

## § 63.5 Preconstruction review and notification requirements.

(d) **Application for approval of construction or reconstruction.** The provisions of this paragraph implement section 112(i)(1) of the Act.

### (1) **General application requirements.**

(i) An owner or operator who is subject to the requirements of [paragraph \(b\)\(3\)](#) of this section must submit to the Administrator an application for approval of the construction or reconstruction. The application must be submitted as soon as practicable before actual construction or reconstruction begins. The application for approval of construction or reconstruction may be used to fulfill the initial notification requirements of [§ 63.9\(b\)\(5\)](#). The owner or operator may submit the application for approval well in advance of the date actual construction or reconstruction begins in order to ensure a timely review by the Administrator and that the planned date to begin will not be delayed.

(ii) A separate application shall be submitted for each construction or reconstruction. Each application for approval of construction or reconstruction shall include at a minimum:

(A) The applicant's name and address;

(B) A notification of intention to construct a new major affected source or make any physical or operational change to a major affected source that may meet or has been determined to meet the criteria for a reconstruction, as defined in [§ 63.2](#) or in the relevant standard;

(C) The address (i.e., physical location) or proposed address of the source;

(D) An identification of the relevant standard that is the basis of the application;

(E) The expected date of the beginning of actual construction or reconstruction;

(F) The expected completion date of the construction or reconstruction;

(G) [Reserved]

(H) The type and quantity of hazardous air pollutants emitted by the source, reported in units and averaging times and in accordance with the test methods specified in the relevant standard, or if actual emissions data are not yet available, an estimate of the type and quantity of hazardous air pollutants expected to be emitted by the source reported in units and averaging times specified in the relevant standard. The owner or operator may submit percent reduction information if a relevant standard is established in terms of percent reduction. However, operating parameters, such as flow rate, shall be included in the submission to the extent that they demonstrate performance and compliance; and

(I) [Reserved]

(J) Other information as specified in [paragraphs \(d\)\(2\)](#) and [\(d\)\(3\)](#) of this section.

(iii) An owner or operator who submits estimates or preliminary information in place of the actual emissions data and analysis required in [paragraphs \(d\)\(1\)\(ii\)\(H\)](#) and [\(d\)\(2\)](#) of this section shall submit the actual, measured emissions data and other correct information as soon as available but no later than with the notification of compliance status required in [§ 63.9\(h\)](#) (see [§ 63.9\(h\)\(5\)](#)).

(2) **Application for approval of construction.** Each application for approval of construction must include, in addition to the information required in [paragraph \(d\)\(1\)\(ii\)](#) of this section, technical information describing the proposed nature, size, design, operating design capacity, and method of operation of the source, including an identification of each type of emission point for each type of hazardous air pollutant that is emitted (or could reasonably be anticipated to be emitted) and a description of the planned air pollution control system (equipment or method) for each emission point. The description of the equipment to be used for the control of emissions must include each control device for each hazardous air pollutant and the estimated control efficiency (percent) for each control device. The description of the method to be used for the control of emissions must include an estimated control efficiency (percent) for that method. Such technical information must include calculations of emission estimates in sufficient detail to permit assessment of the validity of the calculations.

(3) **Application for approval of reconstruction.** Each application for approval of reconstruction shall include, in addition to the information required in [paragraph \(d\)\(1\)\(ii\)](#) of this section—

(i) A brief description of the affected source and the components that are to be replaced;

(ii) A description of present and proposed emission control systems (i.e., equipment or methods). The description of the equipment to be used for the control of emissions shall include each control device for each hazardous air pollutant and the estimated control efficiency (percent) for each control device. The description of the method to be used for the control of emissions shall include an estimated control efficiency (percent) for that method. Such technical information shall include calculations of emission estimates in sufficient detail to permit assessment of the validity of the calculations;

(iii) An estimate of the fixed capital cost of the replacements and of constructing a comparable entirely new source;

(iv) The estimated life of the affected source after the replacements; and

(v) A discussion of any economic or technical limitations the source may have in complying with relevant standards or other requirements after the proposed replacements. The discussion shall be sufficiently detailed to demonstrate to the Administrator's satisfaction that the technical or economic limitations affect the source's ability to comply with the relevant standard and how they do so.

