§ 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.

(c) ***Quality assurance program.***

(2)

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

§ 63.8 Monitoring requirements.

(e) ***Performance evaluation of continuous monitoring systems*** —

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4)

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

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

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

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

(5) ***Approval of request to use alternative monitoring procedure.***

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

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

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

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

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

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

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

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

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

will review the notification and may rescind permission to use an alternative and require the owner or operator to conduct a relative accuracy test of the CEMS as specified in section 8.4 of Performance Specification 2.

§ 63.9 Notification requirements.

(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).

(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.

(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.

(c) ***Additional recordkeeping requirements for sources with continuous monitoring systems.*** In addition to complying with the requirements specified in paragraphs (b)(1) and (b)(2) of this section, the owner or operator of an affected

source required to install a CMS by a relevant standard shall maintain records for such source of—

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

(2)-(4) [Reserved]

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

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

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

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

(9) [Reserved]

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

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

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

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

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

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

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

(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.

§ 63.104 Heat exchange system requirements.

(f)

(1) ***Required records.*** The owner or operator shall retain the records identified in paragraphs (f)(1)(i) through (iv) of this section, and if applicable, paragraph (f)(3) of this section, as specified in § 63.103(c)(1).

(i) Monitoring data required by this section indicating a leak and the date when the leak was detected, and if demonstrated not to be a leak, the basis for that determination;

(ii) Records of any leaks detected by procedures subject to paragraph (c)(2) of this section and the date the leak was discovered;

(iii) The dates of efforts to repair leaks; and

(iv) The method or procedure used to confirm repair of a leak and the date repair was confirmed.

§ 63.1360 Applicability.

(k) ***Affirmative defense for violation of emission standards during malfunction.*** In response to an action to enforce the standards set forth in this subpart, the owner or operator may assert an affirmative defense to a claim for civil penalties for violations of such standards that are caused by malfunction, as defined at § 63.2. Appropriate penalties may be assessed if the owner or operator fails to meet their burden of proving all of the requirements in the affirmative defense. The affirmative defense shall not be available for claims for injunctive relief.

(1) ***Assertion of affirmative defense.*** To establish the affirmative defense in any action to enforce such a standard, the owner or operator must timely meet the reporting requirements in paragraph (k)(2) of this section, and must prove by a preponderance of evidence that:

(i) The violation:

(A) Was caused by a sudden, infrequent, and unavoidable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner; and

(B) Could not have been prevented through careful planning, proper design or better operation and maintenance practices; and

(C) Did not stem from any activity or event that could have been foreseen and avoided, or planned for; and

(D) Was not part of a recurring pattern indicative of inadequate design, operation, or maintenance; and

(ii) Repairs were made as expeditiously as possible when a violation occurred; and

(iii) The frequency, amount, and duration of the violation (including any bypass) were minimized to the maximum extent practicable; and

(iv) If the violation resulted from a bypass of control equipment or a process, then the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and

(v) All possible steps were taken to minimize the impact of the violation on ambient air quality, the environment, and human health; and

(vi) All emissions monitoring and control systems were kept in operation if at all possible, consistent with safety and good air pollution control practices; and

(vii) All of the actions in response to the violation were documented by properly signed, contemporaneous operating logs; and

(viii) At all times, the affected source was operated in a manner consistent with good practices for minimizing emissions; and

(ix) A written root cause analysis has been prepared, the purpose of which is to determine, correct, and eliminate the primary causes of the malfunction and the violation resulting from the malfunction event at issue. The analysis shall also specify, using best monitoring methods and engineering judgment, the amount of any emissions that were the result of the malfunction.

(2) ***Report.*** The owner or operator seeking to assert an affirmative defense shall submit a written report to the Administrator, with all necessary supporting documentation, that explains how it has met the requirements set forth in paragraph (k)(1) of this section. This affirmative defense report shall be included in the first periodic compliance report, deviation report, or excess emission report otherwise required after the initial occurrence of the violation of the relevant standard (which may be the end of any applicable averaging period). If such compliance, deviation report or excess emission report is due less than 45 days after the initial occurrence of the violation, the affirmative defense report may be included in the second compliance, deviation report or excess emission report due after the initial occurrence of the violation of the relevant standard.

