

## § 63.5 Preconstruction review and notification requirements.

### (a) **Applicability.**

(1) This section implements the preconstruction review requirements of section 112(i)(1). After the effective date of a relevant standard, promulgated pursuant to section 112(d), (f), or (h) of the Act, under this part, the preconstruction review requirements in this section apply to the owner or operator of new affected sources and reconstructed affected sources that are major-emitting as specified in this section. New and reconstructed affected sources that commence construction or reconstruction before the effective date of a relevant standard are not subject to the preconstruction review requirements specified in [paragraphs \(b\)\(3\), \(d\), and \(e\)](#) of this section.

(2) This section includes notification requirements for new affected sources and reconstructed affected sources that are not major-emitting affected sources and that are or become subject to a relevant promulgated emission standard after the effective date of a relevant standard promulgated under this part.

### (b) **Requirements for existing, newly constructed, and reconstructed sources.**

(1) A new affected source for which construction commences after proposal of a relevant standard is subject to relevant standards for new affected sources, including compliance dates. An affected source for which reconstruction commences after proposal of a relevant standard is subject to relevant standards for new sources, including compliance dates, irrespective of any change in emissions of hazardous air pollutants from that source.

(2) [Reserved]

(3) After the effective date of any relevant standard promulgated by the Administrator under this part, no person may, without obtaining written approval in advance from the Administrator in accordance with the procedures specified in [paragraphs \(d\) and \(e\)](#) of this section, do any of the following:

- (i) Construct a new affected source that is major-emitting and subject to such standard;

(ii) Reconstruct an affected source that is major-emitting and subject to such standard; or

(iii) Reconstruct a major source such that the source becomes an affected source that is major-emitting and subject to the standard.

(4) After the effective date of any relevant standard promulgated by the Administrator under this part, an owner or operator who constructs a new affected source that is not major-emitting or reconstructs an affected source that is not major-emitting that is subject to such standard, or reconstructs a source such that the source becomes an affected source subject to the standard, must notify the Administrator of the intended construction or reconstruction. The notification must be submitted in accordance with the procedures in [§ 63.9\(b\)](#).

(5) [Reserved]

(6) After the effective date of any relevant standard promulgated by the Administrator under this part, equipment added (or a process change) to an affected source that is within the scope of the definition of affected source under the relevant standard must be considered part of the affected source and subject to all provisions of the relevant standard established for that affected source.

(c) [Reserved]

(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.**

(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.

#### § 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\(i\)\(6\)](#).

**(i) *Adjustment to time periods or postmark deadlines for submittal and review of required communications.***

(1)

(i) Until an adjustment of a time period or postmark deadline has been approved by the Administrator under [paragraphs \(i\)\(2\)](#) and [\(i\)\(3\)](#) of this section, the owner or operator of an affected source remains strictly subject to the requirements of this part.

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

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

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

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

(j) ***Change in information already provided.*** Any change in the information already provided under this section shall be provided to the Administrator 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 \(k\)](#) of this section to fulfill the requirements of this paragraph, but the information required in [paragraphs \(j\)\(1\) through \(4\)](#) 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 \(k\)](#) 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 \(k\)](#) 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.***

- (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.

§ 63.342 Standards.

(f) **Operation and maintenance practices.** All owners or operators subject to the standards in [paragraphs \(c\)](#) and [\(d\)](#) of this section are subject to these operation and maintenance practices.

(3) **Operation and maintenance plan.**

(i) The owner or operator of an affected source subject to [paragraph \(f\)](#) of this section shall prepare an operation and maintenance plan no later than the compliance date, except for hard chromium electroplaters and the chromium anodizing operations in California which have until January 25, 1998. The plan shall be incorporated by reference into the source's title V permit, if and when a title V permit is required. The plan shall include the following elements:

(A) The plan shall specify the operation and maintenance criteria for the affected source, the add-on air pollution control device (if such a device is used to comply with the emission limits), and the process and control system monitoring equipment, and shall include a standardized checklist to document the operation and maintenance of this equipment;