(vi) If in the application for approval of reconstruction the owner or operator designates the affected source as a reconstructed source and declares that there are no economic or technical limitations to prevent the source from complying with all relevant standards or other requirements, the owner or operator need not submit the information required in [paragraphs \(d\)\(3\)\(iii\)](#) through [\(d\)\(3\)\(v\)](#) of this section.

(4) **Additional information.** The Administrator may request additional relevant information after the submittal of an application for approval of construction or reconstruction.

## **§ 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 and approve the site-specific test plan required under [paragraph \(c\)](#) of this section and to have an observer present during the test.

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

### **(g) Data analysis, recordkeeping, and reporting.**

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

(2) Contents of a performance test, CMS performance evaluation, or CMS quality assurance test report (electronic or paper submitted copy). Unless otherwise specified in a relevant standard, test method, CMS performance specification, or quality assurance requirement for a CMS, or as otherwise approved by the Administrator in writing, the report shall include the elements identified in [paragraphs \(g\)\(2\)\(i\)](#) through [\(vi\)](#) of this section.

(i) General identification information for the facility including a mailing address, the physical address, the owner or operator or responsible official (where applicable) and his/her email address, and the appropriate Federal Registry System (FRS) number for the facility.

(ii) Purpose of the test including the applicable regulation requiring the test, the pollutant(s) and other parameters being measured, the applicable emission standard, and any process parameter component, and a brief process description.

(iii) Description of the emission unit tested including fuel burned, control devices, and vent characteristics; the appropriate source classification code (SCC); the permitted maximum process rate (where applicable); and the sampling location.

(iv) Description of sampling and analysis procedures used and any modifications to standard procedures, quality assurance procedures and results, record of process operating conditions that demonstrate the applicable test conditions are met, and values for any operating parameters for which limits were being set during the test.

(v) Where a test method, CEMS, PEMS, or COMS performance specification, or on-going quality assurance requirement for a CEMS, PEMS, or COMS requires you record or report, the following shall be included in your report: Record of preparation of standards, record of calibrations, raw data sheets for field sampling, raw data sheets for field and laboratory analyses, chain-of-custody documentation, and example calculations for reported results.

(vi) Identification of the company conducting the performance test including the primary office address, telephone number, and the contact for this test including his/her email address.

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

### **§ 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 \(k\)](#) 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](#), if relevant, to fulfill the initial notification requirements of this paragraph.

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

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

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

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

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

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

(3) [Reserved]

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

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

(ii)-(iv) [Reserved]

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

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

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

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

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

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

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

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

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

(1) The requirements of [paragraphs \(h\)\(2\)](#) through [\(h\)\(4\)](#) of this section apply when an affected source becomes subject to a relevant standard.

(2)

(i) Before a title V permit has been issued to the owner or operator of an affected source, and each time a notification of compliance status is required under this part, the owner or

operator of such source shall submit to the Administrator a notification of compliance status, signed by the responsible official who shall certify its accuracy, attesting to whether the source has complied with the relevant standard. The notification shall list—

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

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

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

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

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

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

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

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

(3) After a title V permit has been issued to the owner or operator of an affected source, the owner or operator of such source shall comply with all requirements for compliance status

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

(4) [Reserved]

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

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

#### **§ 63.10 Recordkeeping and reporting requirements.**

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

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

(i) The occurrence and duration of each startup or shutdown when the startup or shutdown causes the source to exceed any applicable emission limitation in the relevant emission standards;

(ii) The occurrence and duration of each malfunction of operation (i.e., process equipment) or the required air pollution control and monitoring equipment;

(iii) All required maintenance performed on the air pollution control and monitoring equipment;

(iv)