§ 63.1362 Standards.

(f) ***Heat exchange systems.*** Unless one or more of the conditions specified in § 63.104(a)(1) through (6) of subpart F of this part are met, an owner or operator shall monitor each heat exchange system that is used to cool process equipment in PAI process units that are part of an affected source as defined in § 63.1360(a) according to the provisions in either § 63.104(b) or (c) of subpart F of this part. When the term “chemical manufacturing process unit” is used in § 63.104(c) of subpart F of this part, the term “PAI process unit” shall apply for the purposes of this subpart. Whenever a leak is detected, the owner or operator shall comply with the requirements in § 63.104(d) of subpart F of this part. Delay of repair of heat exchange systems for which leaks have been detected is allowed in accordance with the provisions of § 63.104(e) of subpart F of this part.

§ 63.1363 Standards for equipment leaks.

(g) ***Recordkeeping requirements.***

(1) An owner or operator of more than one group of processes subject to the provisions of this section may comply with the recordkeeping requirements for the groups of processes in one recordkeeping system if the system identifies with each record the program being implemented (e.g., quarterly monitoring) for each type of equipment. All records and information required by this section shall be maintained in a manner that can be readily accessed at the plant site. This could include physically locating the records at the plant site or accessing the records from a central location by computer at the plant site.

(2) ***General recordkeeping.*** Except as provided in paragraph (g)(5) of this section, the following information pertaining to all equipment subject to the requirements in this section shall be recorded:

(i)

(A) A list of identification numbers for equipment (except instrumentation systems) subject to the requirements of this section. Connectors, except those subject to paragraph (f) of this section, need not be individually identified if all connectors in a designated area or length of pipe subject to the provisions of this section are identified as a group, and the number of subject connectors is indicated. The list for each type of equipment shall be completed no later than the completion of the initial survey required for that component. The list of identification numbers shall be updated, if needed, to incorporate equipment changes within 15 calendar days of the completion of each monitoring survey for the type of equipment component monitored.

(B) A schedule for monitoring connectors subject to the provisions of § 63.174(a) of subpart H of this part and valves subject to the provisions of paragraph (e)(4) of this section.

(C) Physical tagging of the equipment is not required to indicate that it is in organic HAP service. Equipment subject to the provisions of this section may be identified on a plant site plan, in log entries, or by other appropriate methods.

(ii)

(A) A list of identification numbers for equipment that the owner or operator elects to equip with a closed-vent system and control device, subject to the provisions of paragraphs (b)(4)(iv) or (c)(7) of this section or § 63.164(h).

(B) A list of identification numbers for compressors that the owner or operator elects to designate as operating with an instrument reading of less than 500 parts per million above background, under the provisions of § 63.164(i) of subpart H of this part.

(iii)

(A) A list of identification numbers for pressure relief devices subject to the provisions in paragraph (b)(4)(i) of this section.

(B) A list of identification numbers for pressure relief devices equipped with rupture disks, subject to the provisions of paragraph (b)(4)(ii)(B) of this section.

(iv) Identification of instrumentation systems subject to the provisions of this section. Individual components in an instrumentation system need not be identified.

(v) The following information shall be recorded for each dual mechanical seal system:

(A) Design criteria required by paragraph (c)(5)(vi)(A) of this section and § 63.164(e)(2) of subpart H of this part, and an explanation of the design criteria; and

(B) Any changes to these criteria and the reasons for the changes.

(vi) A list of equipment designated as unsafe-to-monitor or difficult-to-monitor under paragraph (f) of this section and a copy of the plan for monitoring this equipment.

