Environmental Protection and Growth Management Department
POLLUTION PREVENTION, REMEDIATION AND AIR QUALITY DIVISION – AIR QUALITY
One North University Drive, Suite 203, Plantation, Florida 33324
954-519-1260 * Fax: 954-519-1495

NOTICE OF FINAL PERMIT

Electronic Mail – Received Receipt Requested

In the Matter of an
Application for Permit by:

South Florida Water Management District
3301 Gun Club Road
West Palm Beach, Florida 33406

Responsible Official:
Mr. Michael Gallagher
Bureau Chief Field Operations South

Air Construction Permit No. 0112410-008-AC

Source:
Pump Station S-9 and S-9A, 21939 Griffin Road, Fort Lauderdale, Florida Broward County, Florida

Enclosed is the final permit for the operation of the Pump Station S-9 and S-9A facility located in Broward County. This construction permit is issued pursuant to Section 403.087 of the Florida Statutes, Broward County's Specific Operating Agreement with the Florida Department of Environmental Protection, and Broward County Code Chapter 27 Article IV which adopts Florida Administrative Code (FAC) 62-4, 62-204, 62-210, 62-296 and 62-297.

Persons whose substantial interests are affected by this permit have a right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative determination (hearing) on it. The petition must conform to the requirements of Chapters 62-103 and 28-5.201, FAC, and must be filed (received) in the Clerk of the PPRAQD in the legal office (Office of The Broward County Attorney at 115 S. Andrews Avenue, Suite 423, Fort Lauderdale, Florida 33301-1872) within 14 days of receipt of this notice. Failure to file a petition within the 14 days constitutes a waiver of any right such person has to an administrative determination (hearing) pursuant to Section 120.57, Florida Statutes and Chapter 27.

This permit is final and effective on the date filed with the Clerk of the Pollution Prevention, Remediation and Air Quality Division (PPRAQD) unless a petition is filed in accordance with this paragraph or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition and conforms to Rule 62-103.070, FAC. Upon timely filing of a petition or a request for an extension of time, this permit will not be effective until further Order of the PPRAQD. When the Order (Permit) is final, any party to the Order has the right to seek judicial review of the Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the PPRAQD in the legal office; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date the Final Order is filed with the Clerk of the PPRAQD in the legal office.

Executed in Broward County, Florida

Daniela Banu
Air Quality Administrator
Pollution Prevention, Remediation and Air Quality Division

cc: Barry Westmark, P.E.
Jeffrey A. Smith, Lead Environmental Scientist

Environmental Protection and Growth Management Department
POLLUTION PREVENTION, REMEDIATION AND AIR QUALITY DIVISION – AIR QUALITY
One North University Drive, Suite 203, Plantation, Florida 33324

FINAL PERMIT

Permittee:
South Florida Water Management District
3301 Gun Club Road, Department 5500
West Palm Beach, Florida 33406

Air Permit No. 0112410-008-AC
Project: Construction
Effective Date: 3/6/2012
Expiration Date: 3/6/2014

Facility:
Pump Station S-9 and S-9A
21939 Griffin Road, , Fort Lauderdale, Florida
Latitude/longitude: 26°03'35"N/80°26'30"W.
Standard Industrial Classification Code: 9511 (Water Management)

Project Description: This construction permit addresses the following:

(1) Addition of add-on control devices to the exhausts of five existing diesel engines to meet the emissions limitations imposed by 40 CFR 63 Subpart ZZZZ.
(Note. Subpart ZZZZ establishes national emission limitations and operating limitations for hazardous air pollutants (HAP) emitted from stationary reciprocating internal combustion engines (RICE) located at area sources of HAP. Subpart ZZZZ also establishes requirements to demonstrate initial and continuous compliance with the emission limitations and operating limitations.)

(2) Change the source existing fuel usage restriction to 1.1 million gallons per year based on updated conservative pump engines usage estimates.
(Note. The fuel usage restriction serves to maintain the facility classification as a synthetic minor Prevention of Significant Deterioration (PSD) source for Nitrogen Oxides (NOx) emissions).

Statement of Basis: This permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.), Florida Administrative Code (F.A.C.) Rules 62-4 and 62-210 through 62-297 (permitting requirements) and Broward County Code, Chapter 27 (emission limitations) and in conformance with all existing regulations of the Florida Department of Environmental Protection (FDEP). The above-named Permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Broward County Pollution Prevention, Remediation and Air Quality Division (PPRAQD) and made a part hereof.

In Accordance with: Construction application received 10/24/2011, Notice of Intent issued on 1/30/2012 and published on 2/17/2012 in the Sun Sentinel newspaper.

Executed in Broward County, Florida

Daniela Banu
Air Quality Administrator
Broward County Pollution Prevention, Remediation and Air Quality Division

/SJ

ABBREVIATIONS AND DEFINITIONS

Area Source: Area source means any stationary source of HAP that is not a major source as defined in part
CAA: Clean Air Act (42 U.S.C. 7401 et seq., as amended by Public Law 101–549, 104 Stat. 2399).
CEMS: Continuous emission monitoring system means the total equipment that may be required to meet the data acquisition and availability requirements, used to sample, condition (if applicable), analyze, and provide a record of emissions.
§: 40 CFR
CFR: Code of Federal Regulations
CI RICE: Compression Ignition reciprocating internal combustion engine. Compression ignition means relating to a type of stationary internal combustion engine that is not a spark ignition engine.
CO: Carbon Monoxide
CPMS: Continuous parameter monitoring system means the total equipment that may be required to meet the data acquisition and availability requirements, used to sample, condition (if applicable), analyze, and provide a record of process or control system parameters.
Deviation: Deviation means any instance in which the owner or operator:
(1) Fails to meet any requirement or obligation established by Subpart ZZZZ, including but not limited to any emission limitation or operating limitation;
(2) Fails to meet any term or condition that is adopted to implement an applicable requirement in Subpart ZZZZ and that is included in the permit; or
(3) Fails to meet any emission limitation or operating limitation in Subpart ZZZZ during malfunction, regardless or whether or not such failure is permitted by Subpart ZZZZ.
(4) Fails to satisfy the general duty to minimize emissions established by §63.6(e)(1)(i) (see Appendix 1).
F.A.C.: Florida Administrative Code
FDEP: Florida Department of Environmental Protection
F.S.: Florida Statutes
HAP: Hazardous Air Pollutants
NESHAP: National Emissions Standards for Hazardous Air Pollutants
NOx: Nitrogen Oxides
NSCR: Non-selective catalytic reduction means an add-on catalytic NOx control device for rich burn engines that, in a two-step reaction, promotes the conversion of excess oxygen, NOx, CO, and VOC into CO2, nitrogen, and water.
Oxidation catalyst: Oxidation catalyst is an add-on catalytic control device that controls CO and VOC by oxidation.
PPRAQD: Broward County Pollution Prevention, Remediation and Air Quality Division
PSD: Prevention of Significant Deterioration
RATA: Relative Accuracy Test Audit
VOC: Volatile organic Compounds

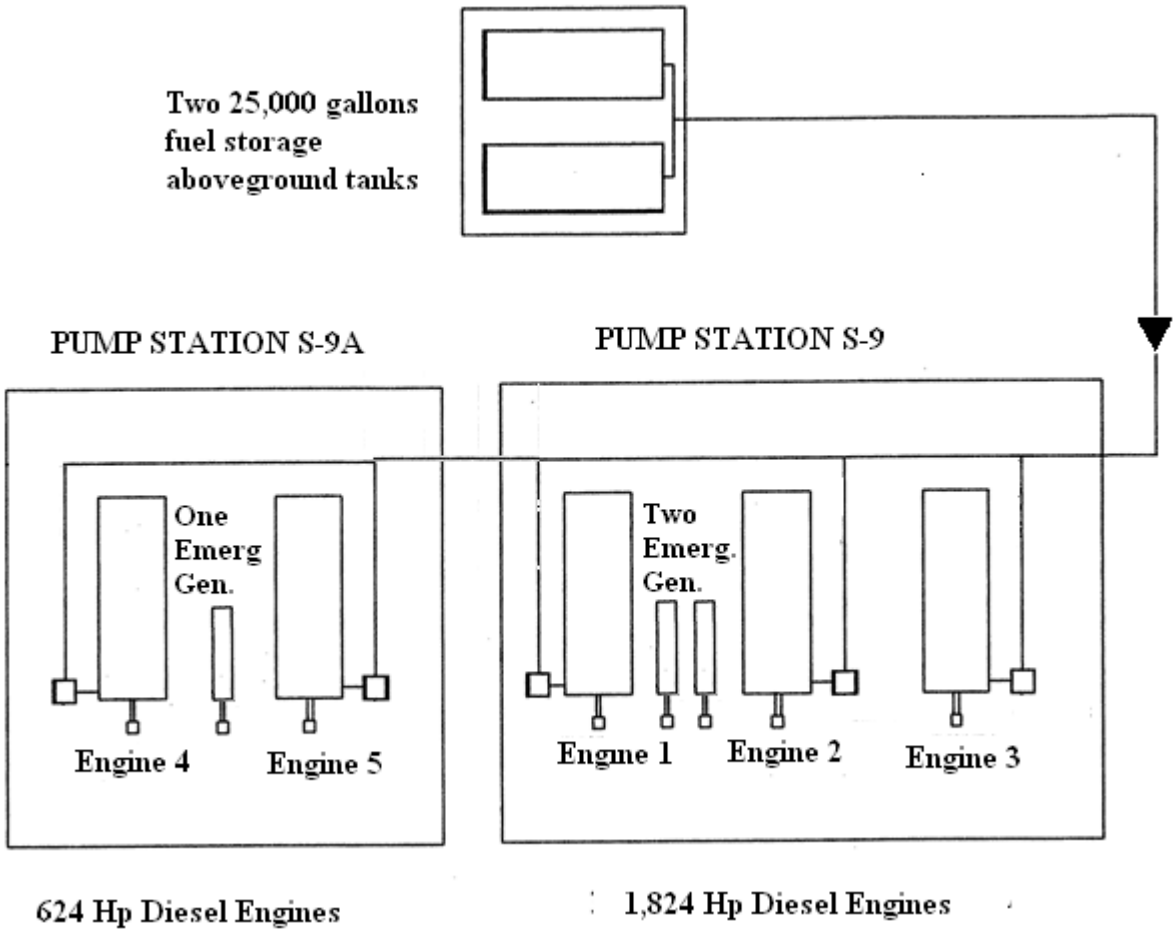
FACILITY DESCRIPTION

Both S-9A and S-9 pump water westward from the C-11 Canal. Pump Station S-9 is designed to move water for flood control purposes, or when there is need to lower the C-11 Canal in a timely manner. Pump Station S-9A is generally used when water needs to be pumped under non-flood conditions.

The emission units (EU) are:

E.U. ID	Description
001	*Pump Station S-9 - Three Compression Ignition Reciprocating Internal Combustion Engines (CI RICE).* The diesel engines (Caterpillar Model No. 3606, 6 cylinders, 3.1 liters/cylinder,

	1,824 hp (958 Kw)) were manufactured in 1987 and 1988, and repowered in 1989.
002	*Pump Station S-9A – Two CI RICE.* Station S-9A started operation in 2002. The two original S9A diesel engines (Caterpillar Model No. 3412, 12 cylinders, 4 stoke, 2.25 liters/cylinder, 624 hp (328 Kw)) were manufactured in 2001. One of the engines was replaced on March 2009 with an equivalent engine that was ordered and manufactured in 2004.
003	*Pump Station S-9 – Two diesel CI RICE Emergency Generators* Cummins 207 hp (109 Kw) 6 cylinders 4 cycle (1.38 liters per cylinder) CI RICE ordered on August 1997. *Pump Station S-9A – One diesel CI RICE Emergency Generator* Cummins 102 hp (54 Kw) 6 cylinder 4 cycle (0.97 liters per cylinder) CI RICE installed on June 2001.



In addition to the engines, there are miscellaneous insignificant/exempt activities that are sources of air pollutants at the site.

Facility Regulatory Classification

Title III: The facility is a natural minor source of HAP.

Title V: The facility is a major source of NOx in accordance with Chapter 62-213 (Title V), Florida Administrative Code (F.A.C.).

PSD: The facility is a synthetic minor PSD major stationary source of NOx in accordance with Rule 62-212.400(PSD), F.A.C.

NESHAP: The facility operates emission units subject to 40 CFR 63, Subpart ZZZZ - NESHAP for Stationary CI RICE.

GENERAL CONDITIONS
(Rule 62-4.160, F.A.C.)

1. Terms of Permit. The terms, conditions, requirements, limitations and restrictions set forth herein are accepted and must be completed by the Permittee and enforceable by the PPRAQD pursuant to this Code and Sections 403.141, 403.727, or 403.859 through 403.861 of the Florida Statutes (F.S.). The Permittee is placed on notice that PPRAQD will review this permit periodically and may initiate administrative and/or judicial action for any violation of the conditions by the Permittee, its agents, employees, servants or representatives.
2. Permit Validity. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the PPRAQD.
3. Disclaimer. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, or any violations of federal, state or local laws or regulations. This permit is not a waiver of or approval of any other permit that may be required for other aspects of the total project which are not addressed in this permit.
4. Disclaimer. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interest have been obtained from the State of Florida. Only the Trustees of the Internal Improvement trust Fund may express State opinion as to title.
5. Liability. This permit does not relieve the Permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the Permittee to cause pollution in contravention of Florida Statutes and FDEP rule, unless specifically authorized by an order from the PPRAQD.
6. Operation and Maintenance. The Permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the Permittee to achieve compliance with the conditions of this permit, as required by county and state rules. This provision included the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by PPRAQD and FDEP rules.
7. Onsite Inspection Activities. The Permittee, by accepting this permit, specifically agrees to allow authorized PPRAQD personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times (depending on the nature of the concern being investigated), access to the premises where the permitted activity is located or conducted to:
   (a) Have access to and copy any records that must be kept under conditions of the permit;
   (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
   (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or PPRAQD and FDEP rules.
8. Notice of Noncompliance. If, for any reason, the Permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the Permittee shall immediately provide PPRAQD with the following information:
   (a) A description of and cause of noncompliance; and
   (b) The period of noncompliance, including dates and times, or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent

recurrence of the noncompliance. The Permittee shall be responsible for any enforcement action by PPRAQD for penalties or for revocation of this permit.

9. Evidence Materials. By accepting this permit, the Permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted facility or activity, that are submitted to the PPRAQD, may be used by the PPRAQD as evidence in any enforcement proceeding arising under the Florida Statues or F.A.C. rules, except where such use is prohibited by Section 403.111 and 403.73, Florida Statutes. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. Rule Changes. The Permittee agrees to comply with changes in FDEP and Florida Statutes after a reasonable time for compliance; provided, however, the Permittee does not waive any other rights granted by Florida Statutes or FDEP rules.

11. Permit Transfer. This permit is transferable only upon PPRAQD approval in accordance with Rule 62-4.120 and 62-730.300 F.A.C., as applicable. The Permittee shall be liable for any non-compliance of the permitted activity until the transfer approved by the PPRAQD.

12. Work Site Copy. This permit or a copy thereof shall be kept at the work site of the permitted activity.

13. Miscellaneous Compliance Requirements. The Permittee shall comply with the following:
    (a) Upon request, the Permittee shall furnish all records and plans required under FDEP rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the PPRAQD.
    (b) The Permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recording for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by PPRAQD rule.
    (c) Records of monitoring information shall include:
        1. The date, exact place, and time of sampling or measurements;
        2. The person responsible for performing the sampling or measurements;
        3. The dates analyses were performed.
        4. The person responsible for performing the analyses;
        5. The analytical techniques or methods used;
        6. The results of such analyses.

14. Information Submittal. When requested by the PPRAQD, the Permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the Permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the PPRAQD, such facts or information shall be corrected promptly.

15. Reporting Noncompliance. The Permittee shall report any periods of noncompliance to the PPRAQD immediately by phone 954-519-1499 or by Email EPDHOTLINE@broward.org. This also applies when the period of non-compliance is first determined after normal business hours or on weekends and holidays.

16. Rules Adoption. Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296 and 62-297, as amended, are adopted by Broward County Code, Sec. 27-173.

FACILITY-WIDE CONDITIONS

1. Capacity. The engines can potentially generate 245 tons of NOx per year (based on EPA AP-42 emission factors) by limiting the combustion of fuel by the engines to 1.1 million gallons per year in accordance with the applicant request for a fuel consumption limit.
   Source Obligation. At such time the source becomes a major PSD source solely by virtue of a relaxation in the fuel consumption limit, then the requirements of subsections 62-212.400(4) through (12), F.A.C., shall apply to the source as though the modification in accordance with permit No. 0112410-002-AC (i.e. construction of S-9A) had not yet commenced on the source.
   [Rules 62-4.160(2), 62-210.200(PTE), and 62-212.400(12) (b), F.A.C., 0112410-002-AC]
   {Permitting Note: The fuel limit serves to synthetically limit the potential emissions of NOx to below the PSD major source threshold of 250 tons per year, which serve to maintain the source classification as a synthetic minor source under the PSD program.}

2. Methods of Operation - (i.e., Fuels). The alternative fuels for firing the engines are standard (0.5 % S), low (0.05 % S), and ultralow (0.0015 %S) sulfur distillate oil (ULSDO). The owner or operator shall notify PPRAQD of any emergency situation affecting the availability of ULSDO prior to burning fuel other than ULSDO to operate the engines.
   [Rules 62-4.070(3) & 62-213.410 (1), F.A.C]

3. Objectionable Odor Prohibited. No person shall cause, suffer, allow or permit the discharge of air pollutants, which cause or contribute to an objectionable odor. An "objectionable odor" means any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance.
   [Rule 62-296.320 (2) and 62-210.200 (Definitions), F.A.C.]

4. VOC or Organic Solvents Emissions. The owner or operator shall allow no person to store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds or organic solvents without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the PPRAQD.
   [Rule 62-296.320(1) (a), F.A.C]

5. General Visible Emissions. No person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity equal to or greater than 20% opacity. EPA Method 9 is the method of compliance pursuant to Chapter 62-297, F.A.C. This regulation does not impose a specific testing requirement.
   [Rule 62-296.320(4) (b), F.A.C.]

6. Circumvention. No person shall circumvent any air pollution device, or allow the emission of air pollutants without the applicable air pollution control device operating properly.
   [Rule 62-210.650, F.A.C]

7. (1) Concealment. No person shall build, erect, install, or use any article, machine, equipment or other contrivance, the use of which will conceal any emission which would otherwise constitute a violation of any provisions of Broward County Codes.
   (2) Maintenance. No person shall operate any air pollution control equipment or systems without proper and sufficient maintenance to assure compliance with Broward County Codes.
   [Broward County Code, Sec. 27-175(b)]

8. Permit Revision Application. This permit authorizes the permittee to construct, and to operate and test to determine compliance with Chapter 403, F.S., and the rules of the FDEP and to apply for and receive a revision of the source existing operation permit to incorporate the terms and conditions of this construction permit.
   [Rule 62-4.210 (3), F.A.C]

9. Annual Operating Report (AOR). The AOR shall be submitted to the PPRAQD by April 1 of the following year. If the report is submitted using FDEP's electronic annual operating report software (EAOR), there is no requirement to submit a copy to PPRAQD.
   [Rule 62-210.370(3) (c), F.A.C.]
   {Permitting Note. Information on the EAOR submittal is available at http://www.dep.state.fl.us/air/emission/eaor/default.htm .}

10. General Operating Requirements.
    (a) [Blank].
    (b) At all times the owner or operator shall operate and maintain the engines, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require making any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.
    [§63.6605]

11. General Provisions Part 63—NESHAP. The owner or operator shall comply with the applicable General Provisions for subpart ZZZZ listed in Table 8 (see Appendix 1, below).
    [§63.6665]

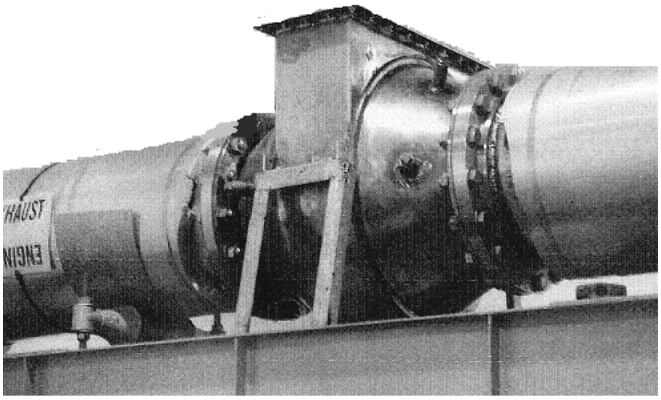
EMISSIONS UNITS SPECIFIC CONDITIONS

Subsection A. This section addresses the following emissions units:

E.U. ID	Description
001	Pump Station S-9 - Three 1,824 hp (958 Kw) Compression Ignition Internal Combustion Engines (CI RICE).
002	Pump Station S-9A – Two 624 hp (328 Kw) CI RICE.