(A) Actions taken during periods of startup or shutdown when the source exceeded applicable emission limitations in a relevant standard and when the actions taken are

different from the procedures specified in the affected source's startup, shutdown, and malfunction plan (see [§ 63.6\(e\)\(3\)](#)); or

(B) Actions taken during periods of malfunction (including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation) when the actions taken are different from the procedures specified in the affected source's startup, shutdown, and malfunction plan (see [§ 63.6\(e\)\(3\)](#));

(v) All information necessary, including actions taken, to demonstrate conformance with the affected source's startup, shutdown, and malfunction plan (see [§ 63.6\(e\)\(3\)](#)) when all actions taken during periods of startup or shutdown (and the startup or shutdown causes the source to exceed any applicable emission limitation in the relevant emission standards), and malfunction (including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation) are consistent with the procedures specified in such plan. (The information needed to demonstrate conformance with the startup, shutdown, and malfunction plan may be recorded using a "checklist," or some other effective form of recordkeeping, in order to minimize the recordkeeping burden for conforming events);

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

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

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

(B) This paragraph applies to owners or operators required to install a CEMS where the measured data is manually reduced to obtain the reportable form of the standard, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. In lieu of maintaining a file of all CEMS subhourly measurements as required under [paragraph \(b\)\(2\)\(vii\)](#) of this section, the owner or operator shall retain all subhourly measurements for the most recent reporting period. The subhourly

measurements shall be retained for 120 days from the date of the most recent summary or excess emission report submitted to the Administrator.

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

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

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

(x) All CMS calibration checks;

(xi) All adjustments and maintenance performed on CMS;

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

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

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

(3) If an owner or operator determines that his or her existing or new stationary source is in the source category regulated by a standard established pursuant to section 112 of the Act, but that source is not subject to the relevant standard (or other requirement established under this part) because of enforceable limitations on the source's potential to emit, or the source otherwise qualifies for an exclusion, the owner or operator must keep a record of the applicability determination. The applicability determination must be kept on site at the source for a period of 5 years after the determination, or until the source changes its operations to become an affected source subject to the relevant standard (or other requirement established under this part), whichever comes first if the determination is made prior to January 19, 2021. The applicability determination must be kept until the source changes its operations to become an affected source subject to the relevant standard (or other requirement established under this part) if the determination was made on or after January 19, 2021. The record of the applicability determination must be signed by the person making the determination and include an emissions analysis (or other information) that demonstrates the owner or operator's conclusion that the source is unaffected (*e.g.*, because the source is an area source). The analysis (or other information) must be sufficiently detailed to allow the Administrator to make an applicability finding for the source with regard to the relevant standard or other

requirement. If applicable, the analysis must be performed in accordance with requirements established in relevant [subparts of this part](#) for this purpose for particular categories of stationary sources. If relevant, the analysis should be performed in accordance with EPA guidance materials published to assist sources in making applicability determinations under section 112 of the Act, if any. The requirements to determine applicability of a standard under [§ 63.1\(b\)\(3\)](#) and to record the results of that determination under this [paragraph \(b\)\(3\)](#) of this section shall not by themselves create an obligation for the owner or operator to obtain a title V permit.

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

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

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

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

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

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

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

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

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

**(d) *General reporting requirements.***

(1) Notwithstanding the requirements in this paragraph or [paragraph \(e\)](#) of this section, and except as provided in [§ 63.16](#), the owner or operator of an affected source subject to

reporting requirements under this part shall submit reports to the Administrator in accordance with the reporting requirements in the relevant standard(s).

(2) **Reporting results of performance tests.** Before a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall report the results of any performance test under [§ 63.7](#) to the Administrator. After a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall report the results of a required performance test to the appropriate permitting authority. The owner or operator of an affected source shall report the results of the performance test to the Administrator (or the State with an approved permit program) before the close of business on the 60th day following the completion of the performance test, unless specified otherwise in a relevant standard or as approved otherwise in writing by the Administrator. The results of the performance test shall be submitted as part of the notification of compliance status required under [§ 63.9\(h\)](#).