(vii) A list of connectors removed from and added to the process, as described in § 63.174(i)(1) of subpart H of this part, and documentation of the integrity of the weld for any removed connectors, as required in § 63.174(j) of subpart H of this part. This is not required unless the net credits for removed connectors is expected to be used.

(viii) For batch processes that the owner or operator elects to monitor as provided under § 63.178(c) of subpart H of this part, a list of equipment added to batch product processes since the last monitoring period required in § 63.178(c)(3)(ii) and (iii) of subpart H of this part. This list must be completed for each type of equipment within 15 calendar days of the completion of the each monitoring survey for the type of equipment monitored.

(3) ***Records of visual inspections.*** For visual inspections of equipment subject to the provisions of paragraphs (c)(2)(iii) and (c)(5)(iv) of this section, the owner or operator shall document that the inspection was conducted and the date of the inspection. The owner or operator shall maintain records as specified in paragraph (g)(4) of this section for leaking equipment identified in this inspection, except as provided in paragraph (g)(5) of this section. These records shall be retained for 5 years.

(4) ***Monitoring records.*** When each leak is detected as specified in paragraphs (c) and (e) of this section and §§ 63.164, 63.169, 63.172, and 63.174 of subpart H of this part, the owner or operator shall record the information specified in paragraphs (g)(4)(i) through (ix) of this section. All records shall be retained for 5 years, in accordance with the requirements of § 63.10(b)(1) of subpart A of this part.

(i) The instrument and the equipment identification number and the operator name, initials, or identification number.

(ii) The date the leak was detected and the date of first attempt to repair the leak.

(iii) The date of successful repair of the leak.

(iv) If postrepair monitoring is required, maximum instrument reading measured by Method 21 of 40 CFR part 60, appendix A, after it is successfully repaired or determined to be nonrepairable.

(v) “Repair delayed” and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.

(A) The owner or operator may develop a written procedure that identifies the conditions that justify a delay of repair. The written procedures must be maintained at the plant site. Reasons for delay of repair may be documented by citing the relevant sections of the written procedure.

(B) If delay of repair was caused by depletion of stocked parts, there must be documentation that the spare parts were sufficiently stocked onsite before depletion and the reason for depletion.

(vi) If repairs were delayed, dates of process shutdowns that occur while the equipment is unrepaired.

(vii)

(A) If the alternative in § 63.174(c)(1)(ii) of subpart H of this part is not in use for the monitoring period, identification, either by list, location (area or grouping), or tagging of connectors disturbed since the last monitoring period required in § 63.174(b) of subpart H of this part, as described in § 63.174(c)(1) of subpart H of this part.

(B) The date and results of follow-up monitoring as required in § 63.174(c) of subpart H of this part. If identification of disturbed connectors is made by location, then all connectors within the designated location shall be monitored.

(viii) The date and results of the monitoring required in § 63.178(c)(3)(i) of subpart H of this part for equipment added to a batch process since the last monitoring period required in § 63.178(c)(3)(ii) and (iii) of subpart H of this part. If no leaking equipment is found in this monitoring, the owner or operator shall record that the inspection was performed. Records of the actual monitoring results are not required.

(ix) Copies of the periodic reports as specified in paragraph (h)(3) of this section, if records are not maintained on a computerized data base capable of generating summary reports from the records.

(5) ***Records of pressure tests.*** The owner or operator who elects to pressure test a process equipment train and supply lines between storage and processing areas to demonstrate compliance with this section is exempt from the requirements of paragraphs (g)(2), (3), (4), and (6) of this section. Instead, the owner or operator shall maintain records of the following information:

(i) The identification of each product, or product code, produced during the calendar year. It is not necessary to identify individual items of equipment in the process equipment train.

(ii) Records demonstrating the proportion of the time during the calendar year the equipment is in use in the process that is subject to the provisions of this subpart. Examples of suitable documentation are records of time in use for individual pieces of equipment or average time in use for the process unit. These records are not required if the owner or operator does not adjust monitoring frequency by the time in use, as provided in § 63.178(c)(3)(iii) of subpart H of this part.