(B) For sources using an add-on control device or monitoring equipment to comply with this subpart, the plan shall incorporate the operation and maintenance practices for that device or monitoring equipment, as identified in Table 1 of this section, if the specific equipment used is identified in Table 1 of this section;

(C) If the specific equipment used is not identified in Table 1 of this section, the plan shall incorporate proposed operation and maintenance practices. These proposed operation and maintenance practices shall be submitted for approval as part of the submittal required under [§ 63.343\(d\)](#);

(D) The plan shall specify procedures to be followed to ensure that equipment or process malfunctions due to poor maintenance or other preventable conditions do not occur; and

(E) The plan shall include a systematic procedure for identifying malfunctions of process equipment, add-on air pollution control

devices, and process and control system monitoring equipment and for implementing corrective actions to address such malfunctions.

(F) The plan shall include housekeeping procedures, as specified in Table 2 of this section.

(ii) If the operation and maintenance plan fails to address or inadequately addresses an event that meets the characteristics of a malfunction at the time the plan is initially developed, the owner or operator shall revise the operation and maintenance plan within 45 days after such an event occurs. The revised plan shall include procedures for operating and maintaining the process equipment, add-on air pollution control device, or monitoring equipment during similar malfunction events, and a program for corrective action for such events.

(iii) Recordkeeping associated with the operation and maintenance plan is identified in [§ 63.346\(b\)](#). Reporting associated with the operation and maintenance plan is identified in [§ 63.347 \(g\)](#) and [\(h\)](#) and [paragraph \(f\)\(3\)\(iv\)](#) of this section.

(iv) If actions taken by the owner or operator during periods of malfunction are inconsistent with the procedures specified in the operation and maintenance plan required by [paragraph \(f\)\(3\)\(i\)](#) of this section, the owner or operator shall record the actions taken for that event and shall report by phone such actions within 2 working days after commencing actions inconsistent with the plan. This report shall be followed by a letter within 7 working days after the end of the event, unless the owner or operator makes alternative reporting arrangements, in advance, with the Administrator.

(v) The owner or operator shall keep the written operation and maintenance plan on record after it is developed to be made available for inspection, upon request, by the Administrator for the life of the affected source or until the source is no longer subject to the provisions of this subpart. In addition, if the operation and maintenance plan is revised, the owner or operator shall keep previous (i.e., superseded) versions of the operation and maintenance 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.

(vi) To satisfy the requirements of [paragraph \(f\)\(3\)](#) of this section, the owner or operator may use applicable standard operating procedure (SOP) manuals, Occupational Safety and Health Administration (OSHA) plans, or other existing plans, provided the alternative plans meet the requirements of this section.

#### § 63.343 Compliance provisions.

(a) ***Compliance dates.***

(6) ***Request for an extension of compliance.*** An owner or operator of an affected source or sources that requests an extension of compliance shall do so in accordance with this paragraph and the applicable [paragraphs of § 63.6\(i\)](#). When the owner or operator is requesting the extension for more than one affected source located at the facility, then only one request may be submitted for all affected sources at the facility.

(i) The owner or operator of an existing affected source who is unable to comply with a relevant standard under this subpart may request that the Administrator (or a State, when the State has an approved part 70 permit program and the source is required to obtain a part 70 permit under that program, or a State, when the State has been delegated the authority to implement and enforce the emission standard for that source) grant an extension allowing the owner or operator up to 1 additional year to comply with the standard for the affected source. The owner or operator of an affected source who has requested an extension of compliance under this paragraph and is otherwise required to obtain a title V permit for the source shall apply for such permit or apply to have the title V permit revised to incorporate the conditions of the extension of compliance. The conditions of an extension of compliance granted under this paragraph will be incorporated into the owner or operator's title V permit for the affected source(s) according to the provisions of [40 CFR part 70](#) or [40 CFR part 71](#), whichever is applicable.

(ii) Any request under this paragraph for an extension of compliance with a relevant standard shall be submitted in writing to the appropriate authority not later than 6 months before the affected source's compliance date as specified in this section.