(3) **Reporting results of opacity or visible emission observations.** The owner or operator of an affected source required to conduct opacity or visible emission observations by a relevant standard shall report the opacity or visible emission results (produced using Test Method 9 or Test Method 22, or an alternative to these test methods) along with the results of the performance test required under [§ 63.7](#). If no performance test is required, or if visibility or other conditions prevent the opacity or visible emission observations from being conducted concurrently with the performance test required under [§ 63.7](#), the owner or operator shall report the opacity or visible emission results before the close of business on the 30th day following the completion of the opacity or visible emission observations.

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

(e) **Additional reporting requirements for sources with continuous monitoring systems —**

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

(2) **Reporting results of continuous monitoring system performance evaluations.**

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

(ii) The owner or operator of an affected source using a COMS to determine opacity compliance during any performance test required under [§ 63.7](#) and described in [§ 63.6\(d\)\(6\)](#) shall furnish the Administrator two or, upon request, three copies of a written report of

the results of the COMS performance evaluation conducted under [§ 63.8\(e\)](#). The copies shall be furnished at least 15 calendar days before the performance test required under [§ 63.7](#) is conducted.

**(3) *Excess emissions and continuous monitoring system performance report and summary report.***

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

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

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

(C) [Reserved]

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

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

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

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

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

(iii) The frequency of reporting of excess emissions and continuous monitoring system performance (and summary) reports required to comply with a relevant standard may be reduced only after the owner or operator notifies the Administrator in writing of his or her intention to make such a change and the Administrator does not object to the intended change. In deciding whether to approve a reduced frequency of reporting, the Administrator may review information concerning the source's entire previous performance

history during the 5-year recordkeeping period prior to the intended change, including performance test results, monitoring data, and evaluations of an owner or operator's conformance with operation and maintenance requirements. Such information may be used by the Administrator to make a judgment about the source's potential for noncompliance in the future. If the Administrator disapproves the owner or operator's request to reduce the frequency of reporting, the Administrator will notify the owner or operator in writing within 45 days after receiving notice of the owner or operator's intention. The notification from the Administrator to the owner or operator will specify the grounds on which the disapproval is based. In the absence of a notice of disapproval within 45 days, approval is automatically granted.

(iv) As soon as CMS data indicate that the source is not in compliance with any emission limitation or operating parameter specified in the relevant standard, the frequency of reporting shall revert to the frequency specified in the relevant standard, and the owner or operator shall submit an excess emissions and continuous monitoring system performance (and summary) report for the noncomplying emission points at the next appropriate reporting period following the noncomplying event. After demonstrating ongoing compliance with the relevant standard for another full year, the owner or operator may again request approval from the Administrator to reduce the frequency of reporting for that standard, as provided for in [paragraphs \(e\)\(3\)\(ii\)](#) and [\(e\)\(3\)\(iii\)](#) of this section.

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

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

- (A) The company name and address of the affected source;
- (B) An identification of each hazardous air pollutant monitored at the affected source;
- (C) The beginning and ending dates of the reporting period;

(D) A brief description of the process units;

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

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

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

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

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

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

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

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

(M) The date of the report.

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

(viii) If the total duration of excess emissions or process or control system parameter exceedances for the reporting period is 1 percent or greater of the total operating time for the reporting period, or the total CMS downtime for the reporting period is 5 percent or

greater of the total operating time for the reporting period, both the summary report and the excess emissions and continuous monitoring system performance report shall be submitted.

**(4) *Reporting continuous opacity monitoring system data produced during a performance test.*** The owner or operator of an affected source required to use a COMS shall record the monitoring data produced during a performance test required under [§ 63.7](#) and shall furnish the Administrator a written report of the monitoring results. The report of COMS data shall be submitted simultaneously with the report of the performance test results required in [paragraph \(d\)\(2\)](#) of this section.