(iii) Physical tagging of the equipment to identify that it is in organic HAP service and subject to the provisions of this section is not required. Equipment in a process subject to the provisions of this section may be identified on a plant site plan, in log entries, or by other appropriate methods.

(iv) The dates of each pressure test required in § 63.178(b) of subpart H of this part, the test pressure, and the pressure drop observed during the test.

(v) Records of any visible, audible, or olfactory evidence of fluid loss.

(vi) When a process equipment train does not pass two consecutive pressure tests, the following information shall be recorded in a log and kept for 2 years:

(A) The date of each pressure test and the date of each leak repair attempt.

(B) Repair methods applied in each attempt to repair the leak.

(C) The reason for the delay of repair.

(D) The expected date for delivery of the replacement equipment and the actual date of delivery of the replacement equipment.

(E) The date of successful repair.

(6) ***Records of compressor and pressure relief device compliance tests.*** The dates and results of each compliance test required for compressors subject to the provisions in § 63.164(i) and the dates and results of the Method 21 of 40 CFR part 60, appendix A, monitoring following a pressure release for each pressure relief device subject to the provisions in paragraphs (b)(4)(i) and (ii) of this section. The results shall include:

(i) The background level measured during each compliance test.

(ii) The maximum instrument reading measured at each piece of equipment during each compliance test.

(7) ***Records for closed-vent systems.*** The owner or operator shall maintain records of the information specified in paragraphs (g)(7)(i) through (iii) of this section for closed-vent systems and control devices subject to the provisions of paragraph (b)(3)(ii) of this section. The records specified in paragraph (g)(7)(i) of this section shall be retained for the life of the equipment. The records specified in paragraphs (g)(7)(ii) and (iii) of this section shall be retained for 5 years.

(i) The design specifications and performance demonstrations specified in paragraphs (g)(7)(i)(A) through (D) of this section.

(A) Detailed schematics, design specifications of the control device, and piping and instrumentation diagrams.

(B) The dates and descriptions of any changes in the design specifications.

(C) The flare design (i.e., steam assisted, air assisted, or nonassisted) and the results of the compliance demonstration required by § 63.11(b) of subpart A of this part.

(D) A description of the parameter or parameters monitored, as required in paragraph (b)(3)(ii) of this section, to ensure that control devices are operated and maintained in conformance with their design and an explanation of why that parameter (or parameters) was selected for the monitoring.

(ii) Records of operation of closed-vent systems and control devices.

(A) Dates and durations when the closed-vent systems and control devices required in paragraph (c) of this section and §§ 63.164 through 63.166 of subpart H of this part are not operated as designed as indicated by the monitored parameters, including periods when a flare pilot light system does not have a flame.

(B) Dates and durations during which the monitoring system or monitoring device is inoperative.

(C) Dates and durations of startups and shutdowns of control devices required in paragraph (c) of this section and §§ 63.164 through 63.166 of subpart H of this part.

(iii) Records of inspections of closed-vent systems subject to the provisions of § 63.172 of subpart H of this part.

(A) For each inspection conducted in accordance with the provisions of § 63.172(f)(1) or (2) of subpart H of this part during which no leaks were detected, a record that the inspection was performed, the date of the inspection, and a statement that no leaks were detected.

(B) For each inspection conducted in accordance with the provisions of § 63.172(f)(1) or (f)(2) of subpart H of this part during which leaks were detected, the information specified in paragraph (g)(4) of this section shall be recorded.

(8) ***Records for components in heavy liquid service.*** Information, data, and analysis used to determine that a piece of equipment or process is in heavy liquid service shall be recorded. Such a determination shall include an analysis or demonstration that the process fluids do not meet the criteria of “in light liquid or gas/vapor service.” Examples of information that could document this include, but are not limited to, records of chemicals purchased for the process, analyses of process stream composition, engineering calculations, or process knowledge.