#### § 63.344 Performance test requirements and test methods.

(a) **Performance test requirements.** Performance tests shall be conducted using the test methods and procedures in this section. Performance tests shall be conducted under such conditions as the Administrator specifies to the owner or operator based on representative performance of the affected source for the period being tested. Upon request, the owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of performance tests. Performance test results shall be documented in complete test reports that contain the information required by [paragraphs \(a\)\(1\) through \(9\)](#) of this section. The test plan to be followed shall be made available to the Administrator prior to the testing, if requested.

- (1) A brief process description;
- (2) Sampling location description(s);
- (3) A description of sampling and analytical procedures and any modifications to standard procedures;
- (4) Test results;
- (5) Quality assurance procedures and results;
- (6) Records of operating conditions during the test, preparation of standards, and calibration procedures;
- (7) Raw data sheets for field sampling and field and laboratory analyses;
- (8) Documentation of calculations; and
- (9) Any other information required by the test method.

#### § 63.345 Provisions for new and reconstructed sources.

(a) This section identifies the preconstruction review requirements for new and reconstructed affected sources that are subject to, or become subject to, this subpart.

(b) **New or reconstructed affected sources.** The owner or operator of a new or reconstructed affected source is subject to [§ 63.5\(a\)](#), [\(b\)\(1\)](#), [\(b\)\(5\)](#), [\(b\)\(6\)](#), and [\(f\)\(1\)](#), as well as the provisions of this paragraph.

(1) After January 25, 1995, whether or not an approved permit program is effective in the State in which an affected source is (or would be) located, no person may construct a new affected source or reconstruct an affected source subject to this subpart, or reconstruct a source such that it becomes an affected source subject to this subpart, without submitting a notification of construction or reconstruction to the Administrator. The notification shall contain the information identified in [paragraphs \(b\) \(2\) and \(3\)](#) of this section, as appropriate.

(2) The notification of construction or reconstruction required under [paragraph \(b\)\(1\)](#) of this section shall include:

- (i) The owner or operator's name, title, and address;
- (ii) The address (i.e., physical location) or proposed address of the affected source if different from the owner's or operator's;
- (iii) A notification of intention to construct a new affected source or make any physical or operational changes to an affected source that may meet or has been determined to meet the criteria for a reconstruction as defined in [§ 63.2](#);
- (iv) An identification of [subpart N of this part](#) as the basis for the notification;
- (v) The expected commencement and completion dates of the construction or reconstruction;
- (vi) The anticipated date of (initial) startup of the affected source;
- (vii) The type of process operation to be performed (hard or decorative chromium electroplating, or chromium anodizing);
- (viii) A description of the air pollution control technique to be used to control emissions from the affected source, such as preliminary design drawings and design capacity if an add-on air pollution control device is used; and
- (ix) An estimate of emissions from the source based on engineering calculations and vendor information on control device efficiency, expressed in units consistent with the emission limits of this subpart.

Calculations of emission estimates should be in sufficient detail to permit assessment of the validity of the calculations.

(3) If a reconstruction is to occur, the notification required under [paragraph \(b\)\(1\)](#) of this section shall include the following in addition to the information required in [paragraph \(b\)\(2\)](#) of this section:

- (i) A brief description of the affected source and the components to be replaced;
- (ii) A brief description of the present and proposed emission control technique, including the information required by [paragraphs \(b\)\(2\) \(viii\)](#) and [\(ix\)](#) of this section;
- (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 notification 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 requirements, the owner or operator need not submit the information required in [paragraphs \(b\) \(3\) \(iii\)](#) through [\(v\)](#) of this section.

(4) The owner or operator of a new or reconstructed affected source that submits a notification in accordance with [paragraphs \(b\) \(1\)](#) through [\(3\)](#) of this section is not subject to approval by the Administrator. Construction or reconstruction is subject only to notification and can begin upon submission of a complete notification.

