

§ 64.4 Submittal requirements.

(a) The owner or operator shall submit to the permitting authority monitoring that satisfies the design requirements in [§ 64.3](#). The submission shall include the following information:

- (1) The indicators to be monitored to satisfy [§§ 64.3\(a\)\(1\)–\(2\)](#);
- (2) The ranges or designated conditions for such indicators, or the process by which such indicator ranges or designated conditions shall be established;
- (3) The performance criteria for the monitoring to satisfy [§ 64.3\(b\)](#); and
- (4) If applicable, the indicator ranges and performance criteria for a CEMS, COMS or PEMS pursuant to [§ 64.3\(d\)](#).

(b) As part of the information submitted, the owner or operator shall submit a justification for the proposed elements of the monitoring. If the performance specifications proposed to satisfy [§ 64.3\(b\)\(2\)](#) or [\(3\)](#) include differences from manufacturer recommendations, the owner or operator shall explain the reasons for the differences between the requirements proposed by the owner or operator and the manufacturer's recommendations or requirements. The owner or operator also shall submit any data supporting the justification, and may refer to generally available sources of information used to support the justification (such as generally available air pollution engineering manuals, or EPA or permitting authority publications on appropriate monitoring for various types of control devices or capture systems). To justify the appropriateness of the monitoring elements proposed, the owner or operator may rely in part on existing applicable requirements that establish the monitoring for the applicable pollutant-specific emissions unit or a similar unit. If an owner or operator relies on presumptively acceptable monitoring, no further justification for the appropriateness of that monitoring should be necessary other than an explanation of the applicability of such monitoring to the unit in question, unless data or information is brought forward to rebut the assumption. Presumptively acceptable monitoring includes:

- (1) Presumptively acceptable or required monitoring approaches, established by the permitting authority in a rule that constitutes part of the applicable implementation plan required pursuant to title I of the Act, that are designed to achieve compliance with this part for particular pollutant-specific emissions units;
- (2) Continuous emission, opacity or predictive emission monitoring systems that satisfy applicable monitoring requirements and performance specifications as specified in [§ 64.3\(d\)](#);
- (3) Excepted or alternative monitoring methods allowed or approved pursuant to [part 75 of this chapter](#);
- (4) Monitoring included for standards exempt from this part pursuant to [§ 64.2\(b\)\(1\)\(i\)](#) or [\(vi\)](#) to the extent such monitoring is applicable to the performance of the control device (and associated capture system) for the pollutant-specific emissions unit; and

(5) Presumptively acceptable monitoring identified in guidance by EPA. Such guidance will address the requirements under [§§ 64.4\(a\), \(b\), and \(c\)](#) to the extent practicable.

(c)

(1) Except as provided in [paragraph \(d\)](#) of this section, the owner or operator shall submit control device (and process and capture system, if applicable) operating parameter data obtained during the conduct of the applicable compliance or performance test conducted under conditions specified by the applicable rule. If the applicable rule does not specify testing conditions or only partially specifies test conditions, the performance test generally shall be conducted under conditions representative of maximum emissions potential under anticipated operating conditions at the pollutant-specific emissions unit. Such data may be supplemented, if desired, by engineering assessments and manufacturer's recommendations to justify the indicator ranges (or, if applicable, the procedures for establishing such indicator ranges). Emission testing is not required to be conducted over the entire indicator range or range of potential emissions.

(2) The owner or operator must document that no changes to the pollutant-specific emissions unit, including the control device and capture system, have taken place that could result in a significant change in the control system performance or the selected ranges or designated conditions for the indicators to be monitored since the performance or compliance tests were conducted.

(d) If existing data from unit-specific compliance or performance testing specified in [paragraph \(c\)](#) of this section are not available, the owner or operator:

(1) Shall submit a test plan and schedule for obtaining such data in accordance with [paragraph \(e\)](#) of this section; or

(2) May submit indicator ranges (or procedures for establishing indicator ranges) that rely on engineering assessments and other data, provided that the owner or operator demonstrates that factors specific to the type of monitoring, control device, or pollutant-specific emissions unit make compliance or performance testing unnecessary to establish indicator ranges at levels that satisfy the criteria in [§ 64.3\(a\)](#).

(e) If the monitoring submitted by the owner or operator requires installation, testing, or other necessary activities prior to use of the monitoring for purposes of this part, the owner or operator shall include an implementation plan and schedule for installing, testing and performing any other appropriate activities prior to use of the monitoring. The implementation plan and schedule shall provide for use of the monitoring as expeditiously as practicable after approval of the monitoring in the part 70 or 71 permit pursuant to [§ 64.6](#), but in no case shall the schedule for completing installation and beginning operation of the monitoring exceed 180 days after approval of the permit.

§ 64.5 Deadlines for submittals.

(a) **Large pollutant-specific emissions units.** For all pollutant-specific emissions units with the potential to emit (taking into account control devices to the extent appropriate under the definition of this term in [§ 64.1](#)) the applicable regulated air pollutant in an amount equal to or greater than 100 percent of the amount, in tons per year, required for a source to be classified as a major source, the owner or operator shall submit the information required under [§ 64.4](#) at the following times:

(1) On or after April 20, 1998, the owner or operator shall submit information as part of an application for an initial part 70 or 71 permit if, by that date, the application either:

(i) Has not been filed; or

(ii) Has not yet been determined to be complete by the permitting authority.

(2) On or after April 20, 1998, the owner or operator shall submit information as part of an application for a significant permit revision under [part 70](#) or [71 of this chapter](#), but only with respect to those pollutant-specific emissions units for which the proposed permit revision is applicable.

(3) The owner or operator shall submit any information not submitted under the deadlines set forth in [paragraphs \(a\)\(1\)](#) and [\(2\)](#) of this section as part of the application for the renewal of a part 70 or 71 permit.

(b) **Other pollutant-specific emissions units.** For all other pollutant-specific emissions units subject to this part and not subject to [§ 64.5\(a\)](#), the owner or operator shall submit the information required under [§ 64.4](#) as part of an application for a renewal of a part 70 or 71 permit.

(c) The effective date for the requirement to submit information under [§ 64.4](#) shall be as specified pursuant to paragraphs (a)–(b) of this section and a permit reopening to require the submittal of information under this section shall not be required pursuant to [§ 70.7\(f\)\(1\)\(i\) of this chapter](#), provided, however, that, if a part 70 or 71 permit is reopened for cause by EPA or the permitting authority pursuant to [§ 70.7\(f\)\(1\)\(iii\)](#) or [\(iv\)](#), or [§ 71.7\(f\)](#) or [\(g\)](#), the applicable agency may require the submittal of information under this section for those pollutant-specific emissions units that are subject to this part and that are affected by the permit reopening.

(d) Prior to approval of monitoring that satisfies this part, the owner or operator is subject to the requirements of [§ 70.6\(a\)\(3\)\(i\)\(B\)](#).

§ 64.9 Reporting and recordkeeping requirements.

(a) **General reporting requirements.**

(2) A report for monitoring under this part shall include, at a minimum, the information required under [§ 70.6\(a\)\(3\)\(iii\) of this chapter](#) and the following information, as applicable:

(i) Summary information on the number, duration and cause (including unknown cause, if applicable) of excursions or exceedances, as applicable, and the corrective actions taken;

(ii) Summary information on the number, duration and cause (including unknown cause, if applicable) for monitor downtime incidents (other than downtime associated with zero and span or other daily calibration checks, if applicable); and

(iii) A description of the actions taken to implement a QIP during the reporting period as specified in [§ 64.8](#). Upon completion of a QIP, the owner or operator shall include in the next summary report documentation that the implementation of the plan has been completed and reduced the likelihood of similar levels of excursions or exceedances occurring.

(b) *General recordkeeping requirements.*

(1) The owner or operator shall comply with the recordkeeping requirements specified in [§ 70.6\(a\)\(3\)\(ii\) of this chapter](#). The owner or operator shall maintain records of monitoring data, monitor performance data, corrective actions taken, any written quality improvement plan required pursuant to [§ 64.8](#) and any activities undertaken to implement a quality improvement plan, and other supporting information required to be maintained under this part (such as data used to document the adequacy of monitoring, or records of monitoring maintenance or corrective actions).

(2) Instead of paper records, the owner or operator may maintain records on alternative media, such as microfilm, computer files, magnetic tape disks, or microfiche, provided that the use of such alternative media allows for expeditious inspection and review, and does not conflict with other applicable recordkeeping requirements.

§ 70.6 Permit content.

(c) *Compliance requirements.* All part 70 permits shall contain the following elements with respect to compliance:

(5) Requirements for compliance certification with terms and conditions contained in the permit, including emission limitations, standards, or work practices. Permits shall include each of the following:

(iii) A requirement that the compliance certification include all of the following (provided that the identification of applicable information may cross-reference the permit or previous reports, as applicable):

(A) The identification of each term or condition of the permit that is the basis of the certification;

(B) The identification of the method(s) or other means used by the owner or operator for determining the compliance status with each term and condition during the certification

period. Such methods and other means shall include, at a minimum, the methods and means required under [paragraph \(a\)\(3\)](#) of this section. If necessary, the owner or operator also shall identify any other material information that must be included in the certification to comply with section 113(c)(2) of the Act, which prohibits knowingly making a false certification or omitting material information;

(C) The status of compliance with the terms and conditions of the permit for the period covered by the certification, including whether compliance during the period was continuous or intermittent. The certification shall be based on the method or means designated in [paragraph \(c\)\(5\)\(iii\)\(B\)](#) of this section. The certification shall identify each deviation and take it into account in the compliance certification. The certification shall also identify as possible exceptions to compliance any periods during which compliance is required and in which an excursion or exceedance as defined under [part 64 of this chapter](#) occurred; and

(D) Such other facts as the permitting authority may require to determine the compliance status of the source.

§ 71.6 Permit content.

(c) **Compliance requirements.** All part 71 permits shall contain the following elements with respect to compliance:

(5) Requirements for compliance certification with terms and conditions contained in the permit, including emission limitations, standards, or work practices. Permits shall include each of the following:

(iii) A requirement that the compliance certification include all of the following (provided that the identification of applicable information may cross-reference the permit or previous reports, as applicable):

(A) The identification of each term or condition of the permit that is the basis of the certification;

(B) The identification of the method(s) or other means used by the owner or operator for determining the compliance status with each term and condition during the certification period. Such methods and other means shall include, at a minimum, the methods and means required under [paragraph \(a\)\(3\)](#) of this section. If necessary, the owner or operator also shall identify any other material information that must be included in the certification to comply with section 113(c)(2) of the Act, which prohibits knowingly making a false certification or omitting material information;

(C) The status of compliance with the terms and conditions of the permit for the period covered by the certification, including whether compliance during the period was continuous or intermittent. The certification shall be based on the method or means

designated in [paragraph \(c\)\(5\)\(iii\)\(B\)](#) of this section. The certification shall identify each deviation and take it into account in the compliance certification; and

(D) Such other facts as the permitting authority may require to determine the compliance status of the source.