All five RICE listed in EU Nos. 001 and 002 are considered to be existing stationary RICE located at an area source of HAP emissions. A stationary RICE is classified as an existing unit if construction of the unit commenced before June 12, 2006.

The engines will be equipped with QUICK- LID catalytic converters as add-on catalytic control devices to meet the carbon monoxide (CO) emissions standard of Subpart ZZZZ. The converter promotes the oxidation reactions of CO, hydrocarbons and partially oxidized hydrocarbons into carbon dioxide (CO2) and water. For these reactions to take place the catalyst substrate must have a coating designed for oxidation reactions. The conversion of CO across the converter is the difference of the inlet concentration of CO minus the outlet concentration of CO divided by the inlet concentration of CO.



Catalyst installed in Engine Exhaust Duct

{Permitting Note: The emission units are regulated under NESHAP - 40 CFR 63, Subpart ZZZZ, Stationary Reciprocating Internal Combustion Engines adopted and incorporated by reference in Rule 62-204.800(11)(b) 82 F.A.C, , except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R 63.6670(c)(1) through (5)}

Emission Limitations and Standards

A.1. Emission and Operating Requirements The engines of EU 001 and 002 are subject to the requirements shown in the following tables (Table 2d and Table 2b to Subpart ZZZZ). Condition A.2 outlines the requirements for Compliance.

Table 2d to Subpart ZZZZ of Part 63— Requirements for Existing Stationary RICE Located at Area Sources of HAP Emissions

For each . . .	*The owner or operator shall meet one of the following options, except during periods of startup . . .*
Non-Emergency, non-black start CI stationary RICE >500 HP	*Option A.* Limit concentration of CO in the stationary RICE exhaust to 23 ppmvd at 15 percent O_2; or *Option B.* Reduce CO emissions by 70 percent or more.

Table 2b to Subpart ZZZZ of Part 63—Existing Compression Ignition Stationary RICE >500 HP Located at an Area Source of HAP Emissions

For each . . .	*The owner or operator shall meet the following operating limitation . . .*
CI stationary RICE complying with Option A (to reduce CO emissions and using an oxidation catalyst) of Table 2d, above ; or Option B (limit the concentration of CO in the stationary RICE exhaust and using an oxidation catalyst)	a. Maintain the catalyst so that the pressure drop across the catalyst does not change by more than 2 inches of water at 100 percent load plus or minus 10 percent from the pressure drop across the catalyst that was measured during the initial performance test; and b. Maintain the temperature of the stationary RICE exhaust so that the catalyst inlet temperature is greater than or equal to 450 °F and less than or equal to 1350 °F.[1]

[1]Sources can petition the Administrator pursuant to the requirements of §63.8(g) for a different temperature range.
[§63.6595 (a), 6603 (a)]
{Permitting Note. The owner or operator shall ensure that the installed catalytic control device is operated within the manufacturer recommended RICE exhaust temperature range to avoid voiding the device warranty.}

A.2. Demonstrating Initial Compliance with each Emission and Operating Limitation

(a) The owner or operator shall demonstrate initial compliance with each applicable emission and operating limitation (see Condition A.1) by meeting the requirements in the following table (Table 5 of subpart ZZZZ). Compliance with the numerical emission limitations established in Table 2d (see Condition A.1) is based on the results of testing the average of three 1-hour runs using the testing requirements and procedures in §63.6620 and Table 4 to Subpart ZZZZ (see Condition A.7). Testing shall be completed no later than 180 days after the compliance date (i.e. May 3, 2013) in accordance with §63.6612 (a).

Table 5 to Subpart ZZZZ of Part 63—Initial Compliance With Emission Limitations and Operating Limitations

If Complying with the requirement to . . .	*The owner or operator has demonstrated initial compliance if. . .*
a. Reduce CO emissions and using oxidation catalyst, and using a CPMS	i. The average reduction of emissions of CO determined from the initial performance test achieves the required CO percent reduction; and ii. The owner or operator have installed a CPMS to continuously monitor catalyst inlet temperature according to the requirements in #§63.6625(b) (see Condition A.8); and iii. The owner or operator has recorded the catalyst pressure drop and catalyst inlet temperature during the initial performance test.
b. Reduce CO emissions, and using a CEMS	i. The owner or operator have installed a CEMS to continuously monitor CO and either O_2or CO_2at both the inlet and outlet of the oxidation catalyst according to the requirements in §63.6625(a) (see Condition A.8); and ii. The owner or operator has conducted a performance evaluation of The owner or operators CEMS using PS 3 and 4A of 40 CFR part 60, appendix B; and iii. The average reduction of CO calculated using §63.6620 (see Condition A.7) equals or exceeds the required percent reduction. The initial test comprises the first 4-hour period after successful validation of the CEMS. Compliance is

	based on the average percent reduction achieved during the 4-hour period.
c. Limit the concentration of CO, using oxidation catalyst, and using a CPMS	i. The average CO concentration determined from the initial performance test is less than or equal to the CO emission limitation; and ii. The owner or operator have installed a CPMS to continuously monitor catalyst inlet temperature according to the requirements in §63.6625(b); and iii. The owner or operator have recorded the catalyst pressure drop and catalyst inlet temperature during the initial performance test.
d. Limit the concentration of CO, and using a CEMS	i. The owner or operator have installed a CEMS to continuously monitor CO and either O_2or CO_2at the outlet of the oxidation catalyst according to the requirements in §63.6625(a) (see Condition A.8); and ii. The owner or operator have conducted a performance evaluation of the CEMS using PS 3 and 4A of 40 CFR part 60, appendix B; and iii. The average concentration of CO calculated using §63.6620 (see Condition A.7) is less than or equal to the CO emission limitation. The initial test comprises the first 4-hour period after successful validation of the CEMS. Compliance is based on the average concentration measured during the 4-hour period.

(b) During the initial performance test, the owner or operator shall establish each operating limitation in Table 2b of subpart ZZZZ (see Condition A.1).

(c) The owner or operator shall submit the Notification of Compliance Status containing the results of the initial compliance demonstration according to the requirements in §63.6645 (see Condition A.9).

[§63.6630 & 6612 (a).]

A.3. Demonstrating Continuous Compliance with the Emission Limitations and Operating Limitations

(a) The owner or operator shall demonstrate continuous compliance with each emission limitation and operating limitation in Table 2d to subpart ZZZZ (see Condition A.1) according to methods specified in Table 6 to subpart ZZZZ as follow.

Table 6 to Subpart ZZZZ of Part 63—Continuous Compliance with Emission Limitations, Operating Limitations, Work Practices, and Management Practices

For each . . .	*Complying with the requirement to . . .*	*The owner or operator shall demonstrate continuous compliance by . . .*
Existing non-emergency stationary CI RICE >500 HP.	Reduce CO emissions or limit the concentration of CO in the stationary RICE exhaust, and using a CEMS	i. Collecting the monitoring data according to §63.6625(a) (see Condition A.8), reducing the measurements to 1-hour averages, calculating the percent reduction or concentration of CO emissions according to §63.6620 (see Condition A.7); and ii. Demonstrating that the catalyst achieves the required percent reduction of CO emissions over the 4-hour averaging period, or that the emission remain at or below the CO concentration limit; and iii. Conducting an annual RATA of the CEMS using PS 3 and 4A of 40 CFR part 60, appendix B, as well as daily and periodic data quality checks in accordance with 40 CFR part 60, appendix F, procedure 1.

Existing stationary CI RICE >500 HP that are not limited use stationary RICE,	Reduce CO or formaldehyde emissions, or limit the concentration of formaldehyde or CO in the stationary RICE exhaust, and using oxidation catalyst or NSCR	i. Conducting performance tests every 8,760 hours or 3 years, whichever comes first, for CO or formaldehyde, as appropriate, to demonstrate that the required CO or formaldehyde, as appropriate, percent reduction is achieved or that the emissions remain at or below the CO or formaldehyde concentration limit; and ii. Collecting the catalyst inlet temperature data according to §63.6625(b) (see Condition A.8); and iii. Reducing these data to 4-hour rolling averages; and iv. Maintaining the 4-hour rolling averages within the operating limitations for the catalyst inlet temperature; and v. Measuring the pressure drop across the catalyst once per month and demonstrating that the pressure drop across the catalyst is within the operating limitation established during the performance test.

(b) *Response to deviations*. The owner or operator shall report each instance of not meeting each emission limitation or operating limitation in Table 2d (see Condition A.1). These instances are deviations from the emission and operating limitations in Subpart ZZZZ. These deviations shall be reported according to the requirements in §63.6650 (see Condition A.10). If the catalyst is changed, the values of the operating parameters measured during the initial performance test shall be reestablished. When reestablishing the values of the operating parameters, a performance test is also required to demonstrate that each RICE is meeting the required emission limitation.

(c) – (d) [Blank].

(e) *General provisions*. The owner or operator shall also report each instance of not meeting the applicable requirements in Table 8 to subpart ZZZZ (see Appendix 1).

[§63.6640]

A.4. Monitoring and collecting data to demonstrate continuous compliance

(a) [Blank].

(b) Except for monitor malfunctions, associated repairs, required performance evaluations, and required quality assurance or control activities, the owner or operator shall monitor continuously at all times that the stationary RICE is operating. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions.

(c) The owner or operator may not use data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities in data averages and calculations used to report emission or operating levels. The owner or operator shall, however, use all the valid data collected during all other periods.

[§63.6635]

A.5. Fuel Requirements. The owner or operator shall burn diesel fuel that meets the requirements in 40 CFR80.510(b) for nonroad (NR) diesel fuel which requires diesel fuel to meet the following per-gallon standards:

(1) Sulfur content.

(i) 15 ppm (0.0015% S) maximum for NR diesel fuel.

(2) Cetane index or aromatic content, as follows:
(i) A minimum cetane index of 40; or
(ii) A maximum aromatic content of 35 volume percent.
[40 CFR 63.6604]

Testing and Monitoring Requirements

A.6. Frequency of Testing.

(a). *Initial performance test or other initial compliance*. The owner or operator shall conduct any initial performance test or other initial compliance demonstration according to the methods in Condition A.7 no later than 180 days after the compliance date (i.e. May 3, 2013), and according to the provisions in 40 CFR63.7(a)(2) (see Appendix 1, below).

(b) *Testing prior to the compliance date (i.e. May 3, 2013)*. An owner or operator is not required to conduct an initial performance test on a unit for which a performance test has been previously conducted, but the test shall meet all of the conditions described in paragraphs (b)(1) through (4) of this section.

(1) The test must have been conducted using the same methods specified in Subpart ZZZZ, and these methods must have been followed correctly.
(2) The test must not be older than 2 years.
(3) The test must be reviewed and accepted by the Administrator.
(4) Either no process or equipment changes must have been made since the test was performed, or the owner or operator must be able to demonstrate that the results of the performance test, with or without adjustments, reliably demonstrate compliance despite process or equipment changes.

(c) *Conducting subsequent performance test.* An owner or operator shall conduct subsequent performance tests as specified in Table 3 of Subpart ZZZZ

Table 3 to Subpart ZZZZ of Part 63—Subsequent Performance Tests

For each . . .	*Complying with the requirement to . . .*	*The owner or operator shall . . .*
4. Existing non-emergency, non-black start CI stationary RICE with a brake horsepower >500 that are not limited use stationary RICE;	Limit or reduce CO or formaldehyde emissions	Conduct subsequent performance tests every 8,760 hrs, or 3 years, whichever comes first.

Note. The 3 years option applies to testing conducted prior to the compliance date (see paragraph (b)).
[§63.6612 & 6620, Table 3 to Subpart ZZZZ]

A.7. Performance Test Methods.

(a). *Compliance Test methods*. The owner or operator shall conduct any performance test or other compliance demonstration according to Tables 4 and 5 to Subpart ZZZZ and according to the provisions in §63.7(a)(2) (see Appendix 1, below).

Table 4 to Subpart ZZZZ of Part 63—Requirements for Performance Tests

If Complying with	*The owner or operator shall . . .*	*Using . . .*	*According to the following requirements . . .*
Option A. Reducing CO emissions	i. Measure the O_2 at the inlet and outlet of the control device; and	Portable CO and O_2 analyzer	Using ASTM D6522–00 (2005)[a] (incorporated by reference, see §63.14). Measurements to determine O_2shall be made at the same time as the measurements for CO

			concentration.
	ii. Measure the CO at the inlet and the outlet of the control device	Portable CO and O_2analyzer	Using ASTM D6522–00 (2005)[ab](incorporated by reference, see §63.14) or Method 10 of 40 CFR appendix A. The CO concentration shall be at 15 percent O_2, dry basis.
Option B. Limiting the concentration of formaldehyde or CO in the stationary RICE exhaust	i. Select the sampling port location and the number of traverse points; and	Method 1 or 1A of 40 CFR part 60, appendix A §63.7(d)(1)(i)	If using a control device, the sampling site shall be located at the outlet of the control device.
	ii. Determine the O_2concentration of the stationary RICE exhaust at the sampling port location; and	Method 3 or 3A or 3B of 40 CFR part 60, appendix A, or ASTM Method D6522–00 (2005)	Measurements to determine O_2concentration shall be made at the same time and location as the measurements for formaldehyde concentration.
	iii. Measure moisture content of the stationary RICE exhaust at the sampling port location; and	Method 4 of 40 CFR part 60, appendix A, or Test Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348–03	Measurements to determine moisture content shall be made at the same time and location as the measurements for formaldehyde concentration.
	iv. Measure formaldehyde at the exhaust of the stationary RICE; or	Method 320 or 323 of 40 CFR part 63, appendix A; or ASTM D6348–03,[c]provided in ASTM D6348–03 Annex A5 (Analyte Spiking Technique), the percent R shall be greater than or equal to 70 and less than or equal to 130	Formaldehyde concentration shall be at 15 percent O_2, dry basis. Results of this test consist of the average of the three 1-hour or longer runs.
	v. Measure CO at	Method 10 of 40	CO Concentration shall be at 15

	the exhaust of the stationary RICE	CFR part 60, appendix A, ASTM Method D6522–00 (2005),[a]Method 320 of 40 CFR part 63, appendix A, or ASTM D6348–03	percent O_2, dry basis. Results of this test consist of the average of the three 1-hour longer runs.

[a]The owner or operator may also use Methods 3A and 10 as options to ASTM–D6522–00 (2005). The owner or operator may obtain a copy of ASTM–D6522–00 (2005) from at least one of the following addresses: American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959, or University Microfilms International, 300 North Zeeb Road, Ann Arbor, MI 48106. ASTM–D6522–00 (2005) may be used to test both CI and SI stationary RICE.

[b]The owner or operator may also use Method 320 of 40 CFR part 63, appendix A, or ASTM D6348–03.

(b) - (c) [Blank]

(d) *Test runs*. The owner or operator shall conduct three separate test runs for each performance test required in paragraph (a) above, as specified in §63.7(e)(3) (see Appendix 1, below). Each test run shall last at least 1 hour.

(e)(1) *Complying with the Reduce CO emissions Option*. Equation 1 of this section shall be used to determine compliance with the percent reduction requirement:

$$\frac{C_i - C_o}{C_i} \times 100 = R \qquad \text{(Eq. 1)}$$

Where:

C_i= concentration of CO or formaldehyde at the control device inlet,

C_o= concentration of CO or formaldehyde at the control device outlet, and

R = percent reduction of CO or formaldehyde emissions.

(2) The CO or formaldehyde concentrations at the inlet and outlet of the control device shall be normalized to a dry basis and to 15 percent oxygen, or an equivalent percent CO_2. If pollutant concentrations are to be corrected to 15 percent oxygen and CO_2concentration is measured in lieu of oxygen concentration measurement, a CO_2correction factor is needed. Calculate the CO_2correction factor as described in paragraphs (e)(2)(i) through (iii) of this section.

(i) Calculate the fuel-specific $F_o$value for the fuel burned during the test using values obtained from Method 19, section 5.2, and the following equation:

$$F_o = \frac{0.209\, F_d}{F_c} \qquad \text{(Eq. 2)}$$

Where:

F_o= Fuel factor based on the ratio of oxygen volume to the ultimate CO_2volume produced by the fuel at zero percent excess air.

0.209 = Fraction of air that is oxygen, percent/100.

F_d= Ratio of the volume of dry effluent gas to the gross calorific value of the fuel from Method 19, dsm^3 /J (dscf/10^6 Btu).

F_c= Ratio of the volume of CO_2produced to the gross calorific value of the fuel from Method 19, dsm^3 /J (dscf/10^6 Btu).

(ii) Calculate the CO_2correction factor for correcting measurement data to 15 percent oxygen, as follows:

$$X_{co_2} = \frac{5.9}{F_o} \qquad \text{(Eq. 3)}$$

Where:

X_{co2}= CO_2correction factor, percent.

5.9 = 20.9 percent O_2 − 15 percent O_2, the defined O_2correction value, percent.

(iii) Calculate the $NO_X$and SO_2gas concentrations adjusted to 15 percent O_2using CO_2as follows:

$$C_{adj} = C_d \frac{X_{co_2}}{\%CO_2} \qquad \text{(Eq. 4)}$$

Where:

$\%CO_2$= Measured CO_2concentration measured, dry basis, percent.

(f) [NA, Reduce CO and not using an oxidation catalyst]

(g) [NA, Petition the Administrator for approval of operating limitations if not using an oxidation catalyst]

(h) [NA. Petition the Administrator for approval of no operating limitations].

(i) *Engine percent load during a performance test*. The engine percent load during a performance test shall be determined by documenting the calculations, assumptions, and measurement devices used to measure or estimate the percent load in a specific application. A written report of the average percent load determination shall be included in the notification of compliance status. The following information shall be included in the written report: the engine model number, the engine manufacturer, the year of purchase, the manufacturer's site-rated brake horsepower, the ambient temperature, pressure, and humidity during the performance test, and all assumptions that were made to estimate or calculate percent load during the performance test shall be clearly explained. If measurement devices such as flow meters, kilowatt meters, beta analyzers, stain gauges, etc. are used, the model number of the measurement device, and an estimate of its accurate in percentage of true value must be provided.

[§63.6620, Table 4 and 5 of Subpart ZZZZ]

Monitoring, Installation, Collection, Operation, and Maintenance Requirements

A.8. (a) CEMS Option

If owner or operator elects to install a CEMS as specified in Table 5 of subpart ZZZZ (see Condition A.2), owner or operator shall install, operate, and maintain a CEMS to monitor CO and either oxygen or CO2 at both the inlet and the outlet of the control device according to the requirements in paragraphs (a)(1) through (4) of this section.