(5) **Submittal timeframes.** After January 25, 1995, whether or not an approved permit program is effective in the State in which an affected source is (or would be) located, an owner or operator of a new or

reconstructed affected source shall submit the notification of construction or reconstruction required by [paragraph \(b\)\(1\)](#) of this section according to the following schedule:

(i) If construction or reconstruction commences after January 25, 1995, the notification shall be submitted as soon as practicable before the construction or reconstruction is planned to commence.

(ii) If the construction or reconstruction had commenced and initial startup had not occurred before January 25, 1995, the notification shall be submitted as soon as practicable before startup but no later than 60 days after January 25, 1995.

#### § 63.346 Recordkeeping requirements.

(a) The owner or operator of each affected source subject to these standards shall fulfill all recordkeeping requirements outlined in this section and in the General Provisions to [40 CFR part 63](#), according to the applicability of [subpart A of this part](#) as identified in Table 1 of this subpart.

(b) The owner or operator of an affected source subject to the provisions of this subpart shall maintain the following records for such source:

(1) Inspection records for the add-on air pollution control device, if such a device is used, and monitoring equipment, to document that the inspection and maintenance required by the work practice standards of [§ 63.342\(f\)](#) and Table 1 of [§ 63.342](#) have taken place. The record can take the form of a checklist and should identify the device inspected, the date of inspection, a brief description of the working condition of the device during the inspection, and any actions taken to correct deficiencies found during the inspection.

(2) Records of all maintenance performed on the affected source, the add-on air pollution control device, and monitoring equipment, except routine housekeeping practices;

(3) Records of the occurrence, duration, and cause (if known) of each malfunction of process, add-on air pollution control, and monitoring equipment;

(4) Records of actions taken during periods of malfunction to minimize emissions in accordance with [§ 63.342\(a\)\(1\)](#), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation;

(5) Other records, which may take the form of checklists, necessary to demonstrate consistency with the provisions of the operation and maintenance plan required by [§ 63.342\(f\)\(3\)](#);

(6) Test reports documenting results of all performance tests;

(7) All measurements as may be necessary to determine the conditions of performance tests, including measurements necessary to determine compliance with the special compliance procedures of [§ 63.344\(e\)](#);

(8) Records of monitoring data required by [§ 63.343\(c\)](#) that are used to demonstrate compliance with the standard including the date and time the data are collected;

(9) The specific identification (i.e., the date and time of commencement and completion) of each period of excess emissions, as indicated by monitoring data, that occurs during malfunction of the process, add-on air pollution control, or monitoring equipment;

(10) The specific identification (i.e., the date and time of commencement and completion) of each period of excess emissions, as indicated by monitoring data, that occurs during periods other than malfunction of the process, add-on air pollution control, or monitoring equipment;

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

(12) Records of the actual cumulative rectifier capacity of hard chromium electroplating tanks at a facility expended during each month of the reporting period, and the total capacity expended to date for a reporting period, if the owner or operator is using the actual cumulative rectifier capacity to determine facility size in accordance with [§ 63.342\(c\)\(2\)](#);

(13) For sources using fume suppressants to comply with the standards, records of the date and time that fume suppressants are added to the electroplating or anodizing bath and records of the fume suppressant manufacturer and product name;

(14) For sources complying with [§ 63.342\(e\)](#), records of the bath components purchased, with the wetting agent clearly identified as a bath constituent contained in one of the components;

(15) Any information demonstrating whether a source is meeting the requirements for a waiver of recordkeeping or reporting requirements, if the source has been granted a waiver under [§ 63.10\(f\)](#); and

(16) All documentation supporting the notifications and reports required by [§ 63.9](#), [§ 63.10](#), and [§ 63.347](#).