**(f) *Waiver of recordkeeping or reporting requirements.***

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

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

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

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

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

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

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

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

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

#### **§ 63.847 Compliance provisions.**

(g) **Pitch storage tanks.** The owner or operator must demonstrate initial compliance with the standard for pitch storage tanks in [§§ 63.843\(d\)](#) and [63.844\(d\)](#) by preparing a design evaluation or by conducting a performance test. The owner or operator must submit for approval by the regulatory authority the information specified in [paragraph \(g\)\(1\)](#) of this section, along with the information specified in [paragraph \(g\)\(2\)](#) of this section where a design evaluation is performed or the information specified in [paragraph \(g\)\(3\)](#) of this section where a performance test is conducted.

(1) A description of the parameters to be monitored to ensure that the control device is being properly operated and maintained, an explanation of the criteria used for selection of that parameter (or parameters), and the frequency with which monitoring will be performed; and

(2) Where a design evaluation is performed, documentation demonstrating that the control device used achieves the required control efficiency during reasonably expected maximum filling rate. The documentation shall include a description of the gas stream that enters the control device, including flow and POM content under varying liquid level conditions, and the information specified in [paragraphs \(g\)\(2\)\(i\)](#) through [\(g\)\(2\)\(vi\)](#) of this section, as applicable.

(i) If the control device receives vapors, gases, or liquids, other than fuels, from emission points other than pitch storage tanks, the efficiency demonstration is to include consideration of all vapors, gases, and liquids, other than fuels, received by the control device;

(ii) If an enclosed combustion device with a minimum residence time of 0.5 seconds and a minimum temperature of 760 degrees C (1,400 degrees F) is used to meet the emission reduction requirement specified in [§ 63.843\(d\)](#) and [§ 63.844\(d\)](#), documentation that those conditions exist is sufficient to meet the requirements of [§ 63.843\(d\)](#) and [§ 63.844\(d\)](#);

(iii) Except as provided in [paragraph \(g\)\(2\)\(ii\)](#) of this section, for thermal incinerators, the design evaluation shall include the autoignition temperature of the organic HAP, the flow rate of the organic HAP emission stream, the combustion temperature, and the residence time at the combustion temperature;

(iv) If the pitch storage tank is vented to the emission control system installed for control of emissions from the paste production plant pursuant to [§ 63.843\(b\)](#) or [§ 63.844\(b\)\(1\)](#), documentation of compliance with the requirements of [§ 63.843\(b\)](#) is sufficient to meet the requirements of [§ 63.843\(d\)](#) or [§ 63.844\(d\)](#);

(v) For carbon adsorbers, the design evaluation shall include the affinity of the organic vapors for carbon, the amount of carbon in each bed, the number of beds, the humidity of the feed gases, the temperature of the feed gases, the flow rate of the organic HAP emission stream, and if applicable, the desorption schedule, the regeneration stream pressure or temperature, and the flow rate of the regeneration stream. For vacuum desorption, the pressure drop shall be included; and

(vi) For condensers, the design evaluation shall include the final temperature of the organic HAP vapors, the type of condenser, and the design flow rate of the organic HAP emission stream.

(3) If a performance test is conducted, the owner or operator shall determine the control efficiency for POM during tank loading using Method 315 in appendix A to this part. The owner or operator shall include the following information:

(i) Identification of the pitch storage tank and control device for which the performance test will be submitted; and

(ii) Identification of the emission point(s) that share the control device with the pitch storage tank and for which the performance test will be conducted.

#### **§ 63.850 Notification, reporting, and recordkeeping requirements.**

(a) **Notifications.** The owner or operator shall submit the following written notifications:

(1) Notification for an area source that subsequently increases its emissions such that the source is a major source subject to the standard;

(2) Notification that a source is subject to the standard, where the initial startup is before the effective date of the standard;

(3) Notification that a source is subject to the standard, where the source is new or has been reconstructed, the initial startup is after the effective date of the standard, and for which an application for approval of construction or reconstruction is not required;

(4) Notification of intention to construct a new major source or reconstruct a major source; of the date construction or reconstruction commenced; of the anticipated date of startup; of the actual date of startup, where the initial startup of a new or reconstructed source occurs after the effective date of the standard, and for which an application for approval of construction or reconstruction is required [see §§ 63.9(b)(4) and (b)(5)];