(1) Each CEMS shall be installed, operated, and maintained according to the applicable performance specifications of 40 CFR part 60, appendix B.

(2) owner or operator shall conduct an initial performance evaluation and an annual relative accuracy test audit (RATA) of each CEMS according to the requirements in §63.8 (see Appendix 1, below) and according to the applicable performance specifications of 40 CFR part 60, appendix B as well as daily and periodic data quality checks in accordance with 40 CFR part 60, appendix F, procedure 1.

(3) As specified in §63.8(c)(4)(ii) (see Appendix 1, below), each CEMS shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period. The owner or operator shall have at least two data points, with each representing a different 15-minute period, to have a valid hour of data.

(4) The CEMS data shall be reduced as specified in §63.8(g)(2) (see Appendix 1, below) and recorded in parts per million or parts per billion (as appropriate for the applicable limitation) at 15 percent oxygen or the equivalent CO2concentration.

(b) CPMS Requirement

If the owner or operator is required to install a continuous parameter monitoring system (CPMS) as specified in Table 5 of Subpart ZZZZ, the owner or operator shall install, operate, and maintain each CPMS according to the requirements in paragraphs (b)(1) through (5) of this section.

(1) The owner or operator shall prepare a site-specific monitoring plan that addresses the monitoring system design, data collection, and the quality assurance and quality control elements outlined in paragraphs (b)(1)(i) through (v) of this section and in §63.8(d). As specified in §63.8(f)(4) (see Appendix 1, below), the owner or operator may request approval of monitoring system quality

assurance and quality control procedures alternative to those specified in paragraphs (b)(1) through (5) of this section in the site-specific monitoring plan.

(i) The performance criteria and design specifications for the monitoring system equipment, including the sample interface, detector signal analyzer, and data acquisition and calculations;

(ii) Sampling interface (e.g., thermocouple) location such that the monitoring system will provide representative measurements;

(iii) Equipment performance evaluations, system accuracy audits, or other audit procedures;

(iv) Ongoing operation and maintenance procedures in accordance with provisions in §63.8(c)(1) and (c)(3) (see Appendix 1, below); and

(v) Ongoing reporting and recordkeeping procedures in accordance with provisions in §63.10(c), (e)(1), and (e)(2)(i) (see Appendix 1, below).

(2) The owner or operator shall install, operate, and maintain each CPMS in continuous operation according to the procedures in your site-specific monitoring plan.

(3) The CPMS shall collect data at least once every 15 minutes (see also §63.6635, Condition A.4).

(4) For a CPMS for measuring temperature range, the temperature sensor shall have a minimum tolerance of 2.8 degrees Celsius (5 degrees Fahrenheit) or 1 percent of the measurement range, whichever is larger.

(5) The owner or operator shall conduct the CPMS equipment performance evaluation, system accuracy audits, or other audit procedures specified in your site-specific monitoring plan at least annually.

(6) The owner or operator shall conduct a performance evaluation of each CPMS in accordance with your site-specific monitoring plan.

(c) – (f). [Blank].

(g) <u>Engines not equipped with a closed crankcase ventilation system</u>

For CI engine not equipped with a closed crankcase ventilation system, the owner or operator shall comply with either paragraph (g)(1) or paragraph (g)(2) of this section. Owners and operators shall follow the manufacturer's specified maintenance requirements for operating and maintaining the open or closed crankcase ventilation systems and replacing the crankcase filters, or can request the Administrator to approve different maintenance requirements that are as protective as manufacturer requirements.

(1) Install a closed crankcase ventilation system that prevents crankcase emissions from being emitted to the atmosphere, or

(2) Install an open crankcase filtration emission control system that reduces emissions from the crankcase by filtering the exhaust stream to remove oil mist, particulates, and metals.

(h) <u>Engine startup time</u>. The owner or operator shall minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the emission standards applicable to all times other than startup in Table 2d to ZZZZ (see Condition A.1).

[§63.6625]

Notifications, Reports, and Records

A.9. <u>Applicable Notifications</u>

(a) The owner or operator shall submit all of the applicable notifications in §§63.7(b) and (c), 63.8(e), (f)(4) and (f)(6), 63.9(b) through (e), and (g) and (h) (see Appendix 1, below) by the dates specified if own or operate existing stationary RICE located at an area source of HAP emissions.

(b) - (f). [Blank].

(g) *Notification of Intent to conduct a performance test*. The owner or operator shall submit a Notification of Intent to conduct a performance test at least 60 days before the performance test is scheduled to begin as required in §63.7(b)(1) (see Appendix 1, below).

(h) *Notification of Compliance Status*. The owner or operator shall submit a Notification of Compliance Status according to §63.9(h)(2)(ii) (see Appendix 1, below).

(1) [Blank].

(2) For each initial compliance demonstration required in Table 5 (see Condition A.2) that includes a performance test conducted according to the requirements in Table 3 (see Condition A.6), the owner or operator shall submit the Notification of Compliance Status, including the performance test results, before the close of business on the 60th day following the completion of the performance test according to §63.10(d)(2) (see Appendix 1, below).

[§63.6645]

A.10. Reporting Requirements.

(a) *Compliance report*. The owner or operator shall submit each applicable report in Table 7 of subpart ZZZZ

Table 7 to Subpart ZZZZ of Part 63—Requirements for Reports

For each ...	*The owner or operator shall submit a ...*	
Existing non-emergency, non-black start stationary CI RICE >300 HP located at an area source of HAP.		a. If there are no deviations from any applicable emission limitations or operating limitations, a statement that there were no deviations from the emission limitations or operating limitations during the reporting period. If there were no periods during which the CMS, including CEMS and CPMS, was out-of-control, as specified in §63.8(c)(7) (see Appendix 1, below), a statement that there were not periods during which the CMS was out-of-control during the reporting period; or b. If there was a deviation from any emission limitation or operating limitation during the reporting period, the information in §63.6650(d) (see Condition A.10). If there were periods during which the CMS, including CEMS and CPMS, was out-of-control, as specified in §63.8(c)(7) (see Appendix 1, below), the information in §63.6650(e) (see Condition A.10); or c. If there was a malfunction during the reporting period, the information in §63.6650(c)(4) (see Condition A.10) i. Semiannually according to the requirements in §63.6650(b)(1)–(5) (see Condition A.10) for engines that are not limited use stationary RICE subject to numerical emission limitations.

(b) *Reports submission dates*. Unless the Administrator has approved a different schedule for submission of reports under §63.10(a), the owner or operator shall submit each report by the date in Table 7 in paragraph (a) and according to the requirements in paragraphs (b)(1) through (b)(9) of this section.

(1) For semiannual Compliance reports, the first Compliance report shall cover the period beginning on the compliance date that is specified for your affected source in §63.6595 and ending on June 30 or December 31, whichever date is the first date following the end of the first calendar half after the compliance date that is specified for the source in §63.6595.

(2) For semiannual Compliance reports, the first Compliance report shall be postmarked or delivered no later than July 31 or January 31, whichever date follows the end of the first calendar half after the compliance date that is specified for the source in §63.6595.

(3) For semiannual Compliance reports, each subsequent Compliance report shall cover the semiannual reporting period from January 1 through June 30 or the semiannual reporting period from July 1 through December 31.

(4) For semiannual Compliance reports, each subsequent Compliance report shall be postmarked or delivered no later than July 31 or January 31, whichever date is the first date following the end of the semiannual reporting period.

(5) For each stationary RICE that is subject to permitting regulations pursuant to 40 CFR part 70 or 71, and if the permitting authority has established dates for submitting semiannual reports pursuant to 40 CFR 70.6(a)(3)(iii)(A) or 40 CFR 71.6 (a)(3)(iii)(A), the owner or operator may submit the first and subsequent Compliance reports according to the dates the permitting authority has established instead of according to the dates in paragraphs (b)(1) through (b)(4) of this section.

(6) For annual Compliance reports, the first Compliance report shall cover the period beginning on the compliance date that is specified for your affected source in §63.6595 and ending on December 31.

(7) For annual Compliance reports, the first Compliance report shall be postmarked or delivered no later than January 31 following the end of the first calendar year after the compliance date that is specified for your affected source in §63.6595.

(8) For annual Compliance reports, each subsequent Compliance report shall cover the annual reporting period from January 1 through December 31.

(9) For annual Compliance reports, each subsequent Compliance report shall be postmarked or delivered no later than January 31.

(c) *Report content*. The Compliance report shall contain the information in paragraphs (c)(1) through (6) of this section.

(1) Company name and address.

(2) Statement by a responsible official, with that official's name, title, and signature, certifying the accuracy of the content of the report.

(3) Date of report and beginning and ending dates of the reporting period.

(4) If there was a malfunction during the reporting period, the compliance report shall include the number, duration, and a brief description for each type of malfunction which occurred during the reporting period and which caused or may have caused any applicable emission limitation to be exceeded. The report shall also include a description of actions taken by an owner or operator during a malfunction of an affected source to minimize emissions in accordance with §63.6605(b), including actions taken to correct a malfunction.

(5) If there are no deviations from any applicable emission or operating limitations, a statement that there were no deviations from the emission or operating limitations during the reporting period.

(6) If there were no periods during which the continuous monitoring system (CMS), including CEMS and CPMS, was out-of-control, as specified in §63.8(c)(7), a statement that there were no periods during which the CMS was out-of-control during the reporting period.

(d) *RICE without a CMS*. For each deviation from an emission or operating limitation that occurs for a stationary RICE that is not using a CMS to comply with the applicable emission or operating limitations, the Compliance report shall contain the information in paragraphs (c)(1) through (4) of this section and the information in paragraphs (d)(1) and (2) of this section.

(1) The total operating time of the stationary RICE at which the deviation occurred during the reporting period.
(2) Information on the number, duration, and cause of deviations (including unknown cause, if applicable), as applicable, and the corrective action taken.

(e) *RICE with a CMS* For each deviation from an emission or operating limitation occurring for a stationary RICE using a CMS to comply with the emission and operating limitations in Subpart ZZZZ, the owner or operator shall include information in paragraphs (c)(1) through (4) and (e)(1) through (12) of this section.
(1) The date and time that each malfunction started and stopped.
(2) The date, time, and duration that each CMS was inoperative, except for zero (low-level) and high-level checks.
(3) The date, time, and duration that each CMS was out-of-control, including the information in §63.8(c)(8).
(4) The date and time that each deviation started and stopped, and whether each deviation occurred during a period of malfunction or during another period.
(5) A summary of the total duration of the deviation during the reporting period, and the total duration as a percent of the total source operating time during that reporting period.
(6) A breakdown of the total duration of the deviations during the reporting period into those that are due to control equipment problems, process problems, other known causes, and other unknown causes.
(7) A summary of the total duration of CMS downtime during the reporting period, and the total duration of CMS downtime as a percent of the total operating time of the stationary RICE at which the CMS downtime occurred during that reporting period.
(8) An identification of each parameter and pollutant (CO or formaldehyde) that was monitored at the stationary RICE.
(9) A brief description of the stationary RICE.
(10) A brief description of the CMS.
(11) The date of the latest CMS certification or audit.
(12) A description of any changes in CMS, processes, or controls since the last reporting period.

(f) *TV semiannual report*. Sources that has obtained a title V operating permit pursuant to 40 CFR part 70 or 71 shall report all deviations as defined in Subpart ZZZZ in the semiannual monitoring report required by §70.6 (a)(3)(iii)(A) or §71.6(a)(3)(iii)(A). If a source submits a Compliance report pursuant to Table 7 (see Condition A.10) along with, or as part of, the semiannual monitoring report required by §70.6(a)(3)(iii)(A) or §71.6(a)(3)(iii)(A) (State and Federal Operating Permit Programs) , and the Compliance report includes all required information concerning deviations from any emission or operating limitation in Subpart ZZZZ, submission of the Compliance report shall be deemed to satisfy any obligation to report the same deviations in the semiannual monitoring report. However, submission of a Compliance report shall not otherwise affect any obligation the affected source may have to report deviations from permit requirements to the permit authority.

[§63.6650]

A.11. Recordkeeping Requirements.

(a) The owner or operator shall keep the records described in paragraphs (a)(1) through (a)(5), (b)(1) through (b)(3) and (c) of this section.
(1) A copy of each notification and report that was submitted to comply with Subpart ZZZZ, including all documentation supporting any Initial Notification or Notification of Compliance Status that was submitted, according to the requirement in §63.10(b)(2)(xiv) (see Appendix 1, below).
(2) Records of the occurrence and duration of each malfunction of operation (i.e., process equipment) or the air pollution control and monitoring equipment.
(3) Records of performance tests and performance evaluations as required in §63.10(b)(2)(viii) (see Appendix 1, below).
(4) Records of all required maintenance performed on the air pollution control and monitoring equipment.

(5) Records of actions taken during periods of malfunction to minimize emissions in accordance with §63.6605(b), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.

(b) For each CEMS or CPMS, the owner or operator shall keep the records listed in paragraphs (b)(1) through (3) of this section.

(1) Records described in §63.10(b)(2)(vi) through (xi) (see Appendix 1, below).

(2) Previous (i.e., superseded) versions of the performance evaluation plan as required in §63.8(d)(3) (see Appendix 1, below).

(3) Requests for alternatives to the relative accuracy test for CEMS or CPMS as required in §63.8(f)(6)(i) (see Appendix 1, below), if applicable.

(c) [NA, landfill gas].

(d) The owner or operator shall keep the records required in Table 6 in Condition A.3 to show continuous compliance with each applicable emission or operating limitation.

(e) The owner or operator shall keep records of the maintenance conducted on the stationary RICE in order to demonstrate that the RICE and after-treatment control device was operated and maintained according to source maintenance plan.

[§63.6655]

A.12. Records - Form and Retention Period

(a) Records shall be in a form suitable and readily available for expeditious review according to §63.10(b)(1) (see Appendix 1, below).

(b) As specified in §63.10(b)(1), the owner or operator shall keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.

(c) The owner or operator shall keep each record readily accessible in hard copy or electronic form for at least 5 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to §63.10(b)(1) (see Appendix 1, below).

[§63.6660]

A.13. Compliance Test Report Submittal. The compliance test report shall be submitted to the PPRAQD as soon as practicable, but no later than 45 days after the last test is completed.
[Rule 62-297.310(8) (a) & (b), F.A.C.]

A.14. Compliance Test Report Information. The compliance test report shall provide sufficient detail on the emissions unit tested and the test procedures used to allow PPRAQD to determine if the test was properly conducted and the test results properly computed. As a minimum, the test report shall provide the following information:

1. The type, location, and a general layout of the emissions unit tested including a sketch of the duct within 8 stack diameters upstream of the sampling point, including the distance to any upstream bends or other flow disturbances.
2. The type of air pollution control devices installed on the emissions unit, their general condition, their normal operating parameters, and their operating parameters during each test run.
3. Test equipment specifications with instrument and calibration information. Data related to the required calibration of the test equipment.
4. Measurement and data acquisition/ analysis/ computation procedures to obtain all measured and calculated data to determine compliance with the emission limiting standard.
5. The names of individuals, who furnished the process variable data, conducted the test, analyzed the samples and prepared the report.
6. A certification that, to the knowledge of the owner or his authorized agent, all data submitted is true and correct. When a compliance test is conducted for the PPRAQD, the person who conducts the test shall provide the certification with respect to the test procedures used. The owner or his authorized agent shall

certify that all data required and provided to the person conducting the test are true and correct to his knowledge.
[Rule 62-297.310(8) (c), and 62-4.070(3) F.A.C.]

Subsection B. This section addresses the following emissions unit:

E.U. ID	Description
003	Pump Station S-9 – Two diesel 207 hp(109 Kw) CI RICE Emergency Generators Pump Station S-9A – One diesel 102 hp (54 Kw) CI RICE Emergency Generator

{Permitting Note: This emission unit is regulated under NESHAP - 40 CFR 63, Subpart ZZZZ, Stationary Reciprocating Internal Combustion Engines adopted and incorporated by reference in Rule 62-204.800(11)(b) 82 F.A.C, , except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R 63.6670(c)(1) through (5)}

B.1. Operating Requirements. The owner or operator shall comply with the applicable requirements in Table 2d to subpart ZZZZ as follow.

Table 2d to Subpart ZZZZ of Part 63—Requirements for Existing Compression Ignition Stationary Located at Area Sources of HAP Emissions

For each . . .	*Owner or Operator shall meet the following requirement, except during periods of startup . . .*
Emergency CI RICE [2]	a. Change oil and filter every 500 hours of operation or annually, whichever comes first;[1] b. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first; and c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary

1Sources have the option to utilize an oil analysis program as described in §63.6625(i) in order to extend the specified oil change requirement in Table 2d of Subpart ZZZZ.
2If an emergency engine is operating during an emergency and it is not possible to shut down the engine in order to perform the management practice requirements on the schedule required in Table 2d of Subpart ZZZZ, or if performing the management practice on the required schedule would otherwise pose an unacceptable risk under Federal, State, or local law, the management practice can be delayed until the emergency is over or the unacceptable risk under Federal, State, or local law has abated. The management practice should be performed as soon as practicable after the emergency has ended or the unacceptable risk under Federal, State, or local law has abated. Sources shall report any failure to perform the management practice on the schedule required and the Federal, State or local law under which the risk was deemed unacceptable.
[§63.6603 (a)]

B.2. Operation and Maintenance Requirements
(a) – (d) [Blank].
(e) The owner or operator shall operate and maintain the stationary RICE according to the manufacturer's emission-related written instructions or own maintenance plan which shall provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions.
(f) The owner or operator shall install a non-resettable hour meter if one is not already installed.
[§63.6625]

B.3. Continuous Compliance

(a) *Operation and maintenance*. The owner or operator shall demonstrate continuous compliance with the operating limitation in Table 2d (see Condition A.1) according to methods specified in Table 6 as follow.

Table 6 to Subpart ZZZZ of Part 63. Continuous Compliance With Emission Limitations, Operating Limitations, Work Practices, and Management Practices

For each . . .	*Complying with the requirement to . .*	*The owner or operator shall demonstrate continuous compliance by . .*
Existing emergency stationary RICE located at an area source of HAP	Work or Management practices	Operating and maintaining the stationary RICE according to the manufacturer's emission-related operation and maintenance instructions; or ii. Develop and follow own maintenance plan which shall provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions.

(b) *Deviations.* The owner or operator shall report each instance of failure to meet the operating limitation in Table 2d (see ConditionA.1). These deviations shall be reported according to the requirements in §63.6650 (see Condition A.10).

(c) – (e) [Blank].

(f) *Hours*. The owner or operator shall operate the emergency stationary RICE according to the requirements in paragraphs (f)(1)(i) through (iii) of this section. Any operation other than emergency operation, maintenance and testing, and operation in non-emergency situations for 50 hours per year, as described in paragraphs (f)(1)(i) through (iii) of this section, is prohibited. If the engine is not operated according to the requirements in paragraphs (f)(1)(i) through (iii) of this section, the engine will not be considered an emergency engine under Subpart ZZZZ and will need to meet all requirements for non-emergency engines.

(i) There is no time limit on the use of emergency stationary RICE in emergency situations.

(ii) The owner or operator may operate the emergency stationary RICE for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by Federal, State or local government, the manufacturer, the vendor, or the insurance company associated with the engine. Maintenance checks and readiness testing of such units is limited to 100 hours per year. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that Federal, State, or local standards require maintenance and testing of emergency RICE beyond 100 hours per year.