#### § 63.347 Reporting requirements.

##### (c) ***Initial notifications.***

(1) The owner or operator of an affected source that has an initial startup before January 25, 1995, shall notify the Administrator in writing that the source is subject to this subpart. The notification shall be submitted no later than 180 calendar days after January 25, 1995, or no later than 120 days after the source becomes subject to this subpart, whichever is later, and shall contain the following information:

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

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

(iii) A statement that [subpart N of this part](#) is the basis for this notification;

(iv) Identification of the applicable emission limitation and compliance date for each affected source;

(v) A brief description of each affected source, including the type of process operation performed;

(vi) For sources performing hard chromium electroplating, the maximum potential cumulative potential rectifier capacity;

(vii) For sources performing hard chromium electroplating, a statement of whether the affected source(s) is located at a small or a large, hard chromium electroplating facility and whether this will be demonstrated through actual or maximum potential cumulative rectifier capacity;

(viii) For sources performing hard chromium electroplating, a statement of whether the owner or operator of an affected source(s) will limit the maximum potential cumulative rectifier capacity in accordance with [§ 63.342\(c\)\(2\)](#) such that the hard chromium electroplating facility is considered small; and

(ix) A statement of whether the affected source is located at a major source or an area source as defined in [§ 63.2](#).

(2) The owner or operator of a new or reconstructed affected source that has an initial startup after January 25, 1995 shall submit an initial notification (in addition to the notification of construction or reconstruction required by [§ 63.345\(b\)](#)) as follows:

(i) A notification of the date when construction or reconstruction was commenced, shall be submitted simultaneously with the notification of construction or reconstruction, if construction or reconstruction was commenced before January 25, 1995;

(ii) A notification of the date when construction or reconstruction was commenced, shall be submitted no later than 30 calendar days after such date, if construction or reconstruction was commenced after January 25, 1995; and

(iii) A notification of the actual date of startup of the source shall be submitted within 30 calendar days after such date.

**(d) *Notification of performance test.***

(1) 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 test is scheduled to begin to allow the Administrator to have an observer present during the test. Observation of the performance test by the Administrator is optional.

(2) In the event the owner or operator is unable to conduct the performance test as scheduled, the provisions of [§ 63.7\(b\)\(2\)](#) apply.

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

(1) A notification of compliance status is required each time that an affected source becomes subject to the requirements of this subpart.

(2) If the State in which the source is located has not been delegated the authority to implement the rule, each time a notification of compliance status is required under this part, the owner or operator of an affected source shall submit to the Administrator a notification of compliance status, signed by the responsible official (as defined in [§ 63.2](#)) who shall certify its accuracy, attesting to whether the affected source has complied with this subpart. If the State has been delegated the authority, the notification of compliance status shall be submitted to the appropriate authority. The notification shall list for each affected source:

(i) The applicable emission limitation and the methods that were used to determine compliance with this limitation;

(ii) If a performance test is required by this subpart, the test report documenting the results of the performance test, which contains the elements required by [§ 63.344\(a\)](#), including measurements and calculations to support the special compliance provisions of [§ 63.344\(e\)](#) if these are being followed;

(iii) The type and quantity of hazardous air pollutants emitted by the source reported in mg/dscm or mg/hr if the source is using the special provisions of [§ 63.344\(e\)](#) to comply with the standards. (If the owner or operator is subject to the construction and reconstruction provisions of [§ 63.345](#) and had previously submitted emission estimates, the owner or operator shall state that this report corrects or verifies the previous estimate.) For sources not required to conduct a performance test in accordance with [§ 63.343\(b\)](#), the surface tension measurement may fulfill this requirement;

(iv) For each monitored parameter for which a compliant value is to be established under [§ 63.343\(c\)](#), the specific operating parameter value, or range of values, that corresponds to compliance with the applicable emission limit;

(v) The methods that will be used to determine continuous compliance, including a description of monitoring and reporting requirements, if methods differ from those identified in this subpart;

(vi) A description of the air pollution control technique for each emission point;

(vii) A statement that the owner or operator has completed and has on file the operation and maintenance plan as required by the work practice standards in [§ 63.342\(f\)](#);

(viii) If the owner or operator is determining facility size based on actual cumulative rectifier capacity in accordance with [§ 63.342\(c\)\(2\)](#), records to support that the facility is small. For existing sources, records from any 12-month period preceding the compliance date shall be used or a description of how operations will change to meet a small designation shall be provided. For new sources, records of projected rectifier capacity for the first 12-month period of tank operation shall be used;

(ix) A statement by the owner or operator of the affected source as to whether the source has complied with the provisions of this subpart.

