**§ 63.6 Compliance with standards and maintenance requirements.**

(h) ***Compliance with opacity and visible emission standards*** —

(7) ***Use of a continuous opacity monitoring system.***

(i) The owner or operator of an affected source required to use a continuous opacity monitoring system (COMS) shall record the monitoring data produced during a performance test required under [§ 63.7](https://www.ecfr.gov/current/title-40/section-63.7) and shall furnish the Administrator a written report of the monitoring results in accordance with the provisions of [§ 63.10(e)(4)](https://www.ecfr.gov/current/title-40/section-63.10#p-63.10(e)(4)).

(ii) Whenever an opacity emission test method has not been specified in an applicable subpart, or an owner or operator of an affected source is required to conduct Test Method 9 observations (see appendix A of [part 60 of this chapter](https://www.ecfr.gov/current/title-40/part-60)), the owner or operator may submit, for compliance purposes, COMS data results produced during any performance test required under [§ 63.7](https://www.ecfr.gov/current/title-40/section-63.7) in lieu of Method 9 data. If the owner or operator elects to submit COMS data for compliance with the opacity emission standard, he or she shall notify the Administrator of that decision, in writing, simultaneously with the notification under [§ 63.7(b)](https://www.ecfr.gov/current/title-40/section-63.7#p-63.7(b)) of the date the performance test is scheduled to begin. Once the owner or operator of an affected source has notified the Administrator to that effect, the COMS data results will be used to determine opacity compliance during subsequent performance tests required under [§ 63.7](https://www.ecfr.gov/current/title-40/section-63.7), unless the owner or operator notifies the Administrator in writing to the contrary not later than with the notification under [§ 63.7(b)](https://www.ecfr.gov/current/title-40/section-63.7#p-63.7(b)) of the date the subsequent performance test is scheduled to begin.

**§ 63.7 Performance testing requirements.**

(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)](https://www.ecfr.gov/current/title-40/section-63.7#p-63.7(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)](https://www.ecfr.gov/current/title-40/section-63.7#p-63.7(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 3A and 3C of appendix A-3 of [part 60 of this chapter](https://www.ecfr.gov/current/title-40/part-60); Methods 6C, 7E, 9, and 10 of appendix A-4 of part 60; Methods 18 and 19 of appendix A-6 of part 60; Methods 20, 22, and 25A of appendix A-7 of part 60; Methods 30A and 30B of appendix A-8 of part 60; and Methods 303, 318, 320, and 321 of [appendix A of this part](https://www.ecfr.gov/current/title-40/part-63/appendix-Appendix%20A%20to%20Part%2063). 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, [*www.epa.gov/ttn/emc*](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 then 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*](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)](https://www.ecfr.gov/current/title-40/section-63.7#p-63.7(c)(2)(iii)(B)) through [(C)](https://www.ecfr.gov/current/title-40/section-63.7#p-63.7(c)(2)(iii)(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*](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)](https://www.ecfr.gov/current/title-40/section-63.7#p-63.7(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)](https://www.ecfr.gov/current/title-40/section-63.7#p-63.7(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)](https://www.ecfr.gov/current/title-40/section-63.7#p-63.7(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)](https://www.ecfr.gov/current/title-40/section-63.7#p-63.7(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)](https://www.ecfr.gov/current/title-40/section-63.7#p-63.7(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.

**§ 63.8 Monitoring requirements.**

(c) ***Operation and maintenance of continuous monitoring systems.***

(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)](https://www.ecfr.gov/current/title-40/section-63.8#p-63.8(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 continuousmonitoring system performance report required in [§ 63.10(e)(3)](https://www.ecfr.gov/current/title-40/section-63.10#p-63.10(e)(3)).

***(d) Quality control program.***

(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.

***(f) Use of an alternative monitoring method —***

(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)](https://www.ecfr.gov/current/title-40/section-63.8#p-63.8(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)](https://www.ecfr.gov/current/title-40/section-63.7#p-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](https://www.ecfr.gov/current/title-40/section-63.2) and a performance evaluation test plan, if required, as specified in [paragraph (e)(3)](https://www.ecfr.gov/current/title-40/section-63.8#p-63.8(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)](https://www.ecfr.gov/current/title-40/section-63.8#p-63.8(b)(1)) of this section, may be made in the site-specific performance evaluation plan.

(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)](https://www.ecfr.gov/current/title-40/section-63.8#p-63.8(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](https://www.ecfr.gov/current/title-40/section-63.7), or other tests performed following the criteria in [§ 63.7](https://www.ecfr.gov/current/title-40/section-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.

**§ 63.9 Notification requirements.**

(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 subsequently becomes 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. Area sources previously subject to major source requirements that become major sources again are also subject to the notification requirements of this paragraph and must submit the notification according to the requirements of [paragraph (k)](https://www.ecfr.gov/current/title-40/section-63.9#p-63.9(k)) 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 this subpart](https://www.ecfr.gov/current/title-40/part-63/section-63.5#p-63.5(d)), 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)](https://www.ecfr.gov/current/title-40/section-63.5#p-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)](https://www.ecfr.gov/current/title-40/section-63.5#p-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)](https://www.ecfr.gov/current/title-40/section-63.5#p-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)](https://www.ecfr.gov/current/title-40/section-63.5#p-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)](https://www.ecfr.gov/current/title-40/section-63.5#p-63.5(d)(1)(i)).

(h) ***Notification of compliance status.***

(2)

(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.

(j) ***Change in information already provided.*** Any change in the information already provided under this section shall be provided to the Administrator within 15 calendar days after the change. The owner or operator of a major source that reclassifies to area source status is also subject to the notification requirements of this paragraph. The owner or operator may submit the application for reclassification with the regulatory authority (*e.g.,* permit application) according to [paragraph (k)](https://www.ecfr.gov/current/title-40/section-63.9#p-63.9(k)) of this section to fulfill the requirements of this paragraph, but the information required in [paragraphs (j)(1)](https://www.ecfr.gov/current/title-40/section-63.9#p-63.9(j)(1)) through [(4)](https://www.ecfr.gov/current/title-40/section-63.9#p-63.9(j)(4)) of this section must be included. A source which reclassified after January 25, 2018, and before January 19, 2021, and has not yet provided the notification of a change in information is required to provide such notification no later than February 2, 2021, according to the requirements of [paragraph (k)](https://www.ecfr.gov/current/title-40/section-63.9#p-63.9(k)) of this section. Beginning January 19, 2021, the owner or operator of a major source that reclassifies to area source status must submit the notification according to the requirements of [paragraph (k)](https://www.ecfr.gov/current/title-40/section-63.9#p-63.9(k)) of this section. A notification of reclassification must contain the following information:

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

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

(3) An identification of the standard being reclassified from and to (if applicable); and

(4) Date of effectiveness of the reclassification.

**§ 63.10 Recordkeeping and reporting requirements.**

(b) ***General recordkeeping requirements.***

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

(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)](https://www.ecfr.gov/current/title-40/section-63.10#p-63.10(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)](https://www.ecfr.gov/current/title-40/section-63.10#p-63.10(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;

(xiv) All documentation supporting initial notifications and notifications of compliance status under [§ 63.9](https://www.ecfr.gov/current/title-40/section-63.9).