(iii) The owner or operator may operate the emergency stationary RICE up to 50 hours per year in non-emergency situations, but those 50 hours are counted towards the 100 hours per year provided for maintenance and testing. The 50 hours per year for non-emergency situations cannot be used for peak shaving or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity; except that owners and operators may operate the emergency engine for a maximum of 15 hours per year as part of a demand response program if the regional transmission organization or equivalent balancing authority and transmission operator has determined there are emergency conditions that could lead to a potential electrical blackout, such as unusually low frequency, equipment overload, capacity or energy deficiency, or unacceptable voltage level. The engine may not be operated for more than 30 minutes prior to the time when the emergency condition is expected to occur, and the engine operation shall be terminated immediately after the facility is notified that the emergency condition is no longer imminent. The 15 hours per year of demand response operation are counted as part of the 50 hours of

operation per year provided for non-emergency situations. The supply of emergency power to another entity or entities pursuant to financial arrangement is not limited by this paragraph (f)(1)(iii), as long as the power provided by the financial arrangement is limited to emergency power.
[§63.6640]

Recordkeeping Requirements

B.4. Manufacturer Certification Record. The owner or operator shall keep records of the manufacturer certification for the entire life of each engine.
[Rule 62-4.070(3), F.A.C.]

B.5. Hours of Operation.
(a) The owner or operator shall keep monthly records of the hours that the engines had operated for maintenance checks and readiness testing the last 12 months (see Condition B.3).
(b) The owner or operator shall keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. The owner or operator shall document how many hours are spent for emergency operation, including what classified the operation as emergency and how many hours are spent for non-emergency operation. If the engines are used for demand response operation, the owner or operator shall keep records of the notification of the emergency situation, and the time the engine was operated as part of demand response.
[Rule 62-4.070(3), F.A.C, §63.6655 (f)]

5. APPENDICES

Appendix 1

Table 8 to Subpart ZZZZ of Part 63—Applicability of General Provisions (see below) to Subpart ZZZZ

General Provisions Citation	*Subject of Citation*
§63.1	General applicability of the General Provisions
§63.2	Definitions
§63.3	Units and abbreviations
§63.4	Prohibited activities and circumvention
§63.5	Construction and reconstruction
§63.6(a)	Applicability
§63.6(b)(1)–(4)	Compliance dates for new and reconstructed sources
§63.6(b)(5)	Notification
§63.6(b)(7)	Compliance dates for new and reconstructed area sources that become major sources
§63.6(c)(1)–(2)	Compliance dates for existing sources
§63.6(c)(5)	Compliance dates for existing area sources that become major sources
§63.6(f)(2)	Methods for determining compliance
§63.6(f)(3)	Finding of compliance
§63.6(g)(1)–(3)	Use of alternate standard
§63.6(i)	Compliance extension procedures and criteria
§63.6(j)	Presidential compliance exemption
§63.7(a)(1)–(2)	Performance test dates
§63.7(a)(3)	CAA section 114 authority
§63.7(b)(1)	Notification of performance test
§63.7(b)(2)	Notification of rescheduling
§63.7(c)	Quality assurance/test plan
§63.7(d)	Testing facilities
§63.7(e)(2)	Conduct of performance tests and reduction of data
§63.7(e)(3)	Test run duration
§63.7(e)(4)	Administrator may require other testing under section 114 of the CAA
§63.7(f)	Alternative test method provisions
§63.7(g)	Performance test data analysis, recordkeeping, and reporting
§63.7(h)	Waiver of tests
§63.8(a)(1)	Applicability of monitoring requirements
§63.8(a)(2)	Performance specifications
§63.8(b)(1)	Monitoring
§63.8(b)(2)–(3)	Multiple effluents and multiple monitoring systems
§63.8(c)(1)	Monitoring system operation and maintenance
§63.8(c)(1)(i)	Routine and predictable SSM
§63.8(c)(1)(ii)	SSM not in Startup Shutdown Malfunction Plan
§63.8(c)(1)(iii)	Compliance with operation and maintenance requirements
§63.8(c)(2)–(3)	Monitoring system installation

§63.8(c)(4)	Continuous monitoring system (CMS) requirements
§63.8(c)(6)–(8)	CMS requirements
§63.8(d)	CMS quality control
§63.8(e)	CMS performance evaluation
§63.8(f)(1)–(5)	Alternative monitoring method
§63.8(f)(6)	Alternative to relative accuracy test
§63.8(g)	Data reduction
§63.9(a)	Applicability and State delegation of notification requirements
§63.9(b)(1)–(5)	Initial notifications
§63.9(c)	Request for compliance extension
§63.9(d)	Notification of special compliance requirements for new sources
§63.9(e)	Notification of performance test
§63.9(f)	Notification of visible emission (VE)/opacity test
§63.9(g)(1)	Notification of performance evaluation
§63.9(g)(3)	Notification that criterion for alternative to RATA is exceeded
§63.9(h)(1)–(6)	Notification of compliance status
§63.9(i)	Adjustment of submittal deadlines
§63.9(j)	Change in previous information
§63.10(a)	Administrative provisions for recordkeeping/reporting
§63.10(b)(1)	Record retention
§63.10(b)(2)(vi)–(xi)	Records
§63.10(b)(2)(xii)	Record when under waiver
§63.10(b)(2)(xiii)	Records when using alternative to RATA
§63.10(b)(2)(xiv)	Records of supporting documentation
§63.10(b)(3)	Records of applicability determination
§63.10(c)	Additional records for sources using CEMS
§63.10(d)(1)	General reporting requirements
§63.10(d)(2)	Report of performance test results
§63.10(d)(4)	Progress reports
§63.10(e)(1) and (2)(i)	Additional CMS Reports
§63.10(e)(3)	Excess emission and parameter exceedances reports
§63.10(f)	Waiver for recordkeeping/reporting
§63.12	State authority and delegations
§63.13	Addresses
§63.14	Incorporation by reference
§63.15	Availability of information

Subpart A—General Provisions [Edited]

§ 63.1 Applicability.

§ 63.2 Definitions.

§ 63.3 Units and abbreviations.

§ 63.4 Prohibited activities and circumvention.

(a) *Prohibited activities.* (1) No owner or operator subject to the provisions of this part must operate any affected source in violation of the requirements of this part. Affected sources subject to and in compliance with either an extension of compliance or an exemption from compliance are not in violation of the requirements of this part. An extension of compliance can be granted by the Administrator under this part; by a State with an approved permit program; or by the President under section 112(i)(4) of the Act.

(2) No owner or operator subject to the provisions of this part shall fail to keep records, notify, report, or revise reports as required under this part.

(3)–(5) [Reserved]

(b) *Circumvention.* No owner or operator subject to the provisions of this part shall build, erect, install, or use any article, machine, equipment, or process to conceal an emission that would otherwise constitute noncompliance with a relevant standard. Such concealment includes, but is not limited to—

(1) The use of diluents to achieve compliance with a relevant standard based on the concentration of a pollutant in the effluent discharged to the atmosphere;

(2) The use of gaseous diluents to achieve compliance with a relevant standard for visible emissions; and

(c) *Fragmentation.* Fragmentation after November 15, 1990 which divides ownership of an operation, within the same facility among various owners where there is no real change in control, will not affect applicability. The owner and operator must not use fragmentation or phasing of reconstruction activities (i.e., intentionally dividing reconstruction into multiple parts for purposes of avoiding new source requirements) to avoid becoming subject to new source requirements.

§ 63.5 Preconstruction review and notification requirements.

§ 63.6 Compliance with standards and maintenance requirements.

(a) *Applicability.* (1) The requirements in this section apply to the owner or operator of affected sources for which any relevant standard has been established pursuant to section 112 of the Act and the applicability of such requirements is set out in accordance with §63.1(a)(4) unless—

(i) The Administrator (or a State with an approved permit program) has granted an extension of compliance consistent with paragraph (i) of this section; or

(ii) The President has granted an exemption from compliance with any relevant standard in accordance with section 112(i)(4) of the Act.

(2) If an area source that otherwise would be subject to an emission standard or other requirement established under this part if it were a major source subsequently increases its emissions of hazardous air pollutants (or its potential to emit hazardous air pollutants) such that the source is a major source, such source shall be subject to the relevant emission standard or other requirement.

(b) *Compliance dates for new and reconstructed sources.* (1) Except as specified in paragraphs (b)(3) and (4) of this section, the owner or operator of a new or reconstructed affected source for which construction or reconstruction commences after proposal of a relevant standard that has an initial startup before the effective date of a relevant standard established under this part pursuant to section 112(d), (f), or (h) of the Act must comply with such standard not later than the standard's effective date.

(2) Except as specified in paragraphs (b)(3) and (4) of this section, the owner or operator of a new or reconstructed affected source that has an initial startup after the effective date of a relevant standard established under this part pursuant to section 112(d), (f), or (h) of the Act must comply with such standard upon startup of the source.

(3) The owner or operator of an affected source for which construction or reconstruction is commenced after the proposal date of a relevant standard established under this part pursuant to section 112(d), 112(f), or 112(h) of the Act but before the effective date (that is, promulgation) of such standard shall comply with the relevant emission standard not later than the date 3 years after the effective date if:

(i) The promulgated standard (that is, the relevant standard) is more stringent than the proposed standard; for purposes of this paragraph, a finding that controls or compliance methods are “more stringent” must include control technologies or performance criteria and compliance or compliance assurance methods that are different but are substantially equivalent to those required by the promulgated rule, as determined by the Administrator (or his or her authorized representative); and

(ii) The owner or operator complies with the standard as proposed during the 3-year period immediately after the effective date.

(4) The owner or operator of an affected source for which construction or reconstruction is commenced after the proposal date of a relevant standard established pursuant to section 112(d) of the Act but before the proposal date of a relevant standard established pursuant to section 112(f) shall not be required to comply with the section 112(f) emission standard until the date 10 years after the date construction or reconstruction is commenced, except that, if the section 112(f) standard is promulgated more than 10 years after construction or reconstruction is commenced, the owner or operator must comply with the standard as provided in paragraphs (b)(1) and (2) of this section.

(5) The owner or operator of a new source that is subject to the compliance requirements of paragraph (b)(3) or (4) of this section must notify the Administrator in accordance with §63.9(d)

(6) [Reserved]

(7) When an area source becomes a major source by the addition of equipment or operations that meet the definition of new affected source in the relevant standard, the portion of the existing facility that is a new affected source must comply with all requirements of that standard applicable to new sources. The source owner or operator must comply with the relevant standard upon startup.

(c) *Compliance dates for existing sources.* (1) After the effective date of a relevant standard established under this part pursuant to section 112(d) or 112(h) of the Act, the owner or operator of an existing source shall comply with such standard by the compliance date established by the Administrator in the applicable subpart(s) of this part. Except as otherwise provided for in section 112 of the Act, in no case will the compliance date established for an existing source in an applicable subpart of this part exceed 3 years after the effective date of such standard.

(2) If an existing source is subject to a standard established under this part pursuant to section 112(f) of the Act, the owner or operator must comply with the standard by the date 90 days after the standard's effective date, or by the date specified in an extension granted to the source by the Administrator under paragraph (i)(4)(ii) of this section, whichever is later.

(3)–(4) [Reserved]

(5) Except as provided in paragraph (b)(7) of this section, the owner or operator of an area source that increases its emissions of (or its potential to emit) hazardous air pollutants such that the source becomes a major source shall be subject to relevant standards for existing sources. Such sources must comply by the date specified in the standards for existing area sources that become major sources. If no such compliance date is specified in the standards, the source shall have a period of time to comply with the relevant emission standard that is equivalent to the compliance period specified in the relevant standard for existing sources in existence at the time the standard becomes effective.

(d) [Reserved]

(e) *[na to subpart]*

(f) *Compliance with nonopacity emission standards* —(1) *[na]*

(2) *Methods for determining compliance.* (i) The Administrator will determine compliance with nonopacity emission standards in this part based on the results of performance tests conducted according to the procedures in §63.7, unless otherwise specified in an applicable subpart of this part.

(ii) The Administrator will determine compliance with nonopacity emission standards in this part by evaluation of an owner or operator's conformance with operation and maintenance requirements, including the evaluation of monitoring data, as specified in §63.6(e) and applicable subparts of this part.

(iii) If an affected source conducts performance testing at startup to obtain an operating permit in the State in which the source is located, the results of such testing may be used to demonstrate compliance with a relevant standard if—

(A) The performance test was conducted within a reasonable amount of time before an initial performance test is required to be conducted under the relevant standard;

(B) The performance test was conducted under representative operating conditions for the source;

(C) The performance test was conducted and the resulting data were reduced using EPA-approved test methods and procedures, as specified in §63.7(e) of Subpart ZZZZ; and

(D) The performance test was appropriately quality-assured, as specified in §63.7(c).

(iv) The Administrator will determine compliance with design, equipment, work practice, or operational emission standards in this part by review of records, inspection of the source, and other procedures specified in applicable subparts of this part.

(v) The Administrator will determine compliance with design, equipment, work practice, or operational emission standards in this part by evaluation of an owner or operator's conformance with operation and maintenance requirements, as specified in paragraph (e) of this section and applicable subparts of this part.

(3) *Finding of compliance.* The Administrator will make a finding concerning an affected source's compliance with a non-opacity emission standard, as specified in paragraphs (f)(1) and (2) of this section, upon obtaining all the compliance information required by the relevant standard (including the written reports of performance test results, monitoring results, and other information, if applicable), and information available to the Administrator pursuant to paragraph (e)(1)(i) of this section.

(g) *Use of an alternative nonopacity emission standard.* (1) If, in the Administrator's judgment, an owner or operator of an affected source has established that an alternative means of emission limitation will achieve a reduction in emissions of a hazardous air pollutant from an affected source at least equivalent to the reduction in emissions of that pollutant from that source achieved under any design, equipment, work practice, or operational emission standard, or combination thereof, established under this part pursuant to section 112(h) of the Act, the Administrator will publish in the Federal Register a notice permitting the use of the alternative emission standard for purposes of compliance with the promulgated standard. Any Federal Register notice under this paragraph shall be published only after the public is notified and given the opportunity to comment. Such notice will restrict the permission to the stationary source(s) or category(ies) of sources from which the alternative emission standard will achieve equivalent emission reductions. The Administrator will condition permission in such notice on requirements to assure the proper operation and maintenance of equipment and practices required for compliance with the alternative emission standard and other requirements, including appropriate quality assurance and quality control requirements, that are deemed necessary.

(2) An owner or operator requesting permission under this paragraph shall, unless otherwise specified in an applicable subpart, submit a proposed test plan or the results of testing and monitoring in accordance with §63.7 and §63.8, a description of the procedures followed in testing or monitoring, and a description of pertinent conditions during testing or monitoring. Any testing or monitoring conducted to request permission to use an alternative nonopacity emission standard shall be appropriately quality assured and quality controlled, as specified in §63.7 and §63.8.

(3) The Administrator may establish general procedures in an applicable subpart that accomplish the requirements of paragraphs (g)(1) and (g)(2) of this section.

(h) *[na]*

(i) *Extension of compliance with emission standards.* (1) Until an extension of compliance has been granted by the Administrator (or a State with an approved permit program) under this paragraph, the owner or operator of an affected source subject to the requirements of this section shall comply with all applicable requirements of this part.

(2) *Extension of compliance for early reductions and other reductions* —(i) *Early reductions.* Pursuant to section 112(i)(5) of the Act, if the owner or operator of an existing source demonstrates that the source has achieved a reduction in emissions of hazardous air pollutants in accordance with the provisions of subpart D of this part, the Administrator (or the State with an approved permit program) will grant the owner or operator an extension of compliance with specific requirements of this part, as specified in subpart D.

(ii) *Other reductions.* Pursuant to section 112(i)(6) of the Act, if the owner or operator of an existing source has installed best available control technology (BACT) (as defined in section 169(3) of the Act) or technology required to meet a lowest achievable emission rate (LAER) (as defined in section 171 of the Act) prior to the promulgation of an emission standard in this part applicable to such source and the same pollutant (or stream of pollutants) controlled pursuant to the BACT or LAER installation, the Administrator will grant the owner or operator an extension of compliance with such emission standard that will apply until the date 5 years after the date on which such installation was achieved, as determined by the Administrator.

(3) *Request for extension of compliance.* Paragraphs (i)(4) through (i)(7) of this section concern requests for an extension of compliance with a relevant standard under this part (except requests for an extension of compliance under paragraph (i)(2)(i) of this section will be handled through procedures specified in subpart D of this part).

(4)(i)(A) The owner or operator of an existing source who is unable to comply with a relevant standard established under this part pursuant to section 112(d) of the Act may request that the Administrator (or a State, when the State has an approved part 70 permit program and the source is required to obtain a part 70 permit under that program, or a State, when the State has been delegated the authority to implement and enforce the emission standard for that source) grant an extension allowing the source up to 1 additional year to comply with the standard, if such additional period is necessary for the installation of controls. An

additional extension of up to 3 years may be added for mining waste operations, if the 1-year extension of compliance is insufficient to dry and cover mining waste in order to reduce emissions of any hazardous air pollutant. The owner or operator of an affected source who has requested an extension of compliance under this paragraph and who is otherwise required to obtain a title V permit shall apply for such permit or apply to have the source's title V permit revised to incorporate the conditions of the extension of compliance. The conditions of an extension of compliance granted under this paragraph will be incorporated into the affected source's title V permit according to the provisions of part 70 or Federal title V regulations in this chapter (42 U.S.C. 7661), whichever are applicable.

(B) Any request under this paragraph for an extension of compliance with a relevant standard must be submitted in writing to the appropriate authority no later than 120 days prior to the affected source's compliance date (as specified in paragraphs (b) and (c) of this section), except as provided for in paragraph (i)(4)(i)(C) of this section. Nonfrivolous requests submitted under this paragraph will stay the applicability of the rule as to the emission points in question until such time as the request is granted or denied. A denial will be effective as of the date of denial. Emission standards established under this part may specify alternative dates for the submittal of requests for an extension of compliance if alternatives are appropriate for the source categories affected by those standards.

(C) An owner or operator may submit a compliance extension request after the date specified in paragraph (i)(4)(i)(B) of this section provided the need for the compliance extension arose after that date, and before the otherwise applicable compliance date and the need arose due to circumstances beyond reasonable control of the owner or operator. This request must include, in addition to the information required in paragraph (i)(6)(i) of this section, a statement of the reasons additional time is needed and the date when the owner or operator first learned of the problems. Nonfrivolous requests submitted under this paragraph will stay the applicability of the rule as to the emission points in question until such time as the request is granted or denied. A denial will be effective as of the original compliance date.

(ii) The owner or operator of an existing source unable to comply with a relevant standard established under this part pursuant to section 112(f) of the Act may request that the Administrator grant an extension allowing the source up to 2 years after the standard's effective date to comply with the standard. The Administrator may grant such an extension if he/she finds that such additional period is necessary for the installation of controls and that steps will be taken during the period of the extension to assure that the health of persons will be protected from imminent endangerment. Any request for an extension of compliance with a relevant standard under this paragraph must be submitted in writing to the Administrator not later than 90 calendar days after the effective date of the relevant standard.

(5) The owner or operator of an existing source that has installed BACT or technology required to meet LAER [as specified in paragraph (i)(2)(ii) of this section] prior to the promulgation of a relevant emission standard in this part may request that the Administrator grant an extension allowing the source 5 years from the date on which such installation was achieved, as determined by the Administrator, to comply with the standard. Any request for an extension of compliance with a relevant standard under this paragraph shall be submitted in writing to the Administrator not later than 120 days after the promulgation date of the standard. The Administrator may grant such an extension if he or she finds that the installation of BACT or technology to meet LAER controls the same pollutant (or stream of pollutants) that would be controlled at that source by the relevant emission standard.