(3) For sources required to conduct a performance test by [§ 63.343\(b\)](#), the notification of compliance status shall be submitted to the Administrator no later than 90 calendar days following completion of the compliance demonstration required by [§ 63.7](#) and [§ 63.343\(b\)](#).

(4) For sources that are not required to complete a performance test in accordance with [§ 63.343\(b\)](#), the notification of compliance status shall be submitted to the Administrator no later than 30 days after the compliance date specified in [§ 63.343\(a\)](#), except the date on which sources in California shall monitor the surface tension of the anodizing bath is extended to January 25, 1998.

**(f) *Reports of performance test results.***

(1) If the State in which the source is located has not been delegated the authority to implement the rule, the owner or operator of an affected source shall report to the Administrator the results of any performance test conducted as required by [§ 63.7](#) or [§ 63.343\(b\)](#). If the State has been delegated the authority, the owner or operator of an affected source should report performance test results to the appropriate authority.

(2) Reports of performance test results shall be submitted no later than 90 days following the completion of the performance test, and shall be submitted as part of the notification of compliance status required by [paragraph \(e\)](#) of this section.

(3)

(i) Within 60 days after the date of completing each performance test (defined in [§ 63.2](#)) as required by this subpart, you must submit the results of the performance tests, including any associated fuel analyses, required by this subpart to the EPA's WebFIRE database by using the Compliance and Emissions Data Reporting Interface (CEDRI) that is accessed through the EPA's Central Data Exchange (CDX) ([www.epa.gov/cdx](http://www.epa.gov/cdx)). Performance test data must be submitted in the file format generated through use of the EPA's Electronic Reporting Tool (ERT) (see <http://www.epa.gov/ttn/chief/ert/index.html>). Only data collected using test methods on the ERT Web site are subject to this requirement for submitting reports electronically to WebFIRE. Owners or operators who claim that some of the information being submitted for performance tests is confidential business information (CBI) must submit a complete ERT file including information claimed to be CBI on a compact disk, 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/OAPQS/CORE CBI Office, Attention: WebFIRE Administrator, MD C404-02, 4930 Old Page Rd., Durham, NC 27703. The same ERT file with the CBI omitted must be submitted to the EPA via CDX as described earlier in this paragraph. At the discretion of the delegated authority, you must also submit these reports, including the confidential business information, to the delegated authority in the format specified by the delegated authority. For any performance test conducted using test methods that are not listed on the ERT Web site, the owner or operator shall submit the results of the performance test to the Administrator at the appropriate address listed in [§ 63.13](#).

**(g) *Ongoing compliance status reports for major sources.***

(1) The owner or operator of an affected source that is located at a major source site shall submit a summary report to the Administrator to document the ongoing compliance status of the affected source. The report shall contain the information identified in [paragraph \(g\)\(3\)](#) of this section, and shall be submitted semiannually except when:

(i) 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

(ii) The monitoring data collected by the owner or operator of the affected source in accordance with [§ 63.343\(c\)](#) show that the emission

limit has been exceeded, in which case quarterly reports shall be submitted. Once an owner or operator of an affected source reports an exceedance, ongoing compliance status reports shall be submitted quarterly until a request to reduce reporting frequency under [paragraph \(g\)\(2\)](#) of this section is approved.

**(2) *Request to reduce frequency of ongoing compliance status reports.***

(i) An owner or operator who is required to submit ongoing compliance status reports on a quarterly (or more frequent basis) may reduce the frequency of reporting to semiannual if all of the following conditions are met:

(A) For 1 full year (e.g., 4 quarterly or 12 monthly reporting periods), the ongoing compliance status reports demonstrate that the affected source is in compliance with the relevant emission limit;

(B) The owner or operator continues to comply with all applicable recordkeeping and monitoring requirements of [subpart A of this part](#) and this subpart; and

(C) The Administrator does not object to a reduced reporting frequency for the affected source, as provided in [paragraphs \(g\)\(2\) \(ii\) and \(iii\)](#) of this section.