**§ 63.9590 What emission limitations and operating limits must I meet?**

(c) You may petition the Administrator for approval of alternatives to the monitoring requirements in [paragraphs (b)(1)](https://www.ecfr.gov/current/title-40/section-63.9590#p-63.9590(b)(1)) through [(7)](https://www.ecfr.gov/current/title-40/section-63.9590#p-63.9590(b)(7)) of this section as allowed under [§ 63.8(f)](https://www.ecfr.gov/current/title-40/section-63.8#p-63.8(f)) and as defined in [§ 63.90](https://www.ecfr.gov/current/title-40/section-63.90).

[[68 FR 61888](https://www.federalregister.gov/citation/68-FR-61888), Oct. 3

**§ 63.9600 What are my operation and maintenance requirements?**

(b) You must prepare, and at all times, operate according to, a written operation and maintenance plan for each control device applied to meet any particulate matter emission limit in table 1 to this subpart, mercury emission limit in table 2 to this subpart, hydrogen chloride and hydrogen fluoride emission limit in table 3 to this subpart, and to meet the requirement of each indurating furnace subject to good combustion practices (GCP). Each site-specific operation and maintenance plan must be submitted to the Administrator on or before the compliance date that is specified in [§ 63.9583](https://www.ecfr.gov/current/title-40/section-63.9583) for your affected source. The plan you submit must explain why the chosen practices (*i.e.,* quantified objectives) are effective in performing corrective actions or GCP in minimizing the formation of formaldehyde (and other products of incomplete combustion). The Administrator will review the adequacy of the site-specific practices and objectives you will follow and the records you will keep to demonstrate compliance with your Plan. If the Administrator determines that any portion of your operation and maintenance plan is not adequate, we can reject those portions of the plan, and request that you provide additional information addressing the relevant issues. In the interim of this process, you will continue to follow your current site-specific practices and objectives, as submitted, until your revisions are accepted as adequate by the Administrator. You must maintain a current copy of the operation and maintenance plan onsite, and it must be available for inspection upon request. You must keep the plan for the life of the affected source or until the affected source is no longer subject to the requirements of this subpart. Each operation and maintenance plan must address the elements in [paragraphs (b)(1)](https://www.ecfr.gov/current/title-40/section-63.9600#p-63.9600(b)(1)) through [(4)](https://www.ecfr.gov/current/title-40/section-63.9600#p-63.9600(b)(4)) of this section.

(1) Preventative maintenance for each control device, including a preventative maintenance schedule that is consistent with the manufacturer's instructions for routine and long-term maintenance.

(2) Corrective action procedures for bag leak detection systems. On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, in the event a bag leak detection system alarm is triggered, you must initiate corrective action to determine the cause of the alarm within 1 hour of the alarm, initiate corrective action to correct the cause of the problem within 24 hours of the alarm, and complete the corrective action as soon as practicable. Corrective actions may include, but are not limited to, the actions listed in [paragraphs (b)(2)(i)](https://www.ecfr.gov/current/title-40/section-63.9600#p-63.9600(b)(2)(i)) through [(vi)](https://www.ecfr.gov/current/title-40/section-63.9600#p-63.9600(b)(2)(vi)) of this section. After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, in the event a bag leak detection system alarm is triggered, you must initiate corrective action to determine the cause of the alarm within 1 hour of the alarm, initiate corrective action to correct the cause of the problem within 24 hours of the alarm, and complete the corrective action as soon as practicable. If the alarm sounds more than 5 percent of the operating time during a 6-month period as determined according to [§ 63.9634(d)(3)](https://www.ecfr.gov/current/title-40/section-63.9634#p-63.9634(d)(3)), it is considered an operating parameter deviation. Corrective actions may include, but are not limited to, the actions listed in [paragraphs (b)(2)(i)](https://www.ecfr.gov/current/title-40/section-63.9600#p-63.9600(b)(2)(i)) through [(vi)](https://www.ecfr.gov/current/title-40/section-63.9600#p-63.9600(b)(2)(vi)) of this section.

(i) Inspecting the baghouse for air leaks, torn or broken bags or filter media, or any other condition that may cause an increase in emissions.

(ii) Sealing off defective bags or filter media.

(iii) Replacing defective bags or filter media or otherwise repairing the control device.

(iv) Sealing off a defective baghouse compartment.

(v) Cleaning the bag leak detection system probe, or otherwise repairing the bag leak detection system.

(vi) Adjusting the process operation producing the particulate emissions.

(3) Corrective action procedures for continuous parameter monitoring systems (CPMS) for all air pollution control devices except for baghouses. In the event you exceed an established operating limit for an air pollution control device except for a baghouse, you must initiate corrective action to determine the cause of the operating limit exceedance and complete the corrective action within 10 calendar days. The corrective action procedures you take must be consistent with the installation, operation, and maintenance procedures listed in your site-specific CPMS monitoring plan in accordance with [§ 63.9632(b)](https://www.ecfr.gov/current/title-40/section-63.9632#p-63.9632(b)).

(4) Good combustion practices for indurating furnaces. You must identify and implement a set of site-specific GCP for each type of indurating furnace at your plant. These GCP should correspond to your standard operating procedures for maintaining the proper and efficient combustion within each indurating furnace. Good combustion practices include, but are not limited to, the elements listed in [paragraphs (b)(4)(i)](https://www.ecfr.gov/current/title-40/section-63.9600#p-63.9600(b)(4)(i)) through [(v)](https://www.ecfr.gov/current/title-40/section-63.9600#p-63.9600(b)(4)(v)) of this section.

(i) Proper operating conditions for each indurating furnace (e.g., minimum combustion temperature, maximum carbon monoxide concentration in the furnace exhaust gases, burner alignment, or proper fuel-air distribution/mixing).

(ii) Routine inspection and preventative maintenance and corresponding schedules of each indurating furnace.

(iii) Performance analyses of each indurating furnace.

(iv) Keeping applicable operator logs.

(v) Keeping applicable records to document compliance with each element.

**§ 63.9620 On which units and by what date must I conduct performance tests or other initial compliance demonstrations?**

(a) For each ore crushing and handling affected source, you must demonstrate initial compliance with the emission limits in Table 1 to this subpart by conducting an initial performance test for particulate matter as specified in [paragraphs (a)(1)](https://www.ecfr.gov/current/title-40/section-63.9620#p-63.9620(a)(1)) and [(2)](https://www.ecfr.gov/current/title-40/section-63.9620#p-63.9620(a)(2)) of this section.

(1) Except as provided in [paragraph (e)](https://www.ecfr.gov/current/title-40/section-63.9620#p-63.9620(e)) of this section, an initial performance test must be performed on all stacks associated with ore crushing and handling.

(2) Initial performance tests must be completed no later than 180 calendar days after the compliance date specified in [§ 63.9583](https://www.ecfr.gov/current/title-40/section-63.9583). Performance tests conducted between October 30, 2003 and no later than 180 days after the corresponding compliance date can be used for initial compliance demonstration, provided the tests meet the initial performance testing requirements of this subpart.

