENT OF AIR POLLUTION FROM FEDERAL GOVERNMENT ACTIVITIES: PERFORMANCE STANDARDS AND TECHNIQUES OF MEASUREMENT

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**AUTHORITY:** The provisions of this Part 76 issued under section 5 of Executive Order 11282; 3 CFR, 1966 comp.

**SOURCE:** The provisions of this Part 76 appear at 31 F.R. 7902, June 3, 1966, unless otherwise noted.

#### §76.1 Definitions.

As used in this part:

- (a) "Executive Order" means Executive Order No. 11282.
- (b) "Nonurban areas" means all areas other than urban areas.
- (c) "Ringelmann Scale" means the Ringelmann Scale as published in the latest U.S. Bureau of Mines Information Circular entitled "Ringelmann Smoke Chart".
- (d) "Secretary" means the Secretary of Health, Education, and Welfare.
- (e) "Smoke Inspection Guide" means the U.S. Public Health Service Smoke Inspection Guide described in Part 75 of this title.
- (f) "Urban areas" means those areas classified as urban in the latest available Federal census, or as Standard Metropolitan Statistical Areas by the Bureau of the Budget.
- (g) "Unit" means all indirect heat exchangers connected to a single stack.
- (h) "Particulate matter" means any material, except uncombined water, that exists as a solid or liquid at standard conditions.
- (i) "Standard conditions" means a temperature of 70° Fahrenheit and a pressure of 14.7 pounds per square inch, absolute.
- (j) "Waste" means any solid, liquid, or gaseous substance, the disposal of which may create an air pollution problem.

[31 F.R. 7902, June 3, 1966, as amended at 34 F.R. 11419, July 10, 1969]

#### §76.2 Intent.

It is the intent of these standards that emissions to the atmosphere from Federal facilities and buildings shall not be permitted if such emissions endanger health or welfare and that emissions which are likely to be injurious or hazardous to people, animals, vegetation, or property shall be minimized.

#### §76.3 Applicability.

(a) Unless otherwise indicated, the standards in this part apply to both new and existing Federal facilities and buildings. These standards are effective upon publication in the FEDERAL REGISTER, except for those facilities and buildings which are likely to require installation of improvements under the plan to be submitted in accordance with section 3 of the Executive Order.

(b) Except for discharges of radioactive effluents which are regulated by the Atomic Energy Commission, Federal facilities and buildings shall conform to the air pollution standards prescribed by the State or community in which they are located. If State or local standards are not prescribed for a particular location, or if the State or local standards are less stringent than the standards prescribed herein, the standards in this part shall be applicable to discharges from such Federal facilities and buildings except as otherwise indicated.

(c) Temporary operations that may result in potential air pollution problems, such as those associated with research, development, test, evaluation, space, and military activities, shall be conducted with such precautions and safeguards as are needed to achieve the intent of these standards.

(d) The Secretary may, upon application of the relevant department, agency or establishment, exempt any Federal facility or building from the objectives contained in section 4 of the Executive order and from any or all of these standards whenever he determines that the activities of such building or facility will not significantly conflict with the intent of the Executive order and that such an exemption is in the public interest.

#### §76.4 Combustion of fuel.

(a) The following standards apply to the combustion units of facilities and buildings having a heat

input of less than 1,000 million B.t.u./hour, other than fireplaces, stoves, or grills burning wood or charcoal:

(1) Manually fired equipment shall not be installed as new or replacement equipment, except for the burning of anthracite, coke, or smokeless fuel.

(2) (i) For new units, except during startup, cleaning of fires, or soot blowing, the density of any emission to the atmosphere shall not exceed No. 1 on the Ringelmann Scale or the Smoke Inspection Guide.

(ii) For existing units, except during startup, cleaning of fires, or soot blowing, the density of any emission to the atmosphere shall not exceed No. 2 on the Ringelmann Scale or Smoke Inspection Guide.

(3) A photoelectric or other type smoke detector, recorder, or alarm shall be installed on units larger than ten million BTU per hour input, except where gas or light oil (No. 2 or lighter) is burned.

(4) During routine operation, the emission of particles larger than 60 microns shall not normally occur.

(5) Means shall be provided in all newly constructed units and wherever practicable in existing units to allow the periodic measurement of flyash and other particulate matter.

(6) All new or replacement spreader stoker installations shall be of a type that automatically discharges ashes to the ash pit either continuously or in very frequent small increments, and flyash shall be reinjected only from boiler passes.