(6)(i) The request for a compliance extension under paragraph (i)(4) of this section shall include the following information:

(A) A description of the controls to be installed to comply with the standard;

(B) A compliance schedule, including the date by which each step toward compliance will be reached. At a minimum, the list of dates shall include:

(*1*) The date by which on-site construction, installation of emission control equipment, or a process change is planned to be initiated; and

(*2*) The date by which final compliance is to be achieved.

(*3*) The date by which on-site construction, installation of emission control equipment, or a process change is to be completed; and

(*4*) The date by which final compliance is to be achieved;

(C)–(D)

(ii) The request for a compliance extension under paragraph (i)(5) of this section shall include all information needed to demonstrate to the Administrator's satisfaction that the installation of BACT or technology to meet LAER controls the same pollutant (or stream of pollutants) that would be controlled at that source by the relevant emission standard.

(7) Advice on requesting an extension of compliance may be obtained from the Administrator (or the State with an approved permit program).

(8) *Approval of request for extension of compliance.* Paragraphs (i)(9) through (i)(14) of this section concern approval of an extension of compliance requested under paragraphs (i)(4) through (i)(6) of this section.

(9) Based on the information provided in any request made under paragraphs (i)(4) through (i)(6) of this section, or other information, the Administrator (or the State with an approved permit program) may grant an extension of compliance with an emission standard, as specified in paragraphs (i)(4) and (i)(5) of this section.

(10) The extension will be in writing and will—

(i) Identify each affected source covered by the extension;

(ii) Specify the termination date of the extension;

(iii) Specify the dates by which steps toward compliance are to be taken, if appropriate;

(iv) Specify other applicable requirements to which the compliance extension applies (e.g., performance tests); and

(v)(A) Under paragraph (i)(4), specify any additional conditions that the Administrator (or the State) deems necessary to assure installation of the necessary controls and protection of the health of persons during the extension period; or

(B) Under paragraph (i)(5), specify any additional conditions that the Administrator deems necessary to assure the proper operation and maintenance of the installed controls during the extension period.

(11) The owner or operator of an existing source that has been granted an extension of compliance under paragraph (i)(10) of this section may be required to submit to the Administrator (or the State with an approved permit program) progress reports indicating whether the steps toward compliance outlined in the compliance schedule have been reached. The contents of the progress reports and the dates by which they shall be submitted will be specified in the written extension of compliance granted under paragraph (i)(10) of this section.

(12)(i) The Administrator (or the State with an approved permit program) will notify the owner or operator in writing of approval or intention to deny approval of a request for an extension of compliance within 30 calendar days after receipt of sufficient information to evaluate a request submitted under paragraph (i)(4)(i) or (i)(5) of this section. The Administrator (or the State) will notify the owner or operator in writing of the status of his/her application, that is, whether the application contains sufficient information to make a determination, within 30 calendar days after receipt of the original application and within 30 calendar days after receipt of any supplementary information that is submitted. The 30-day approval or denial period will begin after the owner or operator has been notified in writing that his/her application is complete.

(ii) When notifying the owner or operator that his/her application is not complete, the Administrator will specify the information needed to complete the application and provide notice of opportunity for the applicant to present, in writing, within 30 calendar days after he/she is notified of the incomplete application, additional information or arguments to the Administrator to enable further action on the application.

(iii) Before denying any request for an extension of compliance, the Administrator (or the State with an approved permit program) will notify the owner or operator in writing of the Administrator's (or the State's) intention to issue the denial, together with—

(A) Notice of the information and findings on which the intended denial is based; and

(B) Notice of opportunity for the owner or operator to present in writing, within 15 calendar days after he/she is notified of the intended denial, additional information or arguments to the Administrator (or the State) before further action on the request.

(iv) The Administrator's final determination to deny any request for an extension will be in writing and will set forth the specific grounds on which the denial is based. The final determination will be made within 30 calendar days after presentation of additional information or argument (if the application is complete), or within 30 calendar days after the final date specified for the presentation if no presentation is made.

(13)(i) The Administrator will notify the owner or operator in writing of approval or intention to deny approval of a request for an extension of compliance within 30 calendar days after receipt of sufficient information to evaluate a request submitted under paragraph (i)(4)(ii) of this section. The 30-day approval or denial period will begin after the owner or operator has been notified in writing that his/her application is complete. The Administrator (or the State) will notify the owner or operator in writing of the status of his/her application, that is, whether the application contains sufficient information to make a determination, within 15 calendar days after receipt of the original application and within 15 calendar days after receipt of any supplementary information that is submitted.

(ii) When notifying the owner or operator that his/her application is not complete, the Administrator will specify the information needed to complete the application and provide notice of opportunity for the applicant to present, in writing, within 15 calendar days after he/she is notified of the incomplete application, additional information or arguments to the Administrator to enable further action on the application.

(iii) Before denying any request for an extension of compliance, the Administrator will notify the owner or operator in writing of the Administrator's intention to issue the denial, together with—

(A) Notice of the information and findings on which the intended denial is based; and

(B) Notice of opportunity for the owner or operator to present in writing, within 15 calendar days after he/she is notified of the intended denial, additional information or arguments to the Administrator before further action on the request.

(iv) A final determination to deny any request for an extension will be in writing and will set forth the specific grounds on which the denial is based. The final determination will be made within 30 calendar days after presentation of additional information or argument (if the application is complete), or within 30 calendar days after the final date specified for the presentation if no presentation is made.

(14) The Administrator (or the State with an approved permit program) may terminate an extension of compliance at an earlier date than specified if any specification under paragraph (i)(10)(iii) or (iv) of this section is not met. Upon a determination to terminate, the Administrator will notify, in writing, the owner or operator of the Administrator's determination to terminate, together with:

(i) Notice of the reason for termination; and

(ii) Notice of opportunity for the owner or operator to present in writing, within 15 calendar days after he/she is notified of the determination to terminate, additional information or arguments to the Administrator before further action on the termination.

(iii) A final determination to terminate an extension of compliance will be in writing and will set forth the specific grounds on which the termination is based. The final determination will be made within 30 calendar days after presentation of additional information or arguments, or within 30 calendar days after the final date specified for the presentation if no presentation is made.

(15) [Reserved]

(16) The granting of an extension under this section shall not abrogate the Administrator's authority under section 114 of the Act.

(j) *Exemption from compliance with emission standards.* The President may exempt any stationary source from compliance with any relevant standard established pursuant to section 112 of the Act for a period of not more than 2 years if the President determines that the technology to implement such standard is not available and that it is in the national security interests of the United States to do so. An exemption under this paragraph may be extended for 1 or more additional periods, each period not to exceed 2 years.

§ 63.7 Performance testing requirements.

(a) *Applicability and performance test dates.* (1) The applicability of this section is set out in §63.1(a)(4).

(2) Except as provided in paragraph (a)(4) of this section, if required to do performance testing by a relevant standard, and unless a waiver of performance testing is obtained under this section or the conditions of paragraph (c)(3)(ii)(B) of this section apply, the owner or operator of the affected source must perform such tests within 180 days of the compliance date for such source.

(i)–(viii) [Reserved]

(ix) Except as provided in paragraph (a)(4) of this section, when an emission standard promulgated under this part is more stringent than the standard proposed (see §63.6(b)(3)), the owner or operator of a new or reconstructed source subject to that standard for which construction or reconstruction is commenced between the proposal and promulgation dates of the standard shall comply with performance testing requirements within 180 days after the standard's effective date, or within 180 days after startup of the source, whichever is later. If the promulgated standard is more stringent than the proposed standard, the owner or operator may choose to demonstrate compliance with either the proposed or the promulgated standard. If the owner or operator chooses to comply with the proposed standard initially, the owner or operator shall conduct a second performance test within 3 years and 180 days after the effective date of the standard, or after startup of the source, whichever is later, to demonstrate compliance with the promulgated standard.

(3) The Administrator may require an owner or operator to conduct performance tests at the affected source at any other time when the action is authorized by section 114 of the Act.

(4) [na]

(b) *Notification of performance test.* (1) The owner or operator of an affected source must notify the Administrator in writing of his or her intention to conduct a performance test at least 60 calendar days before the performance test is initially scheduled to begin to allow the Administrator, upon request, to review an approve the site-specific test plan required under paragraph (c) of this section and to have an observer present during the test.

(2) In the event the owner or operator is unable to conduct the performance test on the date specified in the notification requirement specified in paragraph (b)(1) of this section due to unforeseeable circumstances beyond his or her control, the owner or operator must notify the Administrator as soon as practicable and without delay prior to the scheduled performance test date and specify the date when the performance test is rescheduled. This notification of delay in conducting the performance test shall not relieve the owner or operator of legal responsibility for compliance with any other applicable provisions of this part or with any other applicable Federal, State, or local requirement, nor will it prevent the Administrator from implementing or enforcing this part or taking any other action under the Act.

(c) *Quality assurance program.* (1) The results of the quality assurance program required in this paragraph will be considered by the Administrator when he/she determines the validity of a performance test.

(2)(i) *Submission of site-specific test plan.* Before conducting a required performance test, the owner or operator of an affected source shall develop and, if requested by the Administrator, shall submit a site-specific test plan to the Administrator for approval. The test plan shall include a test program summary, the test schedule, data quality objectives, and both an internal and external quality assurance (QA) program. Data quality objectives are the pretest expectations of precision, accuracy, and completeness of data.

(ii) The internal QA program shall include, at a minimum, the activities planned by routine operators and analysts to provide an assessment of test data precision; an example of internal QA is the sampling and analysis of replicate samples.

(iii) The performance testing shall include a test method performance audit (PA) during the performance test. The PAs consist of blind audit samples supplied by an accredited audit sample provider and analyzed during the performance test in order to provide a measure of test data bias. Gaseous audit samples are designed to audit the performance of the sampling system as well as the analytical system and must be collected by the sampling system during the compliance test just as the compliance samples are collected. If a liquid or solid audit sample is designed to audit the sampling system, it must also be collected by the sampling system during the compliance test. If multiple sampling systems or sampling trains are used during the compliance test for any of the test methods, the tester is only required to use one of the sampling systems per method to collect the audit sample. The audit sample must be analyzed by the same analyst using the same analytical reagents and analytical system and at the same time as the compliance samples. Retests are required when there is a failure to produce acceptable results for an audit sample. However, if the audit results do not affect the compliance or noncompliance status of the affected facility, the compliance authority may waive the reanalysis requirement, further audits, or retests and accept the results of the compliance test. Acceptance of the test results shall constitute a waiver of the reanalysis requirement, further audits, or retests. The compliance authority may also use the audit sample failure and the compliance test results as evidence to determine the compliance or noncompliance status of the affected facility. A blind audit sample is a sample whose value is known only to the sample provider and is not revealed to the tested facility until after they report the measured value of the audit sample. For pollutants that exist in the gas phase at ambient temperature, the audit sample shall consist of an appropriate concentration of the pollutant in air or nitrogen that can be introduced into the sampling system of the test method at or near the same entry point as a sample from the emission source. If no gas phase audit samples are available, an acceptable alternative is a sample of the pollutant in the same matrix that would be produced when the sample is recovered from the sampling system as required by the test method. For samples that exist only in a liquid or solid form at ambient temperature, the audit sample shall consist of an appropriate concentration of the pollutant in the same matrix that would be produced when the sample is recovered from the sampling system as required by the test method. An accredited audit sample provider (AASP) is an organization that has been accredited to prepare audit samples by an independent, third party accrediting body.

(A) The source owner, operator, or representative of the tested facility shall obtain an audit sample, if commercially available, from an AASP for each test method used for regulatory compliance purposes. No audit samples are required for the following test methods: Methods 3C of Appendix A–3 of Part 60, Methods 6C, 7E, 9, and 10 of Appendix A–4 of Part 60, Method 18 of Appendix A–6 of Part 60, Methods 20, 22, and 25A of Appendix A–7 of Part 60, and Methods 303, 318, 320, and 321 of Appendix A of Part 63. If multiple sources at a single facility are tested during a compliance test event, only one audit sample is required for each method used during a compliance test. The compliance authority responsible for the compliance test may waive the requirement to include an audit sample if they believe that an audit sample is not necessary. “Commercially available” means that two or more independent AASPs have blind audit samples available for purchase. If the source owner, operator, or representative cannot find an audit sample for a specific method, the owner, operator, or representative shall

consult the EPA Web site at the following URL, *http://www.epa.gov/ttn/emc,* to confirm whether there is a source that can supply an audit sample for that method. If the EPA Web site does not list an available audit sample at least 60 days prior to the beginning of the compliance test, the source owner, operator, or representative shall not be required to include an audit sample as part of the quality assurance program for the compliance test. When ordering an audit sample, the source owner, operator, or representative shall give the sample provider an estimate for the concentration of each pollutant that is emitted by the source or the estimated concentration of each pollutant based on the permitted level and the name, address, and phone number of the compliance authority. The source owner, operator, or representative shall report the results for the audit sample along with a summary of the emission test results for the audited pollutant to the compliance authority and shall report the results of the audit sample to the AASP. The source owner, operator, or representative shall make both reports at the same time and in the same manner or shall report to the compliance authority first and report to the AASP. If the method being audited is a method that allows the samples to be analyzed in the field and the tester plans to analyze the samples in the field, the tester may analyze the audit samples prior to collecting the emission samples provided a representative of the compliance authority is present at the testing site. The tester may request and the compliance authority may grant a waiver to the requirement that a representative of the compliance authority must be present at the testing site during the field analysis of an audit sample. The source owner, operator, or representative may report the results of the audit sample to the compliance authority and then report the results of the audit sample to the AASP prior to collecting any emission samples. The test protocol and final test report shall document whether an audit sample was ordered and utilized and the pass/fail results as applicable.

(B) An AASP shall have and shall prepare, analyze, and report the true value of audit samples in accordance with a written technical criteria document that describes how audit samples will be prepared and distributed in a manner that will ensure the integrity of the audit sample program. An acceptable technical criteria document shall contain standard operating procedures for all of the following operations:

(1) Preparing the sample;

(2) Confirming the true concentration of the sample;

(3) Defining the acceptance limits for the results from a well qualified tester. This procedure must use well established statistical methods to analyze historical results from well qualified testers. The acceptance limits shall be set so that there is 95 percent confidence that 90 percent of well qualified labs will produce future results that are within the acceptance limit range;

(4) Providing the opportunity for the compliance authority to comment on the selected concentration level for an audit sample;

(*5*) Distributing the sample to the user in a manner that guarantees that the true value of the sample is unknown to the user;

(*6*) Recording the measured concentration reported by the user and determining if the measured value is within acceptable limits;

(*7*) Reporting the results from each audit sample in a timely manner to the compliance authority and to the source owner, operator, or representative by the AASP. The AASP shall make both reports at the same time and in the same manner or shall report to the compliance authority first and then report to the source owner, operator, or representative. The results shall include the name of the facility tested, the date on which the compliance test was conducted, the name of the company performing the sample collection, the name of the company that analyzed the compliance samples including the audit sample, the measured result for the audit sample, and whether the testing company passed or failed the audit. The AASP shall report the true value of the audit sample to the compliance authority. The AASP may report the true value to the source owner, operator, or representative if the AASP's operating plan ensures that no laboratory will receive the same audit sample twice.

(*8*) Evaluating the acceptance limits of samples at least once every two years to determine in consultation with the voluntary consensus standard body if they should be changed.

(*9*) Maintaining a database, accessible to the compliance authorities, of results from the audit that shall include the name of the facility tested, the date on which the compliance test was conducted, the name of the company performing the sample collection, the name of the company that analyzed the compliance samples including the audit sample, the measured result for the audit sample, the true value of the audit sample, the acceptance range for the measured value, and whether the testing company passed or failed the audit.

(C) The accrediting body shall have a written technical criteria document that describes how it will ensure that the AASP is operating in accordance with the AASP technical criteria document that describes how audit samples are to be prepared and distributed. This document shall contain standard operating procedures for all of the following operations:

(*1*) Checking audit samples to confirm their true value as reported by the AASP.

(*2*) Performing technical systems audits of the AASP's facilities and operating procedures at least once every two years.

(*3*) Providing standards for use by the voluntary consensus standard body to approve the accrediting body that will accredit the audit sample providers.

(D) The technical criteria documents for the accredited sample providers and the accrediting body shall be developed through a public process guided by a voluntary consensus standards body (VCSB). The VCSB shall operate in accordance with the procedures and requirements in the Office of Management and Budget *Circular A–119* . A copy of Circular A–119 is available upon request by writing the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, by calling (202) 395–6880 or downloading online at *http://standards.gov/standards_gov/a119.cfm* . The VCSB shall approve all accrediting bodies. The Administrator will review all technical criteria documents. If the technical criteria documents do not meet the minimum technical requirements in paragraphs (c)(2)(iii)(B) through (C) of this section, the technical criteria documents are not acceptable and the proposed audit sample program is not capable of producing audit samples of sufficient quality to be used in a compliance test. All acceptable technical criteria documents shall be posted on the EPA Web site at the following URL, *http://www.epa.gov/ttn/emc* .

(iv) The owner or operator of an affected source shall submit the site-specific test plan to the Administrator upon the Administrator's request at least 60 calendar days before the performance test is scheduled to take place, that is, simultaneously with the notification of intention to conduct a performance test required under paragraph (b) of this section, or on a mutually agreed upon date.

(v) The Administrator may request additional relevant information after the submittal of a site-specific test plan.

(3) *Approval of site-specific test plan.* (i) The Administrator will notify the owner or operator of approval or intention to deny approval of the site-specific test plan (if review of the site-specific test plan is requested) within 30 calendar days after receipt of the original plan and within 30 calendar days after receipt of any supplementary information that is submitted under paragraph (c)(3)(i)(B) of this section. Before disapproving any site-specific test plan, the Administrator will notify the applicant of the Administrator's intention to disapprove the plan together with—

(A) Notice of the information and findings on which the intended disapproval is based; and

(B) Notice of opportunity for the owner or operator to present, within 30 calendar days after he/she is notified of the intended disapproval, additional information to the Administrator before final action on the plan.

(ii) In the event that the Administrator fails to approve or disapprove the site-specific test plan within the time period specified in paragraph (c)(3)(i) of this section, the following conditions shall apply:

(A) If the owner or operator intends to demonstrate compliance using the test method(s) specified in the relevant standard or with only minor changes to those tests methods (see paragraph (e)(2)(i) of this section), the owner or operator must conduct the performance test within the time specified in this section using the specified method(s);

(B) If the owner or operator intends to demonstrate compliance by using an alternative to any test method specified in the relevant standard, the owner or operator is authorized to conduct the performance test using an alternative test method after the Administrator approves the use of the alternative method when the Administrator approves the site-specific test plan (if review of the site-specific test plan is requested) or after the alternative method is approved (see paragraph (f) of this section). However, the owner or operator is authorized to conduct the performance test using an alternative method in the absence of notification of approval 45 days after submission of the site-specific test plan or request to use an alternative method. The owner or operator is authorized to conduct the performance test within 60 calendar days after he/she is authorized to demonstrate compliance using an alternative test method. Notwithstanding the requirements in the preceding three sentences, the owner or operator may proceed to conduct the performance test as required in this section (without the Administrator's prior approval of the site-specific test plan) if he/she subsequently chooses to use the specified testing and monitoring methods instead of an alternative.

(iii) Neither the submission of a site-specific test plan for approval, nor the Administrator's approval or disapproval of a plan, nor the Administrator's failure to approve or disapprove a plan in a timely manner shall—

(A) Relieve an owner or operator of legal responsibility for compliance with any applicable provisions of this part or with any other applicable Federal, State, or local requirement; or

(B) Prevent the Administrator from implementing or enforcing this part or taking any other action under the Act.