(ii) The frequency of submitting ongoing compliance status reports 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 reporting frequency, the Administrator may review information concerning the source's entire previous performance history during the 5-year recordkeeping period prior to the intended change, or the recordkeeping period since the source's compliance date, whichever is shorter. Records subject to review may include performance test results, monitoring data, and evaluations of an owner or operator's conformance with emission limitations and work practice standards. 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 reporting frequency, 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.

(iii) As soon as the monitoring data required by [§ 63.343\(c\)](#) show that the source is not in compliance with the relevant emission limit, the frequency of reporting shall revert to quarterly, and the owner shall state this exceedance in the ongoing compliance status report for the next reporting period. After demonstrating ongoing compliance with the relevant emission limit for another full year, the owner or operator may again request approval from the Administrator to reduce the reporting frequency as allowed by [paragraph \(g\)\(2\)](#) of this section.

(3) ***Contents of ongoing compliance status reports.*** The owner or operator of an affected source for which compliance monitoring is required in accordance with [§ 63.343\(c\)](#) shall prepare a summary report to document the ongoing compliance status of the source. The report must contain the following information:

- (i) The company name and address of the affected source;
- (ii) An identification of the operating parameter that is monitored for compliance determination, as required by [§ 63.343\(c\)](#);
- (iii) The relevant emission limitation for the affected source, and the operating parameter value, or range of values, that correspond to compliance with this emission limitation as specified in the notification of compliance status required by [paragraph \(e\)](#) of this section;
- (iv) The beginning and ending dates of the reporting period;
- (v) A description of the type of process performed in the affected source;
- (vi) The total operating time of the affected source during the reporting period;
- (vii) If the affected source is a hard chromium electroplating tank and the owner or operator is limiting the maximum cumulative rectifier capacity in accordance with [§ 63.342\(c\)\(2\)](#), the actual cumulative

rectifier capacity expended during the reporting period, on a month-by-month basis;

(viii) A summary of operating parameter values, including the total duration of excess emissions during the reporting period as indicated by those values, 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 process upsets, control equipment malfunctions, other known causes, and unknown causes;

(ix) A certification by a responsible official, as defined in [§ 63.2](#), that the work practice standards in [§ 63.342\(f\)](#) were followed in accordance with the operation and maintenance plan for the source;

(x) If the operation and maintenance plan required by [§ 63.342\(f\)\(3\)](#) was not followed, an explanation of the reasons for not following the provisions, an assessment of whether any excess emission and/or parameter monitoring exceedances are believed to have occurred, and a copy of the report(s) required by [§ 63.342\(f\)\(3\)\(iv\)](#) documenting that the operation and maintenance plan was not followed;

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

(xii) 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 [§ 63.342\(a\)\(1\)](#), including actions taken to correct a malfunction.

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

(xiv) The date of the report.

(4) When more than one monitoring device is used to comply with the continuous compliance monitoring required by [§ 63.343\(c\)](#), the owner or operator shall report the results as required for each monitoring device. However, when one monitoring device is used as a backup for the primary

monitoring device, the owner or operator shall only report the results from the monitoring device used to meet the monitoring requirements of this subpart. If both devices are used to meet these requirements, then the owner or operator shall report the results from each monitoring device for the relevant compliance period.

(h) ***Ongoing compliance status reports for area sources.*** The requirements of this paragraph do not alleviate affected area sources from complying with the requirements of State or Federal operating permit programs under [40 CFR part 71](#).

(1) The owner or operator of an affected source that is located at an area source site shall prepare a summary report to document the ongoing compliance status of the affected source. The report shall contain the information identified in [paragraph \(g\)\(3\)](#) of this section, shall be completed annually and retained on site, and made available to the Administrator upon request. The report shall be completed annually except as provided in [paragraph \(h\)\(2\)](#) of this section.