(7) For units of less than 10 million BTU/hour heat input, the emission of flyash and other particulate matter shall not exceed 0.6 pounds of particulate matter per million BTU heat input, as measured by the American Society of Mechanical Engineers Power Test Code No. 27 for "Determining Dust Concentrations in a Gas Stream," or equivalent test method.

(8) For units between 10 million and 1,000 million BTU/hour heat input, the emission of flyash and other particulate matter shall not exceed that specified in figure 1, as measured by the test

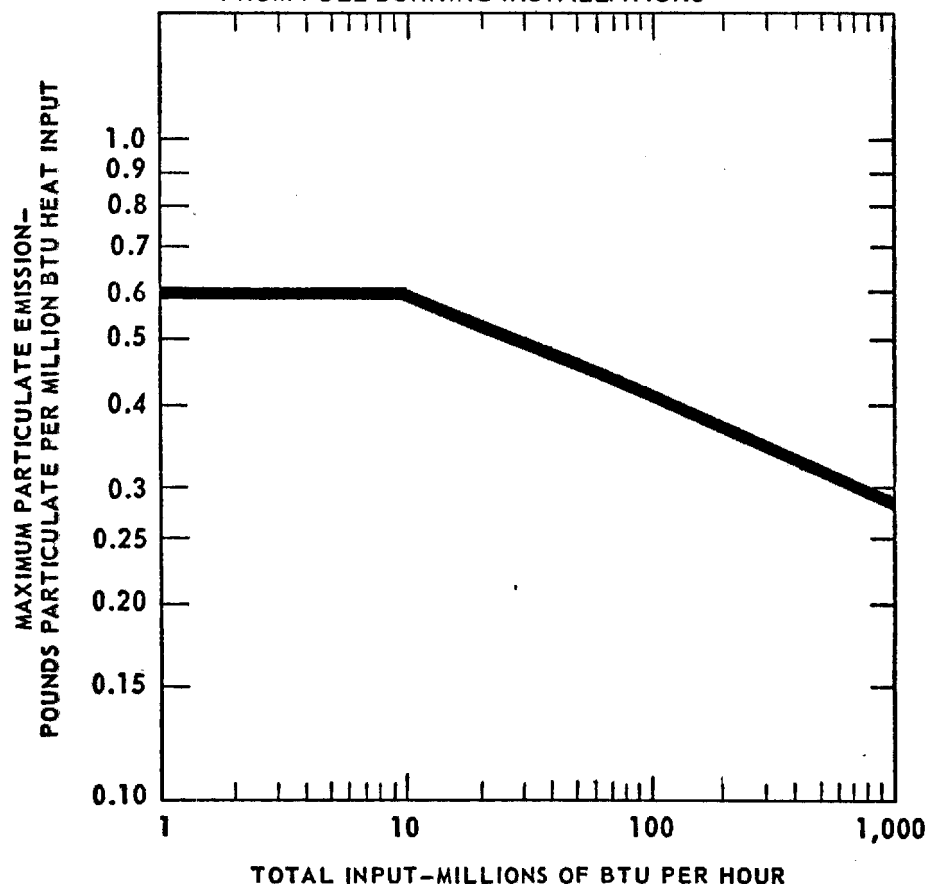
method specified in subparagraph (7) of this paragraph. Existing units shall meet this standard within the time designated by the plan submitted in accordance with section 3 of the Executive order except that with respect to existing spreader stoker units the plan may specify certain units which may emit particulate matter at an interim rate not exceeding 0.6 lb/million BTU heat input.

(b) For units having a heat input of more than 1,000 million BTU/hour, the appropriate department, agency, or establishment shall seek special advice from the Secretary with regard to smoke, flyash, and other particulate emissions.

**§76.5 Sulfur oxides.**

(a) Combustion units of facilities or buildings not located in areas specified by the Secretary under paragraph (c) of this section and whose heat input is less than 1,000 million BTU/hour shall burn the lowest sulfur content fuel that is reasonably available. In determining reasonable availability, the factors to be considered include, among others, price, firmness of supply, extent of existing pollution, and assurance of

FIGURE 1. -- MAXIMUM EMISSION OF PARTICULATE MATTER FROM FUEL BURNING INSTALLATIONS



supply under these conditions and in the case of such conditions.