(d) *Performance testing facilities.* If required to do performance testing, the owner or operator of each new source and, at the request of the Administrator, the owner or operator of each existing source, shall provide performance testing facilities as follows:

(1) Sampling ports adequate for test methods applicable to such source. This includes:

(i) Constructing the air pollution control system such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test methods and procedures; and

(ii) Providing a stack or duct free of cyclonic flow during performance tests, as demonstrated by applicable test methods and procedures;

(2) Safe sampling platform(s);

(3) Safe access to sampling platform(s);

(4) Utilities for sampling and testing equipment; and

(5) Any other facilities that the Administrator deems necessary for safe and adequate testing of a source.

(e) *Conduct of performance tests.* (1) [na]

(2) Performance tests shall be conducted and data shall be reduced in accordance with the test methods and procedures set forth in this section, in each relevant standard, and, if required, in applicable appendices of parts 51, 60, 61, and 63 of this chapter unless the Administrator—

(i) Specifies or approves, in specific cases, the use of a test method with minor changes in methodology (see definition in §63.90(a)). Such changes may be approved in conjunction with approval of the site-specific test plan (see paragraph (c) of this section); or

(ii) Approves the use of an intermediate or major change or alternative to a test method (see definitions in §63.90(a)), the results of which the Administrator has determined to be adequate for indicating whether a specific affected source is in compliance; or

(iii) Approves shorter sampling times or smaller sample volumes when necessitated by process variables or other factors; or

(iv) Waives the requirement for performance tests because the owner or operator of an affected source has demonstrated by other means to the Administrator's satisfaction that the affected source is in compliance with the relevant standard.

(3) Unless otherwise specified in a relevant standard or test method, each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the relevant standard. For the purpose of determining compliance with a relevant standard, the arithmetic mean of the results of the three runs shall apply. Upon receiving approval from the Administrator, results of a test run may be replaced with results of an additional test run in the event that—

(i) A sample is accidentally lost after the testing team leaves the site; or

(ii) Conditions occur in which one of the three runs must be discontinued because of forced shutdown; or

(iii) Extreme meteorological conditions occur; or

(iv) Other circumstances occur that are beyond the owner or operator's control.

(4) Nothing in paragraphs (e)(1) through (e)(3) of this section shall be construed to abrogate the Administrator's authority to require testing under section 114 of the Act.

(f) *Use of an alternative test method* —(1) *General.* Until authorized to use an intermediate or major change or alternative to a test method, the owner or operator of an affected source remains subject to the requirements of this section and the relevant standard.

(2) The owner or operator of an affected source required to do performance testing by a relevant standard may use an alternative test method from that specified in the standard provided that the owner or operator—

(i) Notifies the Administrator of his or her intention to use an alternative test method at least 60 days before the performance test is scheduled to begin;

(ii) Uses Method 301 in appendix A of this part to validate the alternative test method. This may include the use of specific procedures of Method 301 if use of such procedures are sufficient to validate the alternative test method; and

(iii) Submits the results of the Method 301 validation process along with thnotification of intention and the justification for not using the specified test method. The owner or operator may submit the information required in this paragraph well in advance of the deadline specified in paragraph (f)(2)(i) of this section to ensure a timely review by the Administrator in order to meet the performance test date specified in this section or the relevant standard.

(3) The Administrator will determine whether the owner or operator's validation of the proposed alternative test method is adequate and issue an approval or disapproval of the alternative test method. If the owner or operator intends to demonstrate compliance by using an alternative to any test method specified in the relevant standard, the owner or operator is authorized to

conduct the performance test using an alternative test method after the Administrator approves the use of the alternative method. However, the owner or operator is authorized to conduct the performance test using an alternative method in the absence of notification of approval/disapproval 45 days after submission of the request to use an alternative method and the request satisfies the requirements in paragraph (f)(2) of this section. The owner or operator is authorized to conduct the performance test within 60 calendar days after he/she is authorized to demonstrate compliance using an alternative test method. Notwithstanding the requirements in the preceding three sentences, the owner or operator may proceed to conduct the performance test as required in this section (without the Administrator's prior approval of the site-specific test plan) if he/she subsequently chooses to use the specified testing and monitoring methods instead of an alternative.

(4) If the Administrator finds reasonable grounds to dispute the results obtained by an alternative test method for the purposes of demonstrating compliance with a relevant standard, the Administrator may require the use of a test method specified in a relevant standard.

(5) If the owner or operator uses an alternative test method for an affected source during a required performance test, the owner or operator of such source shall continue to use the alternative test method for subsequent performance tests at that affected source until he or she receives approval from the Administrator to use another test method as allowed under §63.7(f).

(6) Neither the validation and approval process nor the failure to validate an alternative test method shall abrogate the owner or operator's responsibility to comply with the requirements of this part.

(g) *Data analysis, recordkeeping, and reporting.* (1) Unless otherwise specified in a relevant standard or test method, or as otherwise approved by the Administrator in writing, results of a performance test shall include the analysis of samples, determination of emissions, and raw data. A performance test is “completed” when field sample collection is terminated. The owner or operator of an affected source shall report the results of the performance test to the Administrator before the close of business on the 60th day following the completion of the performance test, unless specified otherwise in a relevant standard or as approved otherwise in writing by the Administrator (see §63.9(i)). The results of the performance test shall be submitted as part of the notification of compliance status required under §63.9(h). Before a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall send the results of the performance test to the Administrator. After a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall send the results of the performance test to the appropriate permitting authority.

(2) [Reserved]

(3) For a minimum of 5 years after a performance test is conducted, the owner or operator shall retain and make available, upon request, for inspection by the Administrator the records or results of such performance test and other data needed to determine emissions from an affected source.

(h) *Waiver of performance tests.* (1) Until a waiver of a performance testing requirement has been granted by the Administrator under this paragraph, the owner or operator of an affected source remains subject to the requirements of this section.

(2) Individual performance tests may be waived upon written application to the Administrator if, in the Administrator's judgment, the source is meeting the relevant standard(s) on a continuous basis, or the source is being operated under an extension of compliance, or the owner or operator has requested an extension of compliance and the Administrator is still considering that request.

(3) *Request to waive a performance test.* (i) If a request is made for an extension of compliance under §63.6(i), the application for a waiver of an initial performance test shall accompany the information required for the request for an extension of compliance. If no extension of compliance is requested or if the owner or operator has requested an extension of compliance and the Administrator is still considering that request, the application for a waiver of an initial performance test shall be submitted at least 60 days before the performance test if the site-specific test plan under paragraph (c) of this section is not submitted.

(ii) If an application for a waiver of a subsequent performance test is made, the application may accompany any required compliance progress report, compliance status report, or excess emissions and continuous monitoring system performance report [such as those required under §63.6(i), §63.9(h), and §63.10(e) or specified in a relevant standard or in the source's title V permit], but it shall be submitted at least 60 days before the performance test if the site-specific test plan required under paragraph (c) of this section is not submitted.

(iii) Any application for a waiver of a performance test shall include information justifying the owner or operator's request for a waiver, such as the technical or economic infeasibility, or the impracticality, of the affected source performing the required test.

(4) *Approval of request to waive performance test.* The Administrator will approve or deny a request for a waiver of a performance test made under paragraph (h)(3) of this section when he/she—

(i) Approves or denies an extension of compliance under §63.6(i)(8); or

(ii) Approves or disapproves a site-specific test plan under §63.7(c)(3); or

(iii) Makes a determination of compliance following the submission of a required compliance status report or excess emissions and continuous monitoring systems performance report; or

(iv) Makes a determination of suitable progress towards compliance following the submission of a compliance progress report, whichever is applicable.

(5) Approval of any waiver granted under this section shall not abrogate the Administrator's authority under the Act or in any way prohibit the Administrator from later canceling the waiver. The cancellation will be made only after notice is given to the owner or operator of the affected source.

§ 63.8 Monitoring requirements.

(a) *Applicability.* (1) The applicability of this section is set out in §63.1(a)(4).

(2) For the purposes of this part, all CMS required under relevant standards shall be subject to the provisions of this section upon promulgation of performance specifications for CMS as specified in the relevant standard or otherwise by the Administrator.

(3) [Reserved]

(4) [na]

(b) *Conduct of monitoring.* (1) [na]

(2)(i) When the emissions from two or more affected sources are combined before being released to the atmosphere, the owner or operator may install an applicable CMS for each emission stream or for the combined emissions streams, provided the monitoring is sufficient to demonstrate compliance with the relevant standard.

(ii) If the relevant standard is a mass emission standard and the emissions from one affected source are released to the atmosphere through more than one point, the owner or operator must install an applicable CMS at each emission point unless the installation of fewer systems is—

(A) Approved by the Administrator; or

(B) Provided for in a relevant standard (e.g., instead of requiring that a CMS be installed at each emission point before the effluents from those points are channeled to a common control device, the standard specifies that only one CMS is required to be installed at the vent of the control device).

(3) When more than one CMS is used to measure the emissions from one affected source (e.g., multiple breechings, multiple outlets), the owner or operator shall report the results as required for each CMS. However, when one CMS is used as a backup to another CMS, the owner or operator shall report the results from the CMS used to meet the monitoring requirements of this part. If both such CMS are used during a particular reporting period to meet the monitoring requirements of this part, then the owner or operator shall report the results from each CMS for the relevant compliance period.

(c) *Operation and maintenance of continuous monitoring systems.* (1) The owner or operator of an affected source shall maintain and operate each CMS as specified in this section, or in a relevant standard, and in a manner consistent with good air pollution control practices. (i) The owner or operator of an affected source must maintain and operate each CMS as specified in §63.6(e)(1).

(ii) The owner or operator must keep the necessary parts for routine repairs of the affected CMS equipment readily available.

(iii) The owner or operator of an affected source must develop a written startup, shutdown, and malfunction plan for CMS as specified in §63.6(e)(3).

(2)(i) All CMS must be installed such that representative measures of emissions or process parameters from the affected source are obtained. In addition, CEMS must be located according to procedures contained in the applicable performance specification(s).

(ii) Unless the individual subpart states otherwise, the owner or operator must ensure the read out (that portion of the CMS that provides a visual display or record), or other indication of operation, from any CMS required for compliance with the emission standard is readily accessible on site for operational control or inspection by the operator of the equipment.

(3) All CMS shall be installed, operational, and the data verified as specified in the relevant standard either prior to or in conjunction with conducting performance tests under §63.7. Verification of operational status shall, at a minimum, include completion of the manufacturer's written specifications or recommendations for installation, operation, and calibration of the system.

(4) Except for system breakdowns, out-of-control periods, repairs, maintenance periods, calibration checks, and zero (low-level) and high-level calibration drift adjustments, all CMS, including COMS and CEMS, shall be in continuous operation and shall meet minimum frequency of operation requirements as follows:

(i) All COMS shall complete a minimum of one cycle of sampling and analyzing for each successive 10-second period and one cycle of data recording for each successive 6-minute period.

(ii) All CEMS for measuring emissions other than opacity shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.

(5) [na]

(6) The owner or operator of a CMS that is not a CPMS, which is installed in accordance with the provisions of this part and the applicable CMS performance specification(s), must check the zero (low-level) and high-level calibration drifts at least once daily in accordance with the written procedure specified in the performance evaluation plan developed under paragraphs (e)(3)(i) and (ii) of this section. The zero (low-level) and high-level calibration drifts must be adjusted, at a minimum, whenever the 24-hour zero (low-level) drift exceeds two times the limits of the applicable performance specification(s) specified in the relevant standard. The system shall allow the amount of excess zero (low-level) and high-level drift measured at the 24-hour interval checks to be recorded and quantified whenever specified. For COMS, all optical and instrumental surfaces exposed to the effluent gases must be cleaned prior to performing the zero (low-level) and high-level drift adjustments; the optical surfaces and instrumental surfaces must be cleaned when the cumulative automatic zero compensation, if applicable, exceeds 4 percent opacity. The CPMS must be calibrated prior to use for the purposes of complying with this section. The CPMS must be checked daily for indication that the system is responding. If the CPMS system includes an internal system check, results must be recorded and checked daily for proper operation.

(7)(i) A CMS is out of control if—

(A) The zero (low-level), mid-level (if applicable), or high-level calibration drift (CD) exceeds two times the applicable CD specification in the applicable performance specification or in the relevant standard; or

(B) The CMS fails a performance test audit (e.g., cylinder gas audit), relative accuracy audit, relative accuracy test audit, or linearity test audit; or

(C) The COMS CD exceeds two times the limit in the applicable performance specification in the relevant standard.

(ii) When the CMS is out of control, the owner or operator of the affected source shall take the necessary corrective action and shall repeat all necessary tests which indicate that the system is out of control. The owner or operator shall take corrective action and conduct retesting until the performance requirements are below the applicable limits. The beginning of the out-of-control period is the hour the owner or operator conducts a performance check (e.g., calibration drift) that indicates an exceedance of the performance requirements established under this part. The end of the out-of-control period is the hour following the completion of corrective action and successful demonstration that the system is within the allowable limits. During the period the CMS is out of control, recorded data shall not be used in data averages and calculations, or to meet any data availability requirement established under this part.

(8) The owner or operator of a CMS that is out of control as defined in paragraph (c)(7) of this section shall submit all information concerning out-of-control periods, including start and end dates and hours and descriptions of corrective actions taken, in the excess emissions and continuous monitoring system performance report required in §63.10(e)(3).

(d) *Quality control program.* (1) The results of the quality control program required in this paragraph will be considered by the Administrator when he/she determines the validity of monitoring data.

(2) The owner or operator of an affected source that is required to use a CMS and is subject to the monitoring requirements of this section and a relevant standard shall develop and implement a CMS quality control program. As part of the quality control program, the owner or operator shall develop and submit to the Administrator for approval upon request a site-specific performance evaluation test plan for the CMS performance evaluation required in paragraph (e)(3)(i) of this section, according to the procedures specified in paragraph (e). In addition, each quality control program shall include, at a minimum, a written protocol that describes procedures for each of the following operations:

(i) Initial and any subsequent calibration of the CMS;

(ii) Determination and adjustment of the calibration drift of the CMS;

(iii) Preventive maintenance of the CMS, including spare parts inventory;

(iv) Data recording, calculations, and reporting;

(v) Accuracy audit procedures, including sampling and analysis methods; and

(vi) Program of corrective action for a malfunctioning CMS.

(3) The owner or operator shall keep these written procedures on record for the life of the affected source or until the affected source is no longer subject to the provisions of this part, to be made available for inspection, upon request, by the Administrator. If the performance evaluation plan is revised, the owner or operator shall keep previous (i.e., superseded) versions of the performance evaluation plan on record to be made available for inspection, upon request, by the Administrator, for a period of 5 years after each revision to the plan. Where relevant, e.g., program of corrective action for a malfunctioning CMS, these written procedures may be incorporated as part of the affected source's startup, shutdown, and malfunction plan to avoid duplication of planning and recordkeeping efforts.

(e) *Performance evaluation of continuous monitoring systems* —(1) *General.* When required by a relevant standard, and at any other time the Administrator may require under section 114 of the Act, the owner or operator of an affected source being monitored shall conduct a performance evaluation of the CMS. Such performance evaluation shall be conducted according to the applicable specifications and procedures described in this section or in the relevant standard.

(2) *Notification of performance evaluation.* The owner or operator shall notify the Administrator in writing of the date of the performance evaluation simultaneously with the notification of the performance test date required under §63.7(b) or at least 60 days prior to the date the performance evaluation is scheduled to begin if no performance test is required.

(3)(i) *Submission of site-specific performance evaluation test plan.* Before conducting a required CMS performance evaluation, the owner or operator of an affected source shall develop and submit a site-specific performance evaluation test plan to the Administrator for approval upon request. The performance evaluation test plan shall include the evaluation program objectives, an evaluation program summary, the performance evaluation schedule, data quality objectives, and both an internal and external QA program. Data quality objectives are the pre-evaluation expectations of precision, accuracy, and completeness of data.

(ii) The internal QA program shall include, at a minimum, the activities planned by routine operators and analysts to provide an assessment of CMS performance. The external QA program shall include, at a minimum, systems audits that include the opportunity for on-site evaluation by the Administrator of instrument calibration, data validation, sample logging, and documentation of quality control data and field maintenance activities.

(iii) The owner or operator of an affected source shall submit the site-specific performance evaluation test plan to the Administrator (if requested) at least 60 days before the performance test or performance evaluation is scheduled to begin, or on a mutually agreed upon date, and review and approval of the performance evaluation test plan by the Administrator will occur with the review and approval of the site-specific test plan (if review of the site-specific test plan is requested).

(iv) The Administrator may request additional relevant information after the submittal of a site-specific performance evaluation test plan.

(v) In the event that the Administrator fails to approve or disapprove the site-specific performance evaluation test plan within the time period specified in §63.7(c)(3), the following conditions shall apply:

(A) If the owner or operator intends to demonstrate compliance using the monitoring method(s) specified in the relevant standard, the owner or operator shall conduct the performance evaluation within the time specified in Subpart ZZZZ using the specified method(s);

(B) If the owner or operator intends to demonstrate compliance by using an alternative to a monitoring method specified in the relevant standard, the owner or operator shall refrain from conducting the performance evaluation until the Administrator approves the use of the alternative method. If the Administrator does not approve the use of the alternative method within 30 days before the performance evaluation is scheduled to begin, the performance evaluation deadlines specified in paragraph (e)(4) of this section may be extended such that the owner or operator shall conduct the performance evaluation within 60 calendar days after the Administrator approves the use of the alternative method. Notwithstanding the requirements in the preceding two sentences, the owner or operator may proceed to conduct the performance evaluation as required in this section (without the Administrator's prior approval of the site-specific performance evaluation test plan) if he/she subsequently chooses to use the specified monitoring method(s) instead of an alternative.

(vi) Neither the submission of a site-specific performance evaluation test plan for approval, nor the Administrator's approval or disapproval of a plan, nor the Administrator's failure to approve or disapprove a plan in a timely manner shall—

(A) Relieve an owner or operator of legal responsibility for compliance with any applicable provisions of this part or with any other applicable Federal, State, or local requirement; or

(B) Prevent the Administrator from implementing or enforcing this part or taking any other action under the Act.

(4) *Conduct of performance evaluation and performance evaluation dates.* The owner or operator of an affected source shall conduct a performance evaluation of a required CMS during any performance test required under §63.7 in accordance with the applicable performance specification as specified in the relevant standard. Notwithstanding the requirement in the previous sentence, if the owner or operator of an affected source elects to submit COMS data for compliance with a relevant opacity emission standard as provided under §63.6(h)(7), he/she shall conduct a performance evaluation of the COMS as specified in the relevant standard, before the performance test required under §63.7 is conducted in time to submit the results of the performance evaluation as specified in paragraph (e)(5)(ii) of this section. If a performance test is not required, or the requirement for a performance test has been waived under §63.7(h), the owner or operator of an affected source shall conduct the performance evaluation not later than 180 days after the appropriate compliance date for the affected source, as specified in §63.7(a), or as otherwise specified in the relevant standard.

(5) *Reporting performance evaluation results.* (i) The owner or operator shall furnish the Administrator a copy of a written report of the results of the performance evaluation simultaneously with the results of the performance test required under §63.7 or within 60 days of completion of the performance evaluation if no test is required, unless otherwise specified in a relevant standard. The Administrator may request that the owner or operator submit the raw data from a performance evaluation in the report of the performance evaluation results.

(ii) The owner or operator of an affected source using a COMS to determine opacity compliance during any performance test required under §63.7 and described in §63.6(d)(6) shall furnish the Administrator two or, upon request, three copies of a written report of the results of the COMS performance evaluation under this paragraph. The copies shall be provided at least 15 calendar days before the performance test required under §63.7 is conducted.

