

Nancy M. Hirko  
Air/Compliance Consultants, Inc. (ACCI)  
[www.air-comp.com](http://www.air-comp.com)

**EPA Proposes to Extend Performance Test Deadlines**  
(71 FR 45487 August 9, 2006)

The EPA is proposing to extend the deadline required for conducting initial or ongoing performance tests as required in the NSPS (40 CFR Part 60) and NESHAP (40 CFR Parts 61 and 63) programs. EPA is proposing to allow source owners or operators, in the event of a *force majeure*, to petition the Administrator for an extension of the performance test deadlines. EPA will accept comments on the proposal until November 7, 2006. *Force majeure* has been defined as “an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents the owner or operator from complying with the regulatory requirement to conduct performance tests within the specified timeframe despite the affected facility’s best efforts to fulfill the obligation. Examples of such events are acts of nature, acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility.”