(9) ***Records of exempt components.*** Identification, either by list, location (area or group), or other method of equipment in organic HAP service less than 300 hr/yr subject to the provisions of this section.

(10) ***Records of alternative means of compliance determination.*** Owners and operators choosing to comply with the requirements of § 63.179 of subpart H of this part shall maintain the following records:

(i) Identification of the process(es) and the organic HAP they handle.

(ii) A schematic of the process, enclosure, and closed-vent system.

(iii) A description of the system used to create a negative pressure in the enclosure to ensure that all emissions are routed to the control device.

(11) ***Records of pressure releases to the atmosphere from pressure relief devices.*** For pressure relief devices in organic HAP service subject to paragraph (b)(4)(iii) of this section, keep records of each pressure release to the atmosphere, including the following information:

(i) The source, nature, and cause of the pressure release.

(ii) The date, time, and duration of the pressure release.

(iii) The quantity of total HAP emitted during the pressure release and the calculations used for determining this quantity.

(iv) The actions taken to prevent this pressure release.

(v) The measures adopted to prevent future such pressure releases.

(h) ***Reporting Requirements.***

(1) Each owner or operator of a source subject to this section shall submit the reports listed in paragraphs (h)(1)(i) and (ii) of this section.

(i) A Notification of Compliance Status report described in paragraph (h)(2) of this section, and

(ii) Periodic reports described in paragraph (h)(3) of this section.

(2) ***Notification of compliance status report.*** Each owner or operator of a source subject to this section shall submit the information specified in paragraphs (h)(2)(i) through (iii) of this section in the Notification of Compliance Status report described in § 63.1368(f). For pressure relief devices subject to the requirements of paragraph (b)(4)(iii) of this section, the owner or operator shall submit the information listed in paragraph (h)(2)(iv) of this section in the Notification of Compliance Status within 150 days after the first applicable compliance date for pressure relief device monitoring. Section 63.9(j) of subpart A of this part shall not apply to the Notification of Compliance Status report.

(i) The notification shall provide the information listed in paragraphs (h)(2)(i)(A) through (C) of this section for each group of processes subject to the requirements of paragraphs (b) through (g) of this section.

(A) Identification of the group of processes.

(B) Approximate number of each equipment type (e.g., valves, pumps) in organic HAP service, excluding equipment in vacuum service.

(C) Method of compliance with the standard (for example, “monthly leak detection and repair” or “equipped with dual mechanical seals”).

(ii) The notification shall provide the information listed in paragraphs (h)(2)(ii)(A) and (B) of this section for each process subject to the requirements of paragraph (b)(3)(iv) of this section and § 63.178(b) of subpart H of this part.

(A) Products or product codes subject to the provisions of this section, and

(B) Planned schedule for pressure testing when equipment is configured for production of products subject to the provisions of this section.

(iii) The notification shall provide the information listed in paragraphs (h)(2)(iii)(A) and (B) of this section for each process subject to the requirements in § 63.179 of subpart H of this part.

(A) Process identification.

(B) A description of the system used to create a negative pressure in the enclosure and the control device used to comply with the requirements of paragraph (b)(3)(ii) of this section.

(iv) For pressure relief devices in organic HAP service, a description of the device or monitoring system to be implemented, including the pressure relief devices and process parameters to be monitored (if applicable), a description of the alarms or other methods by which operators will be notified of a pressure release, and a description of how the owner or operator will determine the information to be recorded under paragraphs (g)(11)(ii) and (iii) of this section (i.e., the duration of the pressure release and the methodology and calculations for determining of the quantity of total HAP emitted during the pressure release).

(3) ***Periodic reports.*** The owner or operator of a source subject to this section shall submit Periodic reports.

(i) A report containing the information in paragraphs (h)(3)(ii) through (v) of this section shall be submitted semiannually. The first Periodic report shall be submitted no later than 240