(5) Notification of initial performance test;

(6) Notification of initial compliance status;

(7) One-time notification for each affected source of the intent to use an HF continuous emission monitor;

(8) **Notification of compliance approach.** The owner or operator shall develop and submit to the applicable regulatory authority, if requested, an engineering plan that describes the techniques that will be used to address the capture efficiency of the reduction cells for gaseous hazardous air pollutants in compliance with the emission limits in §§ 63.843, 63.844, and 63.846; and

(9) One-time notification of startup of an existing potline or potroom group, anode bake furnace, or paste production plant that was shut down for a long period and subsequently restarted. The owner or operator must provide written notice to the Administrator at least 30 days before the startup.

(b) **Performance test reports.** Within 60 days after the date of completing each performance test (as defined in § 63.2) required by this subpart, you must submit the results of the performance tests following the procedure specified in either paragraph (b)(1) or (b)(2) of this section.

(1) For data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT Web site (<http://www.epa.gov/ttn/chief/ert/index.html>) at the time of the test, you must submit the results of the performance test to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI). CEDRI can be accessed through the EPA's Central Data Exchange (CDX) ([https://cdx.epa.gov/epa\\_home.asp](https://cdx.epa.gov/epa_home.asp)). Performance test data must be submitted in a file format generated through the use of the EPA's ERT. Alternatively, you may submit performance test data in an electronic file format consistent with the extensible markup language (XML) schema listed on the EPA's ERT Web site once the XML schema is available. If you claim that some of the performance test information being submitted is confidential business information (CBI), you must submit a complete file generated through the use of the EPA's ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT Web site, including information claimed to be CBI, on a compact disc, flash drive, or other commonly used electronic storage media to the EPA. The electronic media must be clearly marked as CBI and mailed to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404-02, 4930 Old Page Rd., Durham, NC 27703. The same ERT or alternate file with the CBI omitted must be submitted to the EPA via the EPA's CDX as described earlier in this paragraph.

(2) For data collected using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT Web site at the time of the test, you must submit the results of the performance test to the Administrator at the appropriate address listed in § 63.13.

(3) For data collected which requires summation of results from both ERT and non-ERT supported test methods in order to demonstrate compliance with an emission limit, you must submit the results of the performance test(s) used to demonstrate compliance with that emission limit to the Administrator at the appropriate address listed in § 63.13.

(c) **Performance evaluation reports.** Within 60 days after the date of completing each continuous emissions monitoring system performance evaluation (as defined in [§ 63.2](#)), you must submit the results of the performance evaluation following the procedure specified in either [paragraph \(c\)\(1\)](#) or [\(2\)](#) of this section.

(1) For performance evaluations of continuous monitoring systems measuring relative accuracy test audit (RATA) pollutants that are supported by the EPA's ERT as listed on the EPA's ERT Web site at the time of the test, you must submit the results of the performance evaluation to the EPA via the CEDRI. (CEDRI can be accessed through the EPA's CDX.) Performance evaluation data must be submitted in a file format generated through the use of the EPA's ERT. Alternatively, you may submit performance evaluation data in an electronic file format consistent with the XML schema listed on the EPA's ERT Web site once the XML schema is available. If you claim that some of the performance evaluation information being transmitted is CBI, you must submit a complete file generated through the use of the EPA's ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT Web site, including information claimed to be CBI, on a compact disc, flash drive, or other commonly used electronic storage media to the EPA. The electronic storage media must be clearly marked as CBI and mailed to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404-02, 4930 Old Page Rd., Durham, NC 27703. The same ERT or alternate file with the CBI omitted must be submitted to the EPA via the EPA's CDX as described earlier in this paragraph.

(2) For any performance evaluations of continuous monitoring systems measuring RATA pollutants that are not supported by the EPA's ERT as listed on the EPA's ERT Web site at the time of the test, you must submit the results of the performance evaluation to the Administrator at the appropriate address listed in [§ 63.13](#).