**(2) *Reports of exceedances.***

(i) If either of the following conditions is met, semiannual reports shall be prepared and submitted to the Administrator:

(A) The total duration of excess emissions (as indicated by the monitoring data collected by the owner or operator of the affected source in accordance with [§ 63.343\(c\)](#)) is 1 percent or greater of the total operating time for the reporting period; or

(B) The total duration of malfunctions of the add-on air pollution control device and monitoring equipment is 5 percent or greater of the total operating time.

(ii) Once an owner or operator of an affected source reports an exceedance as defined in [paragraph \(h\)\(2\)\(i\)](#) of this section, ongoing compliance status reports shall be submitted semiannually until a request to reduce reporting frequency under [paragraph \(h\)\(3\)](#) of this section is approved.

(iii) The Administrator may determine on a case-by-case basis that the summary report shall be completed more frequently and submitted, or that the annual report shall be submitted instead of being retained on

site, if these measures are necessary to accurately assess the compliance status of the source.

**(3) *Request to reduce frequency of ongoing compliance status reports.***

(i) An owner or operator who is required to submit ongoing compliance status reports on a semiannual (or more frequent) basis, or is required to submit its annual report instead of retaining it on site, may reduce the frequency of reporting to annual and/or be allowed to maintain the annual report onsite if all of the following conditions are met:

(A) For 1 full year (e.g., 2 semiannual or 4 quarterly reporting periods), the ongoing compliance status reports demonstrate that the affected source is in compliance with the relevant emission limit;

(B) The owner or operator continues to comply with all applicable recordkeeping and monitoring requirements of [subpart A of this part](#) and this subpart; and

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

(ii) The frequency of submitting ongoing compliance status reports 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 reporting frequency, the Administrator may review information concerning the source's previous performance history during the 5-year recordkeeping period prior to the intended change, or the recordkeeping period since the source's compliance date, whichever is shorter. Records subject to review may include performance test results, monitoring data, and evaluations of an owner or operator's conformance with emission limitations and work practice standards. Such information may be used by the Administrator to make a judgement about the source's potential for noncompliance in the future. If the Administrator disapproves the owner or operator's request to reduce reporting frequency, 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.

(iii) As soon as the monitoring data required by [§ 63.343\(c\)](#) show that the source is not in compliance with the relevant emission limit, the frequency of reporting shall revert to semiannual, and the owner shall state this exceedance in the ongoing compliance status report for the next reporting period. After demonstrating ongoing compliance with the relevant emission limit for another full year, the owner or operator may again request approval from the Administrator to reduce the reporting frequency as allowed by [paragraph \(h\)\(3\)](#) of this section.

(i) ***Reports associated with trivalent chromium baths.*** The requirements of this paragraph do not alleviate affected sources from complying with the requirements of State or Federal operating permit programs under title V. Owners or operators complying with the provisions of [§ 63.342\(e\)](#) are not subject to [paragraphs \(a\)](#) through [\(h\)](#) of this section, but must instead submit the following reports:

(1) Within 180 days after January 25, 1995, submit an initial notification that includes:

(i) The same information as is required by [paragraphs \(c\)\(1\) \(i\)](#) through [\(v\)](#) of this section; and

(ii) A statement that a trivalent chromium process that incorporates a wetting agent will be used to comply with [§ 63.342\(e\)](#); and

(iii) The list of bath components that comprise the trivalent chromium bath, with the wetting agent clearly identified; and

(2) Within 30 days of the compliance date specified in [§ 63.343\(a\)](#), a notification of compliance status that contains an update of the information submitted in accordance with [paragraph \(i\)\(1\)](#) of this section or a statement that the information is still accurate; and

(3) Within 30 days of a change to the trivalent chromium electroplating process, a report that includes:

- (i) A description of the manner in which the process has been changed and the emission limitation, if any, now applicable to the affected source;
- (ii) If a different emission limitation applies, the applicable information required by [paragraph \(c\)\(1\)](#) of this section; and
- (iii) The notification and reporting requirements of [paragraphs \(d\), \(e\), \(f\), \(g\), and \(h\)](#) of this section, which shall be submitted in accordance with the schedules identified in those paragraphs.