(b) For combustion units or Federal facilities or buildings not located in areas specified by the Secretary under paragraph (c) of this section and whose heat input is more than 1,000 million BTU/hour, the appropriate department, agency, or establishment shall seek special advice from the Secretary with regard to sulfur-oxide emissions.

(c) (1) Effective October 1, 1969, combustion units of all Federal facilities or buildings located in the following areas shall comply with applicable emission limitations and control measures set out below:

(i) In the New Jersey-New York Connecticut Interstate Air Quality Control Region as defined by 42 CFR Part 81, the emission rate of sulfur oxides (calculated as sulfur dioxide) from fuels used in combustion units shall not exceed 0.35 pounds per million B.t.u. (gross value) heat input.

(ii) In the Metropolitan Chicago Interstate Air Quality Control Region (Indiana-Illinois) and in the Metropolitan Philadelphia Interstate Air Quality Control Region (Pennsylvania-New Jersey- Delaware) as defined in 42 CFR Part 81, the emission rate of sulfur oxides (calculated as sulfur dioxide) from fuels used in combustion units shall not exceed 0.65 pounds per million B.t.u. (gross value) heat input.

(2) If compliance with the above emission standard is to be accomplished by means of controlled fuel quality, the agency responsible for each Federal facility in the designated areas shall establish appropriate fuel specifications to insure that the above emission limitations are met and shall provide for adequate tests to ascertain that delivered fuel meets the applicable specifications. If removal of sulfur oxides from flue gases is used to control emissions, the facility shall provide for continuous monitoring and recording of the sulfur oxide content of flue gases emitted. The sulfur content of fuels shall be determined in accordance with current recognized testing procedures of the American Society for Testing and Materials. The sulfur content of the flue gases shall be determined in accordance with current recognized testing procedures of the American Society of Mechanical Engineers.

(3) The limitations and measures established in subparagraph (1) of this paragraph shall be revised or amended only after consultation with appropriate Federal, State, and local officials and affected parties. Not less than 30 days prior to prescribing such revised or amended limits or measures, the Secretary will publish in the FEDERAL REGISTER notice of his intention to adopt such limits or measures, and will thereafter publish in the FEDERAL REGISTER the limits or measures established. The Secretary may at any time

which suffer from extremely high air pollution levels, and after similar consultation, and publication in the FEDERAL REGISTER, prescribe such limits or measures as he determines are necessary to carry out the intent of Executive Order 11282.

(d) The emission of the oxides of sulfur the atmosphere shall be monitored at regular intervals by determining the sulfur content of the fuel used or by determining the sulfur content of flue gases.

[31 F.R. 7902, June 3, 1966, as amended at 32 F.R. 4415, Mar. 23, 1967; 34 F.R. 11419, July 10, 1969]

### §76.6 Stacks.

For buildings or facilities in nonurbanized areas, the particle emission standards of § 76.4(a) (7) and (8) may be revised for an individual installation by amount to be determined by the Secretary, when:

(a) The stack height exceeds by 2½ times the height of the highest building in that area, and

(b) The pollution level in any area will not be significantly increased thereby.

For large plants the determination of chimney height shall be based on air quality criteria, land use, and meteorological, topographical, aesthetic, and operating factors.

### §76.7 Storage and handling of fuels and ash.

(a) Solid fuels and ash shall be stored and handled so as not to release to the atmosphere dust in significant quantities.

(b) In quantities of 40,000 gallons or more, gasoline or any volatile petroleum distillate or organic liquid having a vapor pressure of 1.5 p.s.i.a. or greater under actual storage conditions shall be stored in pressure tanks or reservoirs or shall be stored in containers equipped with a floating roof or vapor recovery system or other vapor emission control device.

(c) Stationary gasoline storage tanks with a capacity of 250 gallons or more shall be equipped with either submerged filling inlets or with vapor recovery or emission control systems such that loss of vapor to the atmosphere during filling operations shall be minimized.

(d) Gasoline or petroleum distillate tank car or tank truck loading facilities handling 20,000 gallons per day or more shall be equipped with submersible filling arms or other vapor emission control systems.

### §76.8 Disposal of waste.

(a) (1) Waste shall not be burned in open fires in urban areas.

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(2) In no case shall more than 25 pounds of waste at a single site nor more than 500 pounds of waste at any number of sites within a 1-mile radius, except that these quantities may be exceeded in the case of onsite burning of waste produced in connection with operations performed at railroad rights-of-way, interurban highways, irrigation canals, forests, agricultural sites, etc., and provided that care is exercised to prevent creation of localized air pollution which endangers health or welfare. Deteriorated or unused explosives, munitions, rocket propellants, and certain hazardous wastes may be burned in open fires, in accordance with recognized procedures.

(3) Wastes shall not be left in open dumps.

(4) Wastes that are disposed of in sanitary landfills shall be disposed of in accordance with procedures described in "Sanitary Landfill Facts" (PHS publication No. 1792, 1968) and any amendments or revisions thereof. Said document is available to any interested person, whether or not affected by the provisions of this part, upon request to the National Air Pollution Control Administration, Rockville, Md 20852, which maintains an official historic file of the document, or to the Public Health Service Information Center as listed in 45 CFR 5.31 (32 F.R. 9316).

(b) (1) Waste shall be burned only in facilities especially designed for that purpose, except as provided in paragraph (a) of this section.

(2) For incinerators acquired on or after June 3, 1966 the density of any emission to the atmosphere shall not exceed number 1 on the Ringelmann Scale or the Smoke Inspection Guide for a period or periods aggregating more than 3 minutes in any 1 hour, or be of such opacity as to obscure an observer's view to an equivalent degree.

(3) For incinerators acquired prior to June 3, 1966 the density of any emission to the atmosphere shall not exceed number 2 on the Ringelmann Scale or the Smoke Inspection Guide for a period or periods aggregating more than 3 minutes in any 1 hour, or be of such opacity as to obscure an observer's view to an equivalent degree.

(c) (1) In addition, for installations burning more than 200 pounds of waste per hour, emissions shall not exceed 0.2 grain of particulate matter per standard cubic foot of dry flue gas corrected to 12 percent carbon dioxide (without the contribution of carbon dioxide from auxiliary fuel), measured in accordance with the test procedures described in "Specifications for Incinerator Testing at Federal Facilities" (PHS publication, October, 1967) and any amendments or revisions thereof. Said document is available to any interested person, whether or not affected by the

to the National Air Pollution Control Administration, Rockville, Md. 20852, which maintains an official historic file of the document, or to the Public Health Service Information Center or Regional Office Information Center as listed in 45 CFR 5.31 (32 F.R. 9316).

(2) For installations burning 200 pounds of waste per hour or less, emissions shall not exceed 0.3 grain of particulate matter per standard cubic foot of dry flue gas corrected to 12 percent carbon dioxide (without the contribution of carbon dioxide from auxiliary fuel), measured in accordance with the test specifications described in "Specifications for Incinerator Testing at Federal Facilities" (PHS publication, October 1967) and any amendments or revisions thereof.

(3) Test procedures which are approved by the Commissioner, National Air Pollution Control Administration, as Equivalent to those prescribed by paragraphs (c) (1) and (c) (2) of this section may be used for the purpose of determining an installation's compliance with the emission standards for particulate matter contained in such paragraphs.

[34 F.R. 11419, July 10, 1969]

#### §76.9 Other pollution producing processes.

For dusts, fumes, or gases from any process not heretofore described, except for discharges of radioactive effluents regulated by the Atomic Energy Commission, whatever measures may be necessary to comply with the intent of these regulations shall be applied. This will generally require the installation of equipment or devices to minimize such emissions to the point where they will meet the standards contained in these regulations. For processes which emit toxic substances in quantities which might endanger health or welfare and for fires which emit smoke or fumes at official firefighting schools, the appropriate department, agency, or establishment shall seek special advice from the Secretary.

(NOTE: The Department of Health, Education, and Welfare will, from time to time, and after consultation with industries concerned, issue "Guides of Good Practice" for specific operations to aid Federal departments, agencies, and establishments in the selection of equipment and methods for meeting the performance standards. For emissions not covered herein, or for which there have been issued no applicable "Guides of Good Practice," the Department of Health, Education, and Welfare will provide technical material and consultation to departments, agencies, and establishments requesting such assistance. Requests for "Guides of Good Practice," technical material, or consultation should be directed either to the Federal Facilities Branch, Abatement Division, National Air Pollution Control Administration, Department of Health, Education, and Welfare, Washington, D.C. 20201, or to the appropriate Regional Air Pollution Program Director of the Public Health Service located in the Department of Health, Education, and Welfare Regional Offices.)