(f) *Use of an alternative monitoring method* —(1) *General.* Until permission to use an alternative monitoring procedure (minor, intermediate, or major changes; see definition in §63.90(a)) has been granted by the Administrator under this paragraph (f)(1), the owner or operator of an affected source remains subject to the requirements of this section and the relevant standard.

(2) After receipt and consideration of written application, the Administrator may approve alternatives to any monitoring methods or procedures of this part including, but not limited to, the following:

(i) Alternative monitoring requirements when installation of a CMS specified by a relevant standard would not provide accurate measurements due to liquid water or other interferences caused by substances within the effluent gases;

(ii) Alternative monitoring requirements when the affected source is infrequently operated;

(iii) Alternative monitoring requirements to accommodate CEMS that require additional measurements to correct for stack moisture conditions;

(iv) Alternative locations for installing CMS when the owner or operator can demonstrate that installation at alternate locations will enable accurate and representative measurements;

(v) Alternate methods for converting pollutant concentration measurements to units of the relevant standard;

(vi) Alternate procedures for performing daily checks of zero (low-level) and high-level drift that do not involve use of high-level gases or test cells;

(vii) Alternatives to the American Society for Testing and Materials (ASTM) test methods or sampling procedures specified by any relevant standard;

(viii) Alternative CMS that do not meet the design or performance requirements in this part, but adequately demonstrate a definite and consistent relationship between their measurements and the measurements of opacity by a system complying with the requirements as specified in the relevant standard. The Administrator may require that such demonstration be performed for each affected source; or

(ix) Alternative monitoring requirements when the effluent from a single affected source or the combined effluent from two or more affected sources is released to the atmosphere through more than one point.

(3) If the Administrator finds reasonable grounds to dispute the results obtained by an alternative monitoring method, requirement, or procedure, the Administrator may require the use of a method, requirement, or procedure specified in this section or in the relevant standard. If the results of the specified and alternative method, requirement, or procedure do not agree, the results obtained by the specified method, requirement, or procedure shall prevail.

(4)(i) *Request to use alternative monitoring procedure.* An owner or operator who wishes to use an alternative monitoring procedure must submit an application to the Administrator as described in paragraph (f)(4)(ii) of this section. The application may be submitted at any time provided that the monitoring procedure is not the performance test method used to demonstrate compliance with a relevant standard or other requirement. If the alternative monitoring procedure will serve as the performance test method that is to be used to demonstrate compliance with a relevant standard, the application must be submitted at least 60 days before the performance evaluation is scheduled to begin and must meet the requirements for an alternative test method under §63.7(f).

(ii) The application must contain a description of the proposed alternative monitoring system which addresses the four elements contained in the definition of monitoring in §63.2 and a performance evaluation test plan, if required, as specified in paragraph (e)(3) of this section. In addition, the application must include information justifying the owner or operator's request for an alternative monitoring method, such as the technical or economic infeasibility, or the impracticality, of the affected source using the required method.

(iii) The owner or operator may submit the information required in this paragraph well in advance of the submittal dates specified in paragraph (f)(4)(i) above to ensure a timely review by the Administrator in order to meet the compliance demonstration date specified in this section or the relevant standard.

(iv) Application for minor changes to monitoring procedures, as specified in paragraph (b)(1) of this section, may be made in the site-specific performance evaluation plan.

(5) *Approval of request to use alternative monitoring procedure.* (i) The Administrator will notify the owner or operator of approval or intention to deny approval of the request to use an alternative monitoring method within 30 calendar days after receipt of the original request and within 30 calendar days after receipt of any supplementary information that is submitted. If a request for a minor change is made in conjunction with site-specific performance evaluation plan, then approval of the plan will constitute approval of the minor change. Before disapproving any request to use an alternative monitoring method, the Administrator will notify the applicant of the Administrator's intention to disapprove the request together with—

(A) Notice of the information and findings on which the intended disapproval is based; and

(B) Notice of opportunity for the owner or operator to present additional information to the Administrator before final action on the request. At the time the Administrator notifies the applicant of his or her intention to disapprove the request, the Administrator will specify how much time the owner or operator will have after being notified of the intended disapproval to submit the additional information.

(ii) The Administrator may establish general procedures and criteria in a relevant standard to accomplish the requirements of paragraph (f)(5)(i) of this section.

(iii) If the Administrator approves the use of an alternative monitoring method for an affected source under paragraph (f)(5)(i) of this section, the owner or operator of such source shall continue to use the alternative monitoring method until he or she receives approval from the Administrator to use another monitoring method as allowed by §63.8(f).

(6) *Alternative to the relative accuracy test.* An alternative to the relative accuracy test for CEMS specified in a relevant standard may be requested as follows:

(i) *Criteria for approval of alternative procedures.* An alternative to the test method for determining relative accuracy is available for affected sources with emission rates demonstrated to be less than 50 percent of the relevant standard. The owner or operator of an affected source may petition the Administrator under paragraph (f)(6)(ii) of this section to substitute the relative accuracy test in section 7 of Performance Specification 2 with the procedures in section 10 if the results of a performance test conducted according to the requirements in §63.7, or other tests performed following the criteria in §63.7, demonstrate that the emission rate of the pollutant of interest in the units of the relevant standard is less than 50 percent of the relevant standard. For affected sources subject to emission limitations expressed as control efficiency levels, the owner or operator may petition the Administrator to substitute the relative accuracy test with the procedures in section 10 of Performance Specification 2 if the control device exhaust emission rate is less than 50 percent of the level needed to meet the control efficiency requirement. The alternative procedures do not apply if the CEMS is used continuously to determine compliance with the relevant standard.

(ii) *Petition to use alternative to relative accuracy test.* The petition to use an alternative to the relative accuracy test shall include a detailed description of the procedures to be applied, the location and the procedure for conducting the alternative, the concentration or response levels of the alternative relative accuracy materials, and the other equipment checks included in the alternative procedure(s). The Administrator will review the petition for completeness and applicability. The Administrator's determination to approve an alternative will depend on the intended use of the CEMS data and may require specifications more stringent than in Performance Specification 2.

(iii) *Rescission of approval to use alternative to relative accuracy test.* The Administrator will review the permission to use an alternative to the CEMS relative accuracy test and may rescind such permission if the CEMS data from a successful completion of the alternative relative accuracy procedure indicate that the affected source's emissions are approaching the level of the relevant standard. The criterion for reviewing the permission is that the collection of CEMS data shows that emissions have exceeded 70 percent of the relevant standard for any averaging period, as specified in the relevant standard. For affected sources subject to emission limitations expressed as control efficiency levels, the criterion for reviewing the permission is that the collection of CEMS data shows that exhaust emissions have exceeded 70 percent of the level needed to meet the control efficiency requirement for any averaging period, as specified in the relevant standard. The owner or operator of the affected source shall maintain records and determine the level of emissions relative to the criterion for permission to use an alternative for relative accuracy testing. If this criterion is exceeded, the owner or operator shall notify the Administrator within 10 days of such occurrence and include a description of the nature and cause of the increased emissions. The Administrator will review the notification and may rescind permission to use an alternative and require the owner or operator to conduct a relative accuracy test of the CEMS as specified in section 7 of Performance Specification 2.

(g) *Reduction of monitoring data.* (1) The owner or operator of each CMS must reduce the monitoring data as specified in paragraphs (g)(1) through (5) of this section.

(2) The owner or operator of each COMS shall reduce all data to 6-minute averages calculated from 36 or more data points equally spaced over each 6-minute period. Data from CEMS for measurement other than opacity, unless otherwise specified in the relevant standard, shall be reduced to 1-hour averages computed from four or more data points equally spaced over each 1-hour period, except during periods when calibration, quality assurance, or maintenance activities pursuant to provisions of this part are being performed. During these periods, a valid hourly average shall consist of at least two data points with each representing a 15-minute period. Alternatively, an arithmetic or integrated 1-hour average of CEMS data may be used. Time periods for averaging are defined in §63.2.

(3) The data may be recorded in reduced or nonreduced form (e.g., ppm pollutant and percent O_2or ng/J of pollutant).

(4) All emission data shall be converted into units of the relevant standard for reporting purposes using the conversion procedures specified in that standard. After conversion into units of the relevant standard, the data may be rounded to the same number of significant digits as used in that standard to specify the emission limit (e.g., rounded to the nearest 1 percent opacity).

(5) Monitoring data recorded during periods of unavoidable CMS breakdowns, out-of-control periods, repairs, maintenance periods, calibration checks, and zero (low-level) and high-level adjustments must not be included in any data average computed under this part. For the owner or operator complying with the requirements of §63.10(b)(2)(vii)(A) or (B), data averages must include any data recorded during periods of monitor breakdown or malfunction.

§ 63.9 Notification requirements.

(a) *Applicability and general information.* (1) The applicability of this section is set out in §63.1(a)(4).

(2) For affected sources that have been granted an extension of compliance under subpart D of this part, the requirements of this section do not apply to those sources while they are operating under such compliance extensions.

(3) If any State requires a notice that contains all the information required in a notification listed in this section, the owner or operator may send the Administrator a copy of the notice sent to the State to satisfy the requirements of this section for that notification.

(4)(i) Before a State has been delegated the authority to implement and enforce notification requirements established under this part, the owner or operator of an affected source in such State subject to such requirements shall submit notifications to the appropriate Regional Office of the EPA (to the attention of the Director of the Division indicated in the list of the EPA Regional Offices in §63.13).

(ii) After a State has been delegated the authority to implement and enforce notification requirements established under this part, the owner or operator of an affected source in such State subject to such requirements shall submit notifications to the delegated State authority (which may be the same as the permitting authority). In addition, if the delegated (permitting) authority is the State, the owner or operator shall send a copy of each notification submitted to the State to the appropriate Regional Office of the EPA, as specified in paragraph (a)(4)(i) of this section. The Regional Office may waive this requirement for any notifications at its discretion.

(b) *Initial notifications.* (1)(i) The requirements of this paragraph apply to the owner or operator of an affected source when such source becomes subject to a relevant standard.

(ii) If an area source that otherwise would be subject to an emission standard or other requirement established under this part if it were a major source subsequently increases its emissions of hazardous air pollutants (or its potential to emit hazardous air pollutants) such that the source is a major source that is subject to the emission standard or other requirement, such source shall be subject to the notification requirements of this section.

(iii) Affected sources that are required under this paragraph to submit an initial notification may use the application for approval of construction or reconstruction under §63.5(d) of Subpart ZZZZ, if relevant, to fulfill the initial notification requirements of this paragraph.

(2) The owner or operator of an affected source that has an initial startup before the effective date of a relevant standard under this part shall notify the Administrator in writing that the source is subject to the relevant standard. The notification, which shall be submitted not later than 120 calendar days after the effective date of the relevant standard (or within 120 calendar days after the source becomes subject to the relevant standard), shall provide the following information:

(i) The name and address of the owner or operator;

(ii) The address (i.e., physical location) of the affected source;

(iii) An identification of the relevant standard, or other requirement, that is the basis of the notification and the source's compliance date;

(iv) A brief description of the nature, size, design, and method of operation of the source and an identification of the types of emission points within the affected source subject to the relevant standard and types of hazardous air pollutants emitted; and

(v) A statement of whether the affected source is a major source or an area source.

(3) [Reserved]

(4) The owner or operator of a new or reconstructed major affected source for which an application for approval of construction or reconstruction is required under §63.5(d) must provide the following information in writing to the Administrator:

(i) A notification of intention to construct a new major-emitting affected source, reconstruct a major-emitting affected source, or reconstruct a major source such that the source becomes a major-emitting affected source with the application for approval of construction or reconstruction as specified in §63.5(d)(1)(i); and

(ii)–(iv) [Reserved]

(v) A notification of the actual date of startup of the source, delivered or postmarked within 15 calendar days after that date.

(5) The owner or operator of a new or reconstructed affected source for which an application for approval of construction or reconstruction is not required under §63.5(d) must provide the following information in writing to the Administrator:

(i) A notification of intention to construct a new affected source, reconstruct an affected source, or reconstruct a source such that the source becomes an affected source, and

(ii) A notification of the actual date of startup of the source, delivered or postmarked within 15 calendar days after that date.

(iii) Unless the owner or operator has requested and received prior permission from the Administrator to submit less than the information in §63.5(d), the notification must include the information required on the application for approval of construction or reconstruction as specified in §63.5(d)(1)(i).

(c) *Request for extension of compliance.* If the owner or operator of an affected source cannot comply with a relevant standard by the applicable compliance date for that source, or if the owner or operator has installed BACT or technology to meet LAER consistent with §63.6(i)(5) of Subpart ZZZZ, he/she may submit to the Administrator (or the State with an approved permit program) a request for an extension of compliance as specified in §63.6(i)(4) through §63.6(i)(6).

(d) *Notification that source is subject to special compliance requirements.* An owner or operator of a new source that is subject to special compliance requirements as specified in §63.6(b)(3) and §63.6(b)(4) shall notify the Administrator of his/her compliance obligations not later than the notification dates established in paragraph (b) of this section for new sources that are not subject to the special provisions.

(e) *Notification of performance test.* The owner or operator of an affected source shall notify the Administrator in writing of his or her intention to conduct a performance test at least 60 calendar days before the performance test is scheduled to begin to allow the Administrator to review and approve the site-specific test plan required under §63.7(c), if requested by the Administrator, and to have an observer present during the test.

(f) *Notification of opacity and visible emission observations.* The owner or operator of an affected source shall notify the Administrator in writing of the anticipated date for conducting the opacity or visible emission observations specified in

§63.6(h)(5), if such observations are required for the source by a relevant standard. The notification shall be submitted with the notification of the performance test date, as specified in paragraph (e) of this section, or if no performance test is required or visibility or other conditions prevent the opacity or visible emission observations from being conducted concurrently with the initial performance test required under §63.7, the owner or operator shall deliver or postmark the notification not less than 30 days before the opacity or visible emission observations are scheduled to take place.

(g) *Additional notification requirements for sources with continuous monitoring systems.* The owner or operator of an affected source required to use a CMS by a relevant standard shall furnish the Administrator written notification as follows:

(1) A notification of the date the CMS performance evaluation under §63.8(e) is scheduled to begin, submitted simultaneously with the notification of the performance test date required under §63.7(b). If no performance test is required, or if the requirement to conduct a performance test has been waived for an affected source under §63.7(h), the owner or operator shall notify the Administrator in writing of the date of the performance evaluation at least 60 calendar days before the evaluation is scheduled to begin;

(2) [na]

(3) A notification that the criterion necessary to continue use of an alternative to relative accuracy testing, as provided by §63.8(f)(6), has been exceeded. The notification shall be delivered or postmarked not later than 10 days after the occurrence of such exceedance, and it shall include a description of the nature and cause of the increased emissions.

(h) *Notification of compliance status.* (1) The requirements of paragraphs (h)(2) through (h)(4) of this section apply when an affected source becomes subject to a relevant standard.

(2)(i) Before a title V permit has been issued to the owner or operator of an affected source, and each time a notification of compliance status is required under this part, the owner or operator of such source shall submit to the Administrator a notification of compliance status, signed by the responsible official who shall certify its accuracy, attesting to whether the source has complied with the relevant standard. The notification shall list—

(A) The methods that were used to determine compliance;

(B) The results of any performance tests, opacity or visible emission observations, continuous monitoring system (CMS) performance evaluations, and/or other monitoring procedures or methods that were conducted;

(C) The methods that will be used for determining continuing compliance, including a description of monitoring and reporting requirements and test methods;

(D) The type and quantity of hazardous air pollutants emitted by the source (or surrogate pollutants if specified in the relevant standard), reported in units and averaging times and in accordance with the test methods specified in the relevant standard;

(E) If the relevant standard applies to both major and area sources, an analysis demonstrating whether the affected source is a major source (using the emissions data generated for this notification);

(F) A description of the air pollution control equipment (or method) for each emission point, including each control device (or method) for each hazardous air pollutant and the control efficiency (percent) for each control device (or method); and

(G) A statement by the owner or operator of the affected existing, new, or reconstructed source as to whether the source has complied with the relevant standard or other requirements.

(ii) The notification must be sent before the close of business on the 60th day following the completion of the relevant compliance demonstration activity specified in the relevant standard (unless a different reporting period is specified in the standard, in which case the letter must be sent before the close of business on the day the report of the relevant testing or monitoring results is required to be delivered or postmarked). For example, the notification shall be sent before close of business on the 60th (or other required) day following completion of the initial performance test and again before the close of business on the 60th (or other required) day following the completion of any subsequent required performance test. If no performance test is required but opacity or visible emission observations are required to demonstrate compliance with an opacity or visible emission standard under this part, the notification of compliance status shall be sent before close of business on the 30th day following the completion of opacity or visible emission observations. Notifications may be combined as long as the due date requirement for each notification is met.

(3) After a title V permit has been issued to the owner or operator of an affected source, the owner or operator of such source shall comply with all requirements for compliance status reports contained in the source's title V permit, including reports required under this part. After a title V permit has been issued to the owner or operator of an affected source, and each time a notification of compliance status is required under this part, the owner or operator of such source shall submit the notification of compliance status to the appropriate permitting authority following completion of the relevant compliance demonstration activity specified in the relevant standard.

(4) [Reserved]

(5) If an owner or operator of an affected source submits estimates or preliminary information in the application for approval of construction or reconstruction required in §63.5(d) in place of the actual emissions data or control efficiencies required in paragraphs (d)(1)(ii)(H) and (d)(2) of §63.5, the owner or operator shall submit the actual emissions data and other correct information as soon as available but no later than with the initial notification of compliance status required in this section.

(6) Advice on a notification of compliance status may be obtained from the Administrator.

(i) *Adjustment to time periods or postmark deadlines for submittal and review of required communications.* (1)(i) Until an adjustment of a time period or postmark deadline has been approved by the Administrator under paragraphs (i)(2) and (i)(3) of this section, the owner or operator of an affected source remains strictly subject to the requirements of this part.

(ii) An owner or operator shall request the adjustment provided for in paragraphs (i)(2) and (i)(3) of this section each time he or she wishes to change an applicable time period or postmark deadline specified in this part.

(2) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. An owner or operator who wishes to request a change in a time period or postmark deadline for a particular requirement shall request the adjustment in writing as soon as practicable before the subject activity is required to take place. The owner or operator shall include in the request whatever information he or she considers useful to convince the Administrator that an adjustment is warranted.

(3) If, in the Administrator's judgment, an owner or operator's request for an adjustment to a particular time period or postmark deadline is warranted, the Administrator will approve the adjustment. The Administrator will notify the owner or operator in writing of approval or disapproval of the request for an adjustment within 15 calendar days of receiving sufficient information to evaluate the request.

(4) If the Administrator is unable to meet a specified deadline, he or she will notify the owner or operator of any significant delay and inform the owner or operator of the amended schedule.

(j) *Change in information already provided.* Any change in the information already provided under this section shall be provided to the Administrator in writing within 15 calendar days after the change.

§ 63.10 Recordkeeping and reporting requirements.

(a) *Applicability and general information.* (1) The applicability of this section is set out in §63.1(a)(4).

(2) For affected sources that have been granted an extension of compliance under subpart D of this part, the requirements of this section do not apply to those sources while they are operating under such compliance extensions.

(3) If any State requires a report that contains all the information required in a report listed in this section, an owner or operator may send the Administrator a copy of the report sent to the State to satisfy the requirements of this section for that report.

(4)(i) Before a State has been delegated the authority to implement and enforce recordkeeping and reporting requirements established under this part, the owner or operator of an affected source in such State subject to such requirements shall submit reports to the appropriate Regional Office of the EPA (to the attention of the Director of the Division indicated in the list of the EPA Regional Offices in §63.13).