(d) **Reporting.** In addition to the information required under [§ 63.10](#) of the General Provisions, the owner or operator must provide semiannual reports containing the information specified in [paragraphs \(d\)\(1\)](#) and [\(2\)](#) of this section to the Administrator or designated authority.

(1) Excess emissions report. As required by [§ 63.10\(e\)\(3\)](#), the owner or operator must submit a report (or a summary report) if measured emissions are in excess of the applicable standard. The report must contain the information specified in [§ 63.10\(e\)\(3\)\(v\)](#) and be submitted semiannually unless quarterly reports are required as a result of excess emissions.

(2) If there was a malfunction during the reporting period, the owner or operator must submit a report that includes the number, duration and a brief description for each type of malfunction which occurred during the reporting period and which caused or may have caused any applicable emission limitation to be exceeded. The report must also include a description of actions taken by an owner or operator during a malfunction of an affected source to minimize emissions in accordance with [§§ 63.843\(f\)](#) and [63.844\(f\)](#), including actions taken to correct a malfunction.

(e) **Recordkeeping.** The owner or operator shall maintain files of all information (including all reports and notifications) required by [§ 63.10\(b\)](#) and by this subpart.

(1) The owner or operator must retain each record for at least 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. The most recent 2 years of records must be retained at the facility. The remaining 3 years of records may be retained offsite;

(2) The owner or operator may retain records on microfilm, on a computer, on computer disks, on magnetic tape, or on microfiche;

(3) The owner or operator may report required information on paper or on a labeled computer disc using commonly available and compatible computer software; and

(4) In addition to the general records required by [§ 63.10\(b\)](#), the owner or operator shall maintain records of the following information:

(i) Daily production rate of aluminum;

(ii) Daily production rate of green anode material placed in the anode bake furnace;

(iii) [Reserved]

(iv) Records of design information for paste production plant capture systems;

(v) Records of design information for an alternative emission control device for a paste production plant;

(vi) Records supporting the monitoring of similar potlines demonstrating that the performance of similar potlines is the same as or better than that of potlines sampled by manual methods;

(vii) Records supporting a request for reduced sampling of potlines;

(viii) Records supporting the correlation of emissions measured by a continuous emission monitoring system to emissions measured by manual methods and the derivation of the alternative emission limit derived from the measurements;

(ix) The current implementation plan for emission averaging and any subsequent amendments;

(x) Records, such as a checklist or the equivalent, demonstrating that the daily inspection of a potline with wet roof scrubbers for secondary emission control has been performed as required in [§ 63.848\(f\)\(5\)\(ii\)](#), including the results of each inspection;

(xi) Records, such as a checklist or the equivalent, demonstrating that the daily visual inspection of the exhaust stack for each control device has been performed as required in [§ 63.848\(g\)](#), including the results of each inspection;

- (xii) For a potline equipped with an HF continuous emission monitor, records of information and data required by [§ 63.10\(c\)](#);
- (xiii) Records documenting the corrective actions taken when the limit(s) for an operating parameter established under [§ 63.847\(h\)](#) were exceeded, when visible emissions indicating abnormal operation were observed from a control device stack during a daily inspection required under [§ 63.848\(g\)](#), or when a problem was detected during the daily inspection of a wet roof scrubber for potline secondary control required in [§ 63.848\(f\)\(5\)\(ii\)](#);
- (xiv) Records documenting any POM data that are invalidated due to the installation and startup of a cathode;
- (xv) Records documenting the portion of TF that is measured as particulate matter and the portion that is measured as gaseous when the particulate and gaseous fractions are quantified separately using an approved test method;
- (xvi) Records of the occurrence and duration of each malfunction of operation (*i.e.* process equipment) or the air pollution control equipment and monitoring equipment; and
- (xvii) Records of actions taken during periods of malfunction to minimize emissions in accordance with [§§ 63.843\(f\)](#) and [63.844\(f\)](#), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.