(b) For each indurating furnace affected source, you must demonstrate initial compliance with the emission limits in Table 1 to this subpart by conducting an initial performance test for particulate matter as specified in [paragraphs (b)(1)](https://www.ecfr.gov/current/title-40/section-63.9620#p-63.9620(b)(1)) and [(2)](https://www.ecfr.gov/current/title-40/section-63.9620#p-63.9620(b)(2)) of this section.

(1) An initial performance test must be performed on all stacks associated with each indurating furnace.

(2) Initial performance tests must be completed no later than 180 calendar days after the compliance date specified in [§ 63.9583](https://www.ecfr.gov/current/title-40/section-63.9583). Performance tests conducted between October 30, 2003, and no later than 180 days after the corresponding compliance date can be used for initial compliance demonstration, provided the tests meet the initial performance testing requirements of this subpart. For an indurating furnace with multiple stacks, the performance tests for all stacks must be completed within 7 calendar days of commencement of the performance tests, to the extent practicable, and the indurating furnace and associated control device (where applicable) operating characteristics must remain representative and consistent for the duration of the stack tests. If you determine that the performance tests cannot be completed within 7 calendar days, the Administrator must be notified within 24 hours of making that determination.

(c) For each finished pellet handling affected source, you must demonstrate initial compliance with the emission limits in Table 1 to this subpart by conducting an initial performance test for particulate matter as specified in [paragraphs (c)(1)](https://www.ecfr.gov/current/title-40/section-63.9620#p-63.9620(c)(1)) and [(2)](https://www.ecfr.gov/current/title-40/section-63.9620#p-63.9620(c)(2)) of this section.

(1) Except as provided in [paragraph (e)](https://www.ecfr.gov/current/title-40/section-63.9620#p-63.9620(e)) of this section, an initial performance test must be performed on all stacks associated with finished pellet handling.

(2) Initial performance tests must be completed no later than 180 calendar days after the compliance date specified in [§ 63.9583](https://www.ecfr.gov/current/title-40/section-63.9583). Performance tests conducted between October 30, 2003 and no later than 180 days after the corresponding compliance date can be used for initial compliance demonstration, provided the tests meet the initial compliance testing requirements of this subpart.

(d) For each ore dryer affected source, you must demonstrate initial compliance with the emission limits in Table 1 to this subpart by conducting an initial performance test for particulate matter as specified in [paragraphs (d)(1)](https://www.ecfr.gov/current/title-40/section-63.9620#p-63.9620(d)(1)) and [(2)](https://www.ecfr.gov/current/title-40/section-63.9620#p-63.9620(d)(2)) of this section.

(1) An initial performance test must be performed on all stacks associated with each ore dryer.

(2) Initial performance tests must be completed no later than 180 calendar days after the compliance date specified in [§ 63.9583](https://www.ecfr.gov/current/title-40/section-63.9583). Performance tests conducted between October 30, 2003 and no later than 180 days after the corresponding compliance date can be used for initial compliance demonstration, provided the tests meet the initial compliance testing requirements of this subpart. For ore dryers with multiple stacks, the performance tests for all stacks must be completed within a reasonable period of time, such that the ore dryer operating characteristics remain representative for the duration of the stack tests.

(e) For ore crushing and handling affected sources and finished pellet handling affected sources, in lieu of conducting initial performance tests for particulate matter on all stacks, you may elect to group a maximum of six similar emission units together and conduct an initial compliance test on one representative emission unit within each group of similar emission units. The determination of whether emission units are similar must meet the criteria in [paragraph (f)](https://www.ecfr.gov/current/title-40/section-63.9620#p-63.9620(f)) of this section. If you decide to test representative emission units, you must prepare and submit a testing plan as described in [paragraph (g)](https://www.ecfr.gov/current/title-40/section-63.9620#p-63.9620(g)) of this section.

(f) If you elect to test representative emission units as provided in [paragraph (e)](https://www.ecfr.gov/current/title-40/section-63.9620#p-63.9620(e)) of this section, the units that are grouped together as similar units must meet the criteria in [paragraphs (f)(1)](https://www.ecfr.gov/current/title-40/section-63.9620#p-63.9620(f)(1)) and [(2)](https://www.ecfr.gov/current/title-40/section-63.9620#p-63.9620(f)(2)) of this section.

(1) All emission units within a group must be of the same process type (e.g., primary crushers, secondary crushers, tertiary crushers, fine crushers, ore conveyors, ore bins, ore screens, grate feed, pellet loadout, hearth layer, cooling stacks, pellet conveyor, and pellet screens). You cannot group emission units from different process types together for the purposes of this section.

(2) All emission units within a group must also have the same type of air pollution control device (*e.g.,* wet scrubbers, dynamic wet scrubbers, rotoclones, multiclones, wet and dry ESP, and baghouses). You cannot group emission units with different air pollution control device types together for the purposes of this section.

(3) The site-specific operating limits established for the emission unit selected as representative of a group of similar emission units will be used as the operating limit for each emission unit within the group. The operating limit established for the representative unit must be met by each emission unit within the group.

(g) If you plan to conduct initial performance tests on representative emission units within an ore crushing and handling affected source or a finished pellet handling affected source, you must submit a testing plan for initial performance tests. This testing plan must be submitted to the Administrator or delegated authority no later than 90 days prior to the first scheduled initial performance test. The testing plan must contain the information specified in [paragraphs (g)(1)](https://www.ecfr.gov/current/title-40/section-63.9620#p-63.9620(g)(1)) through [(3)](https://www.ecfr.gov/current/title-40/section-63.9620#p-63.9620(g)(3)) of this section.

(1) A list of all emission units. This list must clearly identify all emission units that have been grouped together as similar emission units. Within each group of emission units, you must identify the emission unit that will be the representative unit for that group and subject to initial performance testing.

(2) A list of the process type and type of air pollution control device on each emission unit.

(3) A schedule indicating when you will conduct an initial performance test for particulate matter for each representative emission unit.

(h) For each work practice standard and operation and maintenance requirement that applies to you where initial compliance is not demonstrated using a performance test, you must demonstrate initial compliance within 30 calendar days after the compliance date that is specified for your affected source in [§ 63.9583](https://www.ecfr.gov/current/title-40/section-63.9583).

(i) If you commenced construction or reconstruction of an affected source between December 18, 2002 and October 30, 2003 , you must demonstrate initial compliance with either the proposed emission limit or the promulgated emission limit no later than 180 calendar days after October 30, 2003 or no later than 180 calendar days after startup of the source, whichever is later, according to [§ 63.7(a)(2)(ix)](https://www.ecfr.gov/current/title-40/section-63.7#p-63.7(a)(2)(ix)).

(j) If you commenced construction or reconstruction of an affected source between December 18, 2002 and October 30, 2003, and you chose to comply with the proposed emission limit when demonstrating initial compliance, you must conduct a second performance test to demonstrate compliance with the promulgated emission limit by 3 years and 180 calendar days after October 30, 2003, or after startup of the source, whichever is later, according to [§ 63.7(a)(2)(ix)](https://www.ecfr.gov/current/title-40/section-63.7#p-63.7(a)(2)(ix)).

(k) For each indurating furnace, you must demonstrate initial compliance with the mercury emission limits in table 2 to this subpart in accordance with the procedures specified in either [paragraph (k)(1)](https://www.ecfr.gov/current/title-40/section-63.9620#p-63.9620(k)(1)) or [(2)](https://www.ecfr.gov/current/title-40/section-63.9620#p-63.9620(k)(2)) of this section.

(1) Complete an initial performance test on all stacks associated with each indurating furnace no later than 180 calendar days after the compliance date specified in [§ 63.9583(f)](https://www.ecfr.gov/current/title-40/section-63.9583#p-63.9583(f)). Performance tests conducted between March 6, 2024 and 180 days after the corresponding compliance date can be used for initial compliance demonstration, provided the tests meet the initial performance testing requirements of this subpart. For an indurating furnace with multiple stacks, the performance tests for all stacks must be completed within 7 calendar days of commencement of the performance tests, to the extent practicable, and the indurating furnace and associated control device (where applicable) operating characteristics must remain representative and consistent for the duration of the stack tests. If you determine that the performance tests cannot be completed within 7 calendar days, the Administrator must be notified within 24 hours of making that determination.

(2) You may use a 30-day rolling average of the 1-hour arithmetic average CEMS data. You must conduct a performance evaluation of each CEMS within 180 days of installation of the monitoring system. The initial performance evaluation must be conducted prior to collecting CEMS data that will be used for the initial compliance demonstration.

(l) For each indurating furnace, you must demonstrate initial compliance with the emission limits in table 3 to this subpart by conducting initial performance tests for hydrogen chloride and hydrogen fluoride on all stacks associated with each indurating furnace. Initial performance tests must be completed no later than 180 calendar days after the compliance date specified in [§ 63.9583(f)](https://www.ecfr.gov/current/title-40/section-63.9583#p-63.9583(f)). Performance tests conducted between March 6, 2024 and 180 days after the corresponding compliance date can be used for initial compliance demonstration, provided the tests meet the initial performance testing requirements of this subpart. For an indurating furnace with multiple stacks, the performance tests for all stacks must be completed within 7 calendar days of commencement of the performance tests, to the extent practicable, and the indurating furnace and associated control device (where applicable) operating characteristics must remain representative and consistent for the duration of the stack tests. If you determine that the performance tests cannot be conducted within 7 calendar days, the Administrator must be notified within 24 hours of making that determination.

**§ 63.9622 What test methods and other procedures must I use to establish and demonstrate initial compliance with the operating limits?**

(f) You may change the operating limits for any air pollution control device as long as you meet the requirements in [paragraphs (f)(1)](https://www.ecfr.gov/current/title-40/section-63.9622#p-63.9622(f)(1)) through [(3)](https://www.ecfr.gov/current/title-40/section-63.9622#p-63.9622(f)(3)) of this section.

(1) Submit a written notification to the Administrator of your request to conduct a new performance test to revise the operating limit.

**§ 63.9623 How do I demonstrate initial compliance with the emission limitations that apply to me?**

(d) If you elect to comply with the mercury limit in table 2 to this subpart using emissions averaging for indurating furnaces constructed or reconstructed before May 15, 2023, you must comply with the requirements in [paragraphs (d)(1)](https://www.ecfr.gov/current/title-40/section-63.9623#p-63.9623(d)(1)) through [(4)](https://www.ecfr.gov/current/title-40/section-63.9623#p-63.9623(d)(4)) of this section.

(2) You must develop and submit to the applicable regulatory authority for review and approval, an implementation plan for mercury emission averaging no later than 180 days before the date you intend to demonstrate compliance using the emission averaging option. You must include the information contained in [paragraphs (d)(2)(i)](https://www.ecfr.gov/current/title-40/section-63.9623#p-63.9623(d)(2)(i)) through [(iii)](https://www.ecfr.gov/current/title-40/section-63.9623#p-63.9623(d)(2)(iii)) of this section in your implementation plan.

(i) Identification of all indurating furnaces in the averaging group, including the typical taconite pellet production rate, control technology installed, and types of fuel(s) that will be burned.

(ii) The mercury emission rate for each furnace for each of the fuels identified in [paragraph (d)(2)(i)](https://www.ecfr.gov/current/title-40/section-63.9623#p-63.9623(d)(2)(i)) of this section.

(iii) The date on which you are requesting emission averaging to commence.

**§ 63.9630 When must I conduct subsequent performance tests?**

(a) You must conduct subsequent performance tests to demonstrate continued compliance with the ore crushing and handling emission limits in Table 1 to this subpart according to the schedule developed by your permitting authority and shown in your title V permit. If a title V permit has not been issued, you must submit a testing plan and schedule, containing the information specified in [paragraph (e)](https://www.ecfr.gov/current/title-40/section-63.9630#p-63.9630(e)) of this section, to the permitting authority for approval.

(b) You must conduct subsequent performance tests on all stacks associated with indurating furnaces to demonstrate continued compliance with the indurating furnace emission limits in tables 1 through 3 to this subpart according to the schedule developed by your permitting authority and shown in your title V permit, but no less frequent than twice per 5-year permit term. If a title V permit has not been issued, you must submit a testing plan and schedule, containing the information specified in [paragraph (e)](https://www.ecfr.gov/current/title-40/section-63.9630#p-63.9630(e)) of this section, to the permitting authority for approval. For an indurating furnace with multiple stacks, the performance tests for all stacks must be conducted within 7 calendar days of commencement of the performance tests, to the extent practicable, and the indurating furnace and associated control device (where applicable) operating characteristics must remain representative and consistent for the duration of the stack tests. If you determine that the performance tests cannot be completed within 7 calendar days, the Administrator must be notified within 24 hours of making that determination. Performance testing for mercury is not required for furnaces using CEMS to demonstrate compliance with the mercury emission limits in table 2 to this subpart.

(c) You must conduct subsequent performance tests to demonstrate continued compliance with the finished pellet handling emission limits in Table 1 to this subpart according to the schedule developed by your permitting authority and shown in your title V permit. If a title V permit has not been issued, you must submit a testing plan and schedule, containing the information specified in [paragraph (e)](https://www.ecfr.gov/current/title-40/section-63.9630#p-63.9630(e)) of this section, to the permitting authority for approval.

(d) You must conduct subsequent performance tests on all stacks associated with ore dryers to demonstrate continued compliance with the ore dryer emission limits in Table 1 to this subpart according to the schedule developed by your permitting authority and shown in your title V permit. If a title V permit has not been issued, you must submit a testing plan and schedule, containing the information specified in [paragraph (e)](https://www.ecfr.gov/current/title-40/section-63.9630#p-63.9630(e)) of this section, to the permitting authority for approval. For ore dryers with multiple stacks, the performance tests for all stacks associated with an ore dryer must be conducted within a reasonable period of time, such that the ore dryer operating characteristics remain representative for the duration of the stack tests.

(e) If your plant does not have a title V permit, you must submit a testing plan for subsequent performance tests as required in [paragraphs (a)](https://www.ecfr.gov/current/title-40/section-63.9630#p-63.9630(a)) through [(d)](https://www.ecfr.gov/current/title-40/section-63.9630#p-63.9630(d)) of this section. This testing plan must be submitted to the Administrator on or before the compliance date that is specified in [§ 63.9583](https://www.ecfr.gov/current/title-40/section-63.9583). The testing plan must contain the information specified in [paragraphs (e)(1)](https://www.ecfr.gov/current/title-40/section-63.9630#p-63.9630(e)(1)) and [(2)](https://www.ecfr.gov/current/title-40/section-63.9630#p-63.9630(e)(2)) of this section. You must maintain a current copy of the testing plan onsite, and it must be available for inspection upon request. You must keep the plan for the life of the affected source or until the affected source is no longer subject to the requirements of this subpart.

(1) A list of all emission units.

(2) A schedule indicating when you will conduct subsequent performance tests for particulate matter, mercury, hydrogen chloride and hydrogen fluoride for each of the emission units.

**§ 63.9631 What are my monitoring requirements?**

(i) If you use any air pollution control device other than a baghouse, wet scrubber, dry ESP, wet ESP, DSI, or ACI, you must submit a site-specific monitoring plan that includes the information in [paragraphs (i)(1)](https://www.ecfr.gov/current/title-40/section-63.9631#p-63.9631(i)(1)) through [(4)](https://www.ecfr.gov/current/title-40/section-63.9631#p-63.9631(i)(4)) of this section. The monitoring plan is subject to approval by the Administrator. You must maintain a current copy of the monitoring plan onsite, and it must be available for inspection upon request. You must keep the plan for the life of the affected source or until the affected source is no longer subject to the requirements of this subpart.

(1) A description of the device.

(2) Test results collected in accordance with [§ 63.9621](https://www.ecfr.gov/current/title-40/section-63.9621) verifying the performance of the device for reducing emissions of particulate matter, mercury, hydrogen chloride, and hydrogen fluoride to the atmosphere to the levels required by this subpart.

(3) A copy of the operation and maintenance plan required in [§ 63.9600(b)](https://www.ecfr.gov/current/title-40/section-63.9600#p-63.9600(b)).

(4) Appropriate operating parameters that will be monitored to maintain continuous compliance with the applicable emission limitation(s).

**§ 63.9632 What are the installation, operation, and maintenance requirements for my monitoring equipment?**

(b) For each CPMS required in [§ 63.9631](https://www.ecfr.gov/current/title-40/section-63.9631), you must develop and make available for inspection upon request by the permitting authority a site-specific monitoring plan that addresses the requirements in [paragraphs (b)(1)](https://www.ecfr.gov/current/title-40/section-63.9632#p-63.9632(b)(1)) through [(7)](https://www.ecfr.gov/current/title-40/section-63.9632#p-63.9632(b)(7)) of this section.

(1) Installation of the CPMS sampling probe or other interface at a measurement location relative to each affected emission unit such that the measurement is representative of control of the exhaust emissions (e.g., on or downstream of the last control device).

(2) Performance and equipment specifications for the sample interface, the parametric signal analyzer, and the data collection and reduction system.

(3) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, performance evaluation procedures and acceptance criteria (*e.g.,* calibrations). After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, performance evaluation procedures, a schedule for performing such procedures, and acceptance criteria (*e.g.,* calibrations), as well as corrective action to be taken if a performance evaluation does not meet the acceptance criteria. If a CPMS calibration fails, the CPMS is considered to be inoperative until you take corrective action and the system passes calibration.

(4) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, ongoing operation and maintenance procedures in accordance with the general requirements of [§ 63.8(c)(1)](https://www.ecfr.gov/current/title-40/section-63.8#p-63.8(c)(1)), [(3)](https://www.ecfr.gov/current/title-40/section-63.8#p-63.8(c)(3)), [(4)(ii)](https://www.ecfr.gov/current/title-40/section-63.8#p-63.8(4)(ii)), [(7)](https://www.ecfr.gov/current/title-40/section-63.8#p-63.8(7)), and [(8)](https://www.ecfr.gov/current/title-40/section-63.8#p-63.8(8)). After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, ongoing operation and maintenance procedures and a schedule for preventative maintenance procedures, in a manner consistent with good air pollution control practices and in accordance with the general requirements of [§ 63.8(c)(1)(ii)](https://www.ecfr.gov/current/title-40/section-63.8#p-63.8(c)(1)(ii)), [(c)(3)](https://www.ecfr.gov/current/title-40/section-63.8#p-63.8(c)(3)), [(c)(4)(ii)](https://www.ecfr.gov/current/title-40/section-63.8#p-63.8(c)(4)(ii)), and [(c)(7)](https://www.ecfr.gov/current/title-40/section-63.8#p-63.8(c)(7)) and [(8)](https://www.ecfr.gov/current/title-40/section-63.8#p-63.8(c)(8)).

(5) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, ongoing data quality assurance procedures in accordance with the general requirements of [§ 63.8(d)](https://www.ecfr.gov/current/title-40/section-63.8#p-63.8(d)). After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, ongoing data quality assurance procedures in accordance with the general requirements of [§ 63.8(d)(1)](https://www.ecfr.gov/current/title-40/section-63.8#p-63.8(d)(1)) and [(2)](https://www.ecfr.gov/current/title-40/section-63.8#p-63.8(d)(2)). 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.

(6) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, ongoing recordkeeping and reporting procedures in accordance with the general requirements of [§ 63.10(c)](https://www.ecfr.gov/current/title-40/section-63.10#p-63.10(c)), [(e)(1)](https://www.ecfr.gov/current/title-40/section-63.10#p-63.10(e)(1)), and [(e)(2)(i)](https://www.ecfr.gov/current/title-40/section-63.10#p-63.10(e)(2)(i)). After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, ongoing recordkeeping and reporting procedures in accordance with the general requirements of [§ 63.10(c)(1)](https://www.ecfr.gov/current/title-40/section-63.10#p-63.10(c)(1)) through [(14)](https://www.ecfr.gov/current/title-40/section-63.10#p-63.10(c)(14)), [(e)(1)](https://www.ecfr.gov/current/title-40/section-63.10#p-63.10(e)(1)), and [(e)(2)(i)](https://www.ecfr.gov/current/title-40/section-63.10#p-63.10(e)(2)(i)).

(7) Corrective action procedures that you will follow in the event an air pollution control device, except for a baghouse, exceeds an established operating limit as required in [§ 63.9600(b)(3)](https://www.ecfr.gov/current/title-40/section-63.9600#p-63.9600(b)(3)).

**§ 63.9640 What notifications must I submit and when?**

(b) As specified in [§ 63.9(b)(2)](https://www.ecfr.gov/current/title-40/section-63.9#p-63.9(b)(2)), if you start up your affected source before October 30, 2003, you must submit your initial notification no later than 120 calendar days after October 30, 2003, or no later than 120 days after the source becomes subject to this subpart, whichever is later.

(c) As specified in [§ 63.9(b)(3)](https://www.ecfr.gov/current/title-40/section-63.9#p-63.9(b)(3)), if you start up your new affected source on or after October 30, 2003, you must submit your initial notification no later than 120 calendar days after you become subject to this subpart.

(d) If you are required to conduct a performance test, you must submit a notification of intent to conduct a performance test at least 60 calendar days before the performance test is scheduled to begin, as required in [§ 63.7(b)(1)](https://www.ecfr.gov/current/title-40/section-63.7#p-63.7(b)(1)).

(e) If you are required to conduct a performance test or other initial compliance demonstration, you must submit a notification of compliance status according to [§ 63.9(h)(2)(ii)](https://www.ecfr.gov/current/title-40/section-63.9#p-63.9(h)(2)(ii)). The initial notification of compliance status must be submitted by the dates specified in [paragraphs (e)(1)](https://www.ecfr.gov/current/title-40/section-63.9640#p-63.9640(e)(1)) and [(2)](https://www.ecfr.gov/current/title-40/section-63.9640#p-63.9640(e)(2)) of this section.

(1) For each initial compliance demonstration that does not include a performance test, you must submit the notification of compliance status before the close of business on the 30th calendar day following completion of the initial compliance demonstration.

(2) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, for each initial compliance demonstration that does include a performance test, you must submit the notification of compliance status, including the performance test results, before the close of business on the 60th calendar day following the completion of the performance test according to [§ 63.10(d)(2)](https://www.ecfr.gov/current/title-40/section-63.10#p-63.10(d)(2)). After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, for each initial compliance demonstration that does include a performance test, you must submit the notification of compliance status, including the performance test results, before the close of business on the 60th calendar day following the completion of the performance test according to [§ 63.10(d)(2)](https://www.ecfr.gov/current/title-40/section-63.10#p-63.10(d)(2)). If the performance test results have been submitted electronically in accordance with [§ 63.9641(f)](https://www.ecfr.gov/current/title-40/section-63.9641#p-63.9641(f)), the process unit(s) tested, the pollutant(s) tested, and the date that such performance test was conducted may be submitted in the notification of compliance status report in lieu of the performance test results. The performance test results must be submitted to the Compliance and Emissions Data Reporting Interface (CEDRI) by the date the notification of compliance status report is submitted.

(f) If you elect to use CEMS to demonstrate compliance with the mercury standards in table 2 to this subpart, you must submit a notification of intent to use CEMS at least one month prior to making the change. If you are currently using CEMS to demonstrate compliance with the mercury standards, you must submit a notification of intent to cease using CEMS to demonstrate compliance at least 180 days prior to making the change.

(g) If you elect to use the mercury emissions averaging compliance option, you must submit a notification of intent at least 180 days prior to making the change. If you are currently using the mercury emissions averaging compliance option, you must submit a notification of intent to cease using emissions averaging at least 30 days prior to making the change.

**§ 63.9641 What reports must I submit and when?**

(a) ***Compliance report due dates.*** Unless the Administrator has approved a different schedule, you must submit a semiannual compliance report to your permitting authority according to the requirements in [paragraphs (a)(1)](https://www.ecfr.gov/current/title-40/section-63.9641#p-63.9641(a)(1)) through [(5)](https://www.ecfr.gov/current/title-40/section-63.9641#p-63.9641(a)(5)) of this section.

(1) The first compliance report must cover the period beginning on the compliance date that is specified for your affected source in [§ 63.9583](https://www.ecfr.gov/current/title-40/section-63.9583) and ending on June 30 or December 31, whichever date comes first after the compliance date that is specified for your source in [§ 63.9583](https://www.ecfr.gov/current/title-40/section-63.9583).

(2) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, the first compliance report must be postmarked or delivered no later than July 31 or January 31, whichever date comes first after your first compliance report is due. After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, the first compliance report must be electronically submitted, postmarked or delivered no later than July 31 or January 31, whichever date comes first after your first compliance report is due.

(3) Each subsequent compliance report must cover the semiannual reporting period from January 1 through June 30 or the semiannual reporting period from July 1 through December 31.

(4) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, each subsequent compliance report must be postmarked or delivered no later than July 31 or January 31, whichever date comes first after the end of the semiannual reporting period. After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, each subsequent compliance report must be electronically submitted, postmarked or delivered no later than July 31 or January 31, whichever date comes first after the end of the semiannual reporting period.

(5) For each affected source that is subject to permitting regulations pursuant to [40 CFR part 70](https://www.ecfr.gov/current/title-40/part-70) or [40 CFR part 71](https://www.ecfr.gov/current/title-40/part-71), and if the permitting authority has established dates for submitting semiannual reports pursuant to [40 CFR 70.6(a)(3)(iii)(A)](https://www.ecfr.gov/current/title-40/section-70.6#p-70.6(a)(3)(iii)(A)) or [40 CFR 71.6(a)(3)(iii)(A)](https://www.ecfr.gov/current/title-40/section-71.6#p-71.6(a)(3)(iii)(A)), you 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 (a)(1)](https://www.ecfr.gov/current/title-40/section-63.9641#p-63.9641(a)(1)) through [(4)](https://www.ecfr.gov/current/title-40/section-63.9641#p-63.9641(a)(4)) of this section.

(b) ***Compliance report contents.*** Each compliance report must include the information in [paragraphs (b)(1)](https://www.ecfr.gov/current/title-40/section-63.9641#p-63.9641(b)(1)) through [(8)](https://www.ecfr.gov/current/title-40/section-63.9641#p-63.9641(b)(8)) of this section, as applicable.

(1) Company name and address.

(2) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, statement by a responsible official, with the official's name, title, and signature, certifying the truth, accuracy, and completeness of the content of the report. After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, statement by a responsible official, with the official's name, title, and signature, certifying the truth, accuracy, and completeness of the content of the report. If your report is submitted via CEDRI, the certifier's electronic signature during the submission process replaces the requirement in this [paragraph (b)(2)](https://www.ecfr.gov/current/title-40/section-63.9641#p-63.9641(b)(2)).

(3) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, date of report and beginning and ending dates of the reporting period. After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, date of report and beginning and ending dates of the reporting period. You are no longer required to provide the date of report when the report is submitted via CEDRI.

(4) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, if you had a startup, shutdown, or malfunction during the reporting period and you took actions consistent with your startup, shutdown, and malfunction plan, the compliance report must include the information in [§ 63.10(d)(5)(i)](https://www.ecfr.gov/current/title-40/section-63.10#p-63.10(d)(5)(i)). A startup, shutdown, and malfunction plan and the information in [§ 63.10(d)(5)(i)](https://www.ecfr.gov/current/title-40/section-63.10#p-63.10(d)(5)(i)) is not required after January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and is not required after July 28, 2020, for affected sources that commenced construction or reconstruction after September 25, 2019.

(5) If there were no deviations from the continuous compliance requirements in [§§ 63.9634](https://www.ecfr.gov/current/title-40/section-63.9634) through [63.9636](https://www.ecfr.gov/current/title-40/section-63.9636) that apply to you, then provide a statement that there were no deviations from the emission limitations, work practice standards, or operation and maintenance requirements during the reporting period.

(6) If there were no periods during which a continuous monitoring system (including a CPMS, COMS, or CEMS) was out-of-control as specified in [§ 63.8(c)(7)](https://www.ecfr.gov/current/title-40/section-63.8#p-63.8(c)(7)), then provide a statement that there were no periods during which a continuous monitoring system was out-of-control during the reporting period.

(7) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, for each deviation from an emission limitation in Table 1 to this subpart that occurs at an affected source where you are not using a continuous monitoring system (including a CPMS or COMS) to comply with an emission limitation in this subpart, the compliance report must contain the information in [paragraphs (b)(1)](https://www.ecfr.gov/current/title-40/section-63.9641#p-63.9641(b)(1)) through [(4)](https://www.ecfr.gov/current/title-40/section-63.9641#p-63.9641(b)(4)) of this section and the information in [paragraphs (b)(7)(i)](https://www.ecfr.gov/current/title-40/section-63.9641#p-63.9641(b)(7)(i)) and [(ii)](https://www.ecfr.gov/current/title-40/section-63.9641#p-63.9641(b)(7)(ii)) of this section. This includes periods of startup, shutdown, and malfunction. After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, for each deviation from an emission limitation in Table 1 to this subpart that occurs at an affected source where you are not using a continuous monitoring system (including a CPMS or COMS) to comply with an emission limitation in this subpart, the compliance report must contain the information in [paragraphs (b)(7)(i)](https://www.ecfr.gov/current/title-40/section-63.9641#p-63.9641(b)(7)(i)) and [(ii)](https://www.ecfr.gov/current/title-40/section-63.9641#p-63.9641(b)(7)(ii)) of this section.

(i) The total operating time in hours of each affected source during the reporting period.

(ii) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, information on the number, duration, and cause of deviation (including unknown cause) as applicable, and the corrective action taken. After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, information on the affected sources or equipment, the emission limit deviated from, the start date, start time, duration in hours, and cause of each deviation (including unknown cause) as applicable, an estimate of the quantity in pounds of each regulated pollutant emitted over an emission limit and a description of the method used to estimate the emissions, and the corrective action taken.

(8) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, for each deviation from an emission limitation occurring at an affected source where you are using a continuous monitoring system (including a CPMS or COMS) to comply with the emission limitation in this subpart, you must include the information in [paragraphs (b)(1)](https://www.ecfr.gov/current/title-40/section-63.9641#p-63.9641(b)(1)) through [(4)](https://www.ecfr.gov/current/title-40/section-63.9641#p-63.9641(b)(4)) of this section and the information in [paragraphs (b)(8)(i)](https://www.ecfr.gov/current/title-40/section-63.9641#p-63.9641(b)(8)(i)) through [(xi)](https://www.ecfr.gov/current/title-40/section-63.9641#p-63.9641(b)(8)(xi)) of this section. This includes periods of startup, shutdown, and malfunction. After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, for each deviation from an emission limitation occurring at an affected source where you are using a continuous monitoring system (including a CPMS, COMS, or CEMS) to comply with the emission limitation in this subpart, you must include the information in [paragraphs (b)(1)](https://www.ecfr.gov/current/title-40/section-63.9641#p-63.9641(b)(1)) through [(4)](https://www.ecfr.gov/current/title-40/section-63.9641#p-63.9641(b)(4)) of this section and the information in [paragraphs (b)(8)(i)](https://www.ecfr.gov/current/title-40/section-63.9641#p-63.9641(b)(8)(i)) through [(xi)](https://www.ecfr.gov/current/title-40/section-63.9641#p-63.9641(b)(8)(xi)) of this section.

(i) The date and time that each malfunction started and stopped.

(ii) The start date, start time, and duration in hours (or minutes for COMS) that each continuous monitoring system was inoperative, except for zero (low-level) and high-level checks.

(iii) The start date, start time, and duration that each continuous monitoring system was out-of-control, including the information in [§ 63.8(c)(8)](https://www.ecfr.gov/current/title-40/section-63.8#p-63.8(c)(8)).

(iv) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, for each affected source or equipment, the date and time that each deviation started and stopped, the cause of the deviation, and whether each deviation occurred during a period of startup, shutdown, or malfunction or during another period. After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, for each affected source or equipment, the date and time that each deviation started and stopped, the cause of the deviation, and whether each deviation occurred during a period of malfunction or during another period

(v) The total duration of all deviations for each Continuous Monitoring System (CMS) during the reporting period, the total operating time in hours of the affected source during the reporting period, and the total duration as a percent of the total source operating time during that reporting period.

(vi) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, a breakdown of the total duration of the deviations during the reporting period including those that are due to startup, shutdown, control equipment problems, process problems, other known causes, and other unknown causes. After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, a breakdown of the total duration of the deviations during the reporting period including those that are due to control equipment problems, process problems, other known causes, and other unknown causes.

(vii) The total duration of continuous monitoring system downtime for each continuous monitoring system during the reporting period, the total operating time in hours of the affected source during the reporting period, and the total duration of continuous monitoring system downtime as a percent of the total source operating time during the reporting period.

(viii) A brief description of the process units.

(ix) The monitoring equipment manufacturer and model number and the pollutant or parameter monitored.

(x) The date of the latest continuous monitoring system certification or audit.

(xi) A description of any changes in continuous monitoring systems, processes, or controls since the last reporting period.

(d) ***Part 70 monitoring report.*** If you have obtained a title V operating permit for an affected source pursuant to [40 CFR part 70](https://www.ecfr.gov/current/title-40/part-70) or [40 CFR part 71](https://www.ecfr.gov/current/title-40/part-71), you must report all deviations as defined in this subpart in the semiannual monitoring report required by [40 CFR 70.6(a)(3)(iii)(A)](https://www.ecfr.gov/current/title-40/section-70.6#p-70.6(a)(3)(iii)(A)) or [40 CFR 71.6(a)(3)(iii)(A)](https://www.ecfr.gov/current/title-40/section-71.6#p-71.6(a)(3)(iii)(A)). If you submit a compliance report for an affected source along with, or as part of, the semiannual monitoring report required by [40 CFR 70.6(a)(3)(iii)(A)](https://www.ecfr.gov/current/title-40/section-70.6#p-70.6(a)(3)(iii)(A)) or [40 CFR 71.6(a)(3)(iii)(A)](https://www.ecfr.gov/current/title-40/section-71.6#p-71.6(a)(3)(iii)(A)), and the compliance report includes all the required information concerning deviations from any emission limitation or operation and maintenance requirement in this subpart, submission of the compliance report satisfies any obligation to report the same deviations in the semiannual monitoring report. However, submission of a compliance report does not otherwise affect any obligation you may have to report deviations from permit requirements for an affected source to your permitting authority.

(f) ***Performance tests.*** After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, within 60 days after the date of completing each performance test required by this subpart, you must submit the results of the performance test following the procedures specified in [paragraphs (f)(1)](https://www.ecfr.gov/current/title-40/section-63.9641#p-63.9641(f)(1)) through [(3)](https://www.ecfr.gov/current/title-40/section-63.9641#p-63.9641(f)(3)) of this section.

(1) ***Data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT website (***[***https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert***](https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert)***) at the time of the test.*** Submit the results of the performance test to the EPA via CEDRI, which can be accessed through the EPA's CDX ([*https://cdx.epa.gov/*](https://cdx.epa.gov/)). The data must be submitted in a file format generated through the use of the EPA's ERT. Alternatively, you may submit an electronic file consistent with the extensible markup language (XML) schema listed on the EPA's ERT website.

(2) ***Data collected using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT website at the time of the test.*** The results of the performance test must be included as an attachment in the ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website. Submit the ERT generated package or alternative file to the EPA via CEDRI.

(3) ***Confidential business information (CBI).***

(i) The EPA will make all the information submitted through CEDRI available to the public without further notice to you. Do not use CEDRI to submit information you claim as CBI. Although we do not expect persons to assert a claim of CBI, if you wish to assert a CBI claim for some of the information submitted under [paragraph (f)(1)](https://www.ecfr.gov/current/title-40/section-63.9641#p-63.9641(f)(1)) or [(2)](https://www.ecfr.gov/current/title-40/section-63.9641#p-63.9641(f)(2)) of this section, you must submit a complete file, including information claimed to be CBI, to the EPA.

(ii) The file must be generated using the EPA's ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website.

(iii) Clearly mark the part or all of the information that you claim to be CBI. Information not marked as CBI may be authorized for public release without prior notice. Information marked as CBI will not be disclosed except in accordance with procedures set forth in [40 CFR part 2](https://www.ecfr.gov/current/title-40/part-2).

(iv) The preferred method to receive CBI is for it to be transmitted electronically using email attachments, File Transfer Protocol, or other online file sharing services. Electronic submissions must be transmitted directly to the OAQPS CBI Office at the email address *oaqpscbi@epa.gov**,* and as described above, should include clear CBI markings and be flagged to the attention of the Group Leader, Measurement Policy Group. If assistance is needed with submitting large electronic files that exceed the file size limit for email attachments, and if you do not have your own file sharing service, please email *oaqpscbi@epa.gov* to request a file transfer link.

(v) If you cannot transmit the file electronically, you may send CBI information through the postal service to the following address: U.S. EPA, Attn: OAQPS Document Control Officer and Measurement Policy Group Lead, Mail Drop: C404-02, 109 T.W. Alexander Drive, P.O. Box 12055, RTP, NC 27711. The mailed CBI material should be double wrapped and clearly marked. Any CBI markings should not show through the outer envelope.

(vi) All CBI claims must be asserted at the time of submission. Anything submitted using CEDRI cannot later be claimed CBI. Furthermore, under CAA section 114(c), emissions data is not entitled to confidential treatment, and the EPA is required to make emissions data available to the public. Thus, emissions data will not be protected as CBI and will be made publicly available.

(vii) You must submit the same file submitted to the CBI office with the CBI omitted to the EPA via the EPA's CDX as described in [§ 63.9(k)](https://www.ecfr.gov/current/title-40/section-63.9#p-63.9(k)).

**§ 63.9642 What records must I keep?**

(a) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, you must keep the records listed in [paragraphs (a)(1)](https://www.ecfr.gov/current/title-40/section-63.9642#p-63.9642(a)(1)) through [(3)](https://www.ecfr.gov/current/title-40/section-63.9642#p-63.9642(a)(3)) of this section. After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, you must keep the records listed in [paragraphs (a)(1)](https://www.ecfr.gov/current/title-40/section-63.9642#p-63.9642(a)(1)) through [(6)](https://www.ecfr.gov/current/title-40/section-63.9642#p-63.9642(a)(6)) of this section.

(1) A copy of each notification and report that you submitted to comply with this subpart, including all documentation supporting any initial notification or notification of compliance status that you submitted, according to the requirements in [§ 63.10(b)(2)(xiv)](https://www.ecfr.gov/current/title-40/section-63.10#p-63.10(b)(2)(xiv)).

(2) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, the records in [§ 63.6(e)(3)(iii)](https://www.ecfr.gov/current/title-40/section-63.6#p-63.6(e)(3)(iii)) through [(v)](https://www.ecfr.gov/current/title-40/section-63.6#p-63.6(e)(3)(v)) related to startup, shutdown, and malfunction. After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, a startup, shutdown, and malfunction plan is not required.

(3) Records of performance tests and performance evaluations as required in [§ 63.10(b)(2)(viii)](https://www.ecfr.gov/current/title-40/section-63.10#p-63.10(b)(2)(viii)).

(4) In the event that an affected unit fails to meet an applicable standard, record the number of failures. For each failure record the date, time, the cause and duration of each failure.

(5) For each failure to meet an applicable standard, record and retain a list of the affected sources or equipment, an estimate of the quantity of each regulated pollutant emitted over any emission limit and a description of the method used to estimate the emissions.

(6) Record actions taken in accordance with the general duty requirements to minimize emissions in [§ 63.9600(a)](https://www.ecfr.gov/current/title-40/section-63.9600#p-63.9600(a)) and any corrective actions taken to return the affected unit to its normal or usual manner of operation.

(b) For each COMS and CEMS, you must keep the records specified in [paragraphs (b)(1)](https://www.ecfr.gov/current/title-40/section-63.9642#p-63.9642(b)(1)) through [(5)](https://www.ecfr.gov/current/title-40/section-63.9642#p-63.9642(b)(5)) of this section.

(1) Records described in [§ 63.10(b)(2)(vi)](https://www.ecfr.gov/current/title-40/section-63.10#p-63.10(b)(2)(vi)) through [(xi)](https://www.ecfr.gov/current/title-40/section-63.10#p-63.10(b)(2)(xi)).

(3) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, previous (that is, superseded) versions of the performance evaluation plan as required in [§ 63.8(d)(3)](https://www.ecfr.gov/current/title-40/section-63.8#p-63.8(d)(3)). After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, previous (that is, superseded) versions of the performance evaluation plan as required in [§ 63.9632(b)(5)](https://www.ecfr.gov/current/title-40/section-63.9632#p-63.9632(b)(5)), with the program of corrective action included in the plan required under [§ 63.8(d)(2)](https://www.ecfr.gov/current/title-40/section-63.8#p-63.8(d)(2)).

(4) Records of the date and time that each deviation started and stopped, and whether the deviation occurred during a period of startup, shutdown, or malfunction or during another period.

(5) If you use mercury CEMS to demonstrate compliance with the mercury emission standard in table 2 of the subpart in accordance with [§ 63.9623(e)](https://www.ecfr.gov/current/title-40/section-63.9623#p-63.9623(e)), records of requests for alternatives to the relative accuracy test for CEMS as required in [§ 63.8(f)(6)(i)](https://www.ecfr.gov/current/title-40/section-63.8#p-63.8(f)(6)(i)).

(c) You must keep the records required in [§§ 63.9634](https://www.ecfr.gov/current/title-40/section-63.9634) through [63.9636](https://www.ecfr.gov/current/title-40/section-63.9636) to show continuous compliance with each emission limitation, work practice standard, and operation and maintenance requirement that applies to you.

(d) If you elect the mercury emissions averaging compliance alternative pursuant to [§ 63.9623(d)](https://www.ecfr.gov/current/title-40/section-63.9623#p-63.9623(d)), you must keep a copy of the emission averaging implementation plan required in [§ 63.9623(d)(2)](https://www.ecfr.gov/current/title-40/section-63.9623#p-63.9623(d)(2)), records of the taconite pellet production rate for each furnace included in the averaging, and all calculations required under [§ 63.9634(m)](https://www.ecfr.gov/current/title-40/section-63.9634#p-63.9634(m)).

(e) If you elect to adjust the activated carbon injection rate based on the taconite pellet production rate in accordance with the provisions in [§ 63.9634(n)](https://www.ecfr.gov/current/title-40/section-63.9634#p-63.9634(n)), you must keep a copy of the activated carbon injection implementation plan and records of the taconite pellet production rate and activated carbon injection rate.