(ii) After a State has been delegated the authority to implement and enforce recordkeeping and reporting requirements established under this part, the owner or operator of an affected source in such State subject to such requirements shall submit reports to the delegated State authority (which may be the same as the permitting authority). In addition, if the delegated (permitting) authority is the State, the owner or operator shall send a copy of each report submitted to the State to the appropriate Regional Office of the EPA, as specified in paragraph (a)(4)(i) of this section. The Regional Office may waive this requirement for any reports at its discretion.

(5) If an owner or operator of an affected source in a State with delegated authority is required to submit periodic reports under this part to the State, and if the State has an established timeline for the submission of periodic reports that is consistent with the reporting frequency(ies) specified for such source under this part, the owner or operator may change the dates by which periodic reports under this part shall be submitted (without changing the frequency of reporting) to be consistent with the State's schedule by mutual agreement between the owner or operator and the State. For each relevant standard established pursuant to section 112 of the Act, the allowance in the previous sentence applies in each State beginning 1 year after the affected source's compliance date for that standard. Procedures governing the implementation of this provision are specified in §63.9(i).

(6) If an owner or operator supervises one or more stationary sources affected by more than one standard established pursuant to section 112 of the Act, he/she may arrange by mutual agreement between the owner or operator and the Administrator (or the State permitting authority) a common schedule on which periodic reports required for each source shall be submitted throughout the year. The allowance in the previous sentence applies in each State beginning 1 year after the latest compliance date for any relevant standard established pursuant to section 112 of the Act for any such affected source(s). Procedures governing the implementation of this provision are specified in §63.9(i).

(7) If an owner or operator supervises one or more stationary sources affected by standards established pursuant to section 112 of the Act (as amended November 15, 1990) and standards set under part 60, part 61, or both such parts of this chapter, he/she may arrange by mutual agreement between the owner or operator and the Administrator (or the State permitting authority) a common schedule on which periodic reports required by each relevant (i.e., applicable) standard shall be submitted throughout the year. The allowance in the previous sentence applies in each State beginning 1 year after the stationary source is required to be in compliance with the relevant section 112 standard, or 1 year after the stationary source is required to be in compliance with the applicable part 60 or part 61 standard, whichever is latest. Procedures governing the implementation of this provision are specified in §63.9(i).

(b) *General recordkeeping requirements.* (1) The owner or operator of an affected source subject to the provisions of this part shall maintain files of all information (including all reports and notifications) required by this part recorded in a form suitable and readily available for expeditious inspection and review. The files shall be retained for at least 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent 2 years of data shall be retained on site. The remaining 3 years of data may be retained off site. Such files may be maintained on microfilm, on a computer, on computer floppy disks, on magnetic tape disks, or on microfiche.

(2) The owner or operator of an affected source subject to the provisions of this part shall maintain relevant records for such source of—

(i) –(v) [na]

(vi) Each period during which a CMS is malfunctioning or inoperative (including out-of-control periods);

(vii) All required measurements needed to demonstrate compliance with a relevant standard (including, but not limited to, 15-minute averages of CMS data, raw performance testing measurements, and raw performance evaluation measurements, that support data that the source is required to report);

(A) This paragraph applies to owners or operators required to install a continuous emissions monitoring system (CEMS) where the CEMS installed is automated, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. An automated CEMS records and reduces the measured data to the form of the pollutant emission standard through the use of a computerized data acquisition system. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (b)(2)(vii) of this section, the owner or operator shall retain the most recent consecutive three averaging periods of subhourly measurements and a file that contains a hard copy of the data acquisition system algorithm used to reduce the measured data into the reportable form of the standard.

(B) This paragraph applies to owners or operators required to install a CEMS where the measured data is manually reduced to obtain the reportable form of the standard, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (b)(2)(vii) of this section, the owner or operator shall retain all subhourly measurements for the most recent reporting period. The subhourly measurements shall be retained for 120 days from the date of the most recent summary or excess emission report submitted to the Administrator.

(C) The Administrator or delegated authority, upon notification to the source, may require the owner or operator to maintain all measurements as required by paragraph (b)(2)(vii), if the administrator or the delegated authority determines these records are required to more accurately assess the compliance status of the affected source.

(viii) All results of performance tests, CMS performance evaluations, and opacity and visible emission observations;

(ix) All measurements as may be necessary to determine the conditions of performance tests and performance evaluations;

(x) All CMS calibration checks;

(xi) All adjustments and maintenance performed on CMS;

(xii) Any information demonstrating whether a source is meeting the requirements for a waiver of recordkeeping or reporting requirements under this part, if the source has been granted a waiver under paragraph (f) of this section;

(xiii) All emission levels relative to the criterion for obtaining permission to use an alternative to the relative accuracy test, if the source has been granted such permission under §63.8(f)(6); and

(xiv) All documentation supporting initial notifications and notifications of compliance status under §63.9.

(3) *Recordkeeping requirement for applicability determinations.* If an owner or operator determines that his or her stationary source that emits (or has the potential to emit, without considering controls) one or more hazardous air pollutants regulated by any standard established pursuant to section 112(d) or (f), and that stationary source is in the source category regulated by the relevant standard, but that source is not subject to the relevant standard (or other requirement established under this part) because of limitations on the source's potential to emit or an exclusion, the owner or operator must keep a record of the applicability determination on site at the source for a period of 5 years after the determination, or until the source changes its operations to become an affected source, whichever comes first. The record of the applicability determination must be signed by the person making the determination and include an analysis (or other information) that demonstrates why the owner or operator believes the source is unaffected (e.g., because the source is an area source). The analysis (or other information) must be sufficiently detailed to allow the Administrator to make a finding about the source's applicability status with regard to the relevant standard or other requirement. If relevant, the analysis must be performed in accordance with requirements established in relevant subparts of this part for this purpose for particular categories of stationary sources. If relevant, the analysis should be performed in accordance with EPA guidance materials published to assist sources in making applicability determinations under section 112, if any. The requirements to determine applicability of a standard under §63.1(b)(3) and to record the results of that determination under paragraph (b)(3) of this section shall not by themselves create an obligation for the owner or operator to obtain a title V permit.

(c) *Additional recordkeeping requirements for sources with continuous monitoring systems.* In addition to complying with the requirements specified in paragraphs (b)(1) and (b)(2) of this section, the owner or operator of an affected source required to install a CMS by a relevant standard shall maintain records for such source of—

(1) All required CMS measurements (including monitoring data recorded during unavoidable CMS breakdowns and out-of-control periods);

(2)–(4) [Reserved]

(5) The date and time identifying each period during which the CMS was inoperative except for zero (low-level) and high-level checks;

(6) The date and time identifying each period during which the CMS was out of control, as defined in §63.8(c)(7);

(7) The specific identification (i.e., the date and time of commencement and completion) of each period of excess emissions and parameter monitoring exceedances, as defined in the relevant standard(s), that occurs during startups, shutdowns, and malfunctions of the affected source;

(8) The specific identification (i.e., the date and time of commencement and completion) of each time period of excess emissions and parameter monitoring exceedances, as defined in the relevant standard(s), that occurs during periods other than startups, shutdowns, and malfunctions of the affected source;

(9) [Reserved]

(10) The nature and cause of any malfunction (if known);

(11) The corrective action taken or preventive measures adopted;

(12) The nature of the repairs or adjustments to the CMS that was inoperative or out of control;

(13) The total process operating time during the reporting period; and

(14) All procedures that are part of a quality control program developed and implemented for CMS under §63.8(d).

(15) In order to satisfy the requirements of paragraphs (c)(10) through (c)(12) of this section and to avoid duplicative recordkeeping efforts, the owner or operator may use the affected source's startup, shutdown, and malfunction plan or records kept to satisfy the recordkeeping requirements of the startup, shutdown, and malfunction plan specified in §63.6(e), provided that such plan and records adequately address the requirements of paragraphs (c)(10) through (c)(12).

(d) *General reporting requirements.* (1) Notwithstanding the requirements in this paragraph or paragraph (e) of this section, and except as provided in §63.16, the owner or operator of an affected source subject to reporting requirements under this part shall submit reports to the Administrator in accordance with the reporting requirements in the relevant standard(s).

(2) *Reporting results of performance tests.* Before a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall report the results of any performance test under §63.7 to the Administrator. After a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall report the results of a required performance test to the appropriate permitting authority. The owner or operator of an affected source shall report the results of the performance test to the Administrator (or the State with an approved permit program) before the close of business

on the 60th day following the completion of the performance test, unless specified otherwise in a relevant standard or as approved otherwise in writing by the Administrator. The results of the performance test shall be submitted as part of the notification of compliance status required under §63.9(h).

(3) *[na]*

(4) *Progress reports.* The owner or operator of an affected source who is required to submit progress reports as a condition of receiving an extension of compliance under §63.6(i) shall submit such reports to the Administrator (or the State with an approved permit program) by the dates specified in the written extension of compliance.

(5) *[na]*

(e) *Additional reporting requirements for sources with continuous monitoring systems* —(1) *General.* When more than one CEMS is used to measure the emissions from one affected source (e.g., multiple breechings, multiple outlets), the owner or operator shall report the results as required for each CEMS.

(2) *Reporting results of continuous monitoring system performance evaluations.* (i) The owner or operator of an affected source required to install a CMS by a relevant standard shall furnish the Administrator a copy of a written report of the results of the CMS performance evaluation, as required under §63.8(e), simultaneously with the results of the performance test required under §63.7, unless otherwise specified in the relevant standard.

(ii) [na]

(3) *Excess emissions and continuous monitoring system performance report and summary report.* (i) Excess emissions and parameter monitoring exceedances are defined in relevant standards. The owner or operator of an affected source required to install a CMS by a relevant standard shall submit an excess emissions and continuous monitoring system performance report and/or a summary report to the Administrator semiannually, except when—

(A) More frequent reporting is specifically required by a relevant standard;

(B) The Administrator determines on a case-by-case basis that more frequent reporting is necessary to accurately assess the compliance status of the source; or

(C) [Reserved]

(D) The affected source is complying with the Performance Track Provisions of §63.16, which allows less frequent reporting.

(ii) *Request to reduce frequency of excess emissions and continuous monitoring system performance reports.* Notwithstanding the frequency of reporting requirements specified in paragraph (e)(3)(i) of this section, an owner or operator who is required by a relevant standard to submit excess emissions and continuous monitoring system performance (and summary) reports on a quarterly (or more frequent) basis may reduce the frequency of reporting for that standard to semiannual if the following conditions are met:

(A) For 1 full year (e.g., 4 quarterly or 12 monthly reporting periods) the affected source's excess emissions and continuous monitoring system performance reports continually demonstrate that the source is in compliance with the relevant standard;

(B) The owner or operator continues to comply with all recordkeeping and monitoring requirements specified in Subpart ZZZZ and the relevant standard; and

(C) The Administrator does not object to a reduced frequency of reporting for the affected source, as provided in paragraph (e)(3)(iii) of this section.

(iii) The frequency of reporting of excess emissions and continuous monitoring system performance (and summary) reports required to comply with a relevant standard may be reduced only after the owner or operator notifies the Administrator in writing of his or her intention to make such a change and the Administrator does not object to the intended change. In deciding whether to approve a reduced frequency of reporting, the Administrator may review information concerning the source's entire previous performance history during the 5-year recordkeeping period prior to the intended change, including performance test results, monitoring data, and evaluations of an owner or operator's conformance with operation and maintenance requirements. Such information may be used by the Administrator to make a judgment about the source's potential for noncompliance in the future. If the Administrator disapproves the owner or operator's request to reduce the frequency of reporting, the Administrator will notify the owner or operator in writing within 45 days after receiving notice of the owner or operator's intention. The notification from the Administrator to the owner or operator will specify the grounds on which the disapproval is based. In the absence of a notice of disapproval within 45 days, approval is automatically granted.

(iv) As soon as CMS data indicate that the source is not in compliance with any emission limitation or operating parameter specified in the relevant standard, the frequency of reporting shall revert to the frequency specified in the relevant standard, and the owner or operator shall submit an excess emissions and continuous monitoring system performance (and summary)

report for the noncomplying emission points at the next appropriate reporting period following the noncomplying event. After demonstrating ongoing compliance with the relevant standard for another full year, the owner or operator may again request approval from the Administrator to reduce the frequency of reporting for that standard, as provided for in paragraphs (e)(3)(ii) and (e)(3)(iii) of this section.

(v) *Content and submittal dates for excess emissions and monitoring system performance reports.* All excess emissions and monitoring system performance reports and all summary reports, if required, shall be delivered or postmarked by the 30th day following the end of each calendar half or quarter, as appropriate. Written reports of excess emissions or exceedances of process or control system parameters shall include all the information required in paragraphs (c)(5) through (c)(13) of this section, in §63.8(c)(7) and §63.8(c)(8), and in the relevant standard, and they shall contain the name, title, and signature of the responsible official who is certifying the accuracy of the report. When no excess emissions or exceedances of a parameter have occurred, or a CMS has not been inoperative, out of control, repaired, or adjusted, such information shall be stated in the report.

(vi) *Summary report.* As required under paragraphs (e)(3)(vii) and (e)(3)(viii) of this section, one summary report shall be submitted for the hazardous air pollutants monitored at each affected source (unless the relevant standard specifies that more than one summary report is required, e.g., one summary report for each hazardous air pollutant monitored). The summary report shall be entitled "Summary Report—Gaseous and Opacity Excess Emission and Continuous Monitoring System Performance" and shall contain the following information:

(A) The company name and address of the affected source;

(B) An identification of each hazardous air pollutant monitored at the affected source;

(C) The beginning and ending dates of the reporting period;

(D) A brief description of the process units;

(E) The emission and operating parameter limitations specified in the relevant standard(s);

(F) The monitoring equipment manufacturer(s) and model number(s);

(G) The date of the latest CMS certification or audit;

(H) The total operating time of the affected source during the reporting period;

(I) An emission data summary (or similar summary if the owner or operator monitors control system parameters), including the total duration of excess emissions during the reporting period (recorded in minutes for opacity and hours for gases), the total duration of excess emissions expressed as a percent of the total source operating time during that reporting period, and a breakdown of the total duration of excess emissions during the reporting period into those that are due to startup/shutdown, control equipment problems, process problems, other known causes, and other unknown causes;

(J) A CMS performance summary (or similar summary if the owner or operator monitors control system parameters), including the total CMS downtime during the reporting period (recorded in minutes for opacity and hours for gases), the total duration of CMS downtime expressed as a percent of the total source operating time during that reporting period, and a breakdown of the total CMS downtime during the reporting period into periods that are due to monitoring equipment malfunctions, nonmonitoring equipment malfunctions, quality assurance/quality control calibrations, other known causes, and other unknown causes;

(K) A description of any changes in CMS, processes, or controls since the last reporting period;

(L) The name, title, and signature of the responsible official who is certifying the accuracy of the report; and

(M) The date of the report.

(vii) If the total duration of excess emissions or process or control system parameter exceedances for the reporting period is less than 1 percent of the total operating time for the reporting period, and CMS downtime for the reporting period is less than 5 percent of the total operating time for the reporting period, only the summary report shall be submitted, and the full excess emissions and continuous monitoring system performance report need not be submitted unless required by the Administrator.

(viii) If the total duration of excess emissions or process or control system parameter exceedances for the reporting period is 1 percent or greater of the total operating time for the reporting period, or the total CMS downtime for the reporting period is 5 percent or greater of the total operating time for the reporting period, both the summary report and the excess emissions and continuous monitoring system performance report shall be submitted.

(4) *[na]*

(f) *Waiver of recordkeeping or reporting requirements.* (1) Until a waiver of a recordkeeping or reporting requirement has been granted by the Administrator under this paragraph, the owner or operator of an affected source remains subject to the requirements of this section.

(2) Recordkeeping or reporting requirements may be waived upon written application to the Administrator if, in the Administrator's judgment, the affected source is achieving the relevant standard(s), or the source is operating under an extension of compliance, or the owner or operator has requested an extension of compliance and the Administrator is still considering that request.

(3) If an application for a waiver of recordkeeping or reporting is made, the application shall accompany the request for an extension of compliance under §63.6(i), any required compliance progress report or compliance status report required under this part (such as under §63.6(i) and §63.9(h)) or in the source's title V permit, or an excess emissions and continuous monitoring system performance report required under paragraph (e) of this section, whichever is applicable. The application shall include whatever information the owner or operator considers useful to convince the Administrator that a waiver of recordkeeping or reporting is warranted.

(4) The Administrator will approve or deny a request for a waiver of recordkeeping or reporting requirements under this paragraph when he/she—

(i) Approves or denies an extension of compliance; or

(ii) Makes a determination of compliance following the submission of a required compliance status report or excess emissions and continuous monitoring systems performance report; or

(iii) Makes a determination of suitable progress towards compliance following the submission of a compliance progress report, whichever is applicable.

(5) A waiver of any recordkeeping or reporting requirement granted under this paragraph may be conditioned on other recordkeeping or reporting requirements deemed necessary by the Administrator.

(6) Approval of any waiver granted under this section shall not abrogate the Administrator's authority under the Act or in any way prohibit the Administrator from later canceling the waiver. The cancellation will be made only after notice is given to the owner or operator of the affected source.

§ 63.11 Control device and work practice requirements [NA]

§ 63.12 State authority and delegations.

(a) The provisions of this part shall not be construed in any manner to preclude any State or political subdivision thereof from—

(1) Adopting and enforcing any standard, limitation, prohibition, or other regulation applicable to an affected source subject to the requirements of this part, provided that such standard, limitation, prohibition, or regulation is not less stringent than any requirement applicable to such source established under this part;

(2) Requiring the owner or operator of an affected source to obtain permits, licenses, or approvals prior to initiating construction, reconstruction, modification, or operation of such source; or

(3) Requiring emission reductions in excess of those specified in subpart D of this part as a condition for granting the extension of compliance authorized by section 112(i)(5) of the Act.

(b)(1) Section 112(l) of the Act directs the Administrator to delegate to each State, when appropriate, the authority to implement and enforce standards and other requirements pursuant to section 112 for stationary sources located in that State. Because of the unique nature of radioactive material, delegation of authority to implement and enforce standards that control radionuclides may require separate approval.

(2) Subpart E of this part establishes procedures consistent with section 112(l) for the approval of State rules or programs to implement and enforce applicable Federal rules promulgated under the authority of section 112. Subpart E also establishes procedures for the review and withdrawal of section 112 implementation and enforcement authorities granted through a section 112(l) approval.

(c) All information required to be submitted to the EPA under this part also shall be submitted to the appropriate State agency of any State to which authority has been delegated under section 112(l) of the Act, provided that each specific delegation may exempt sources from a certain Federal or State reporting requirement. The Administrator may permit all or some of the information to be submitted to the appropriate State agency only, instead of to the EPA and the State agency.

§ 63.13 Addresses of State air pollution control agencies and EPA Regional Offices.

(a) All requests, reports, applications, submittals, and other communications to the Administrator pursuant to this part shall be submitted to the appropriate Regional Office of the U.S. Environmental Protection Agency indicated in the following list of EPA Regional Offices.

EPA Region IV (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee). Director, Air, Pesticides and Toxics Management Division, Atlanta Federal Center, 61 Forsyth Street, Atlanta, GA 30303–3104.

(b) All information required to be submitted to the Administrator under this part also shall be submitted to the appropriate State agency of any State to which authority has been delegated under section 112(l) of the Act. The owner or operator of an affected source may contact the appropriate EPA Regional Office for the mailing addresses for those States whose delegation requests have been approved.

(c) If any State requires a submittal that contains all the information required in an application, notification, request, report, statement, or other communication required in this part, an owner or operator may send the appropriate Regional Office of the EPA a copy of that submittal to satisfy the requirements of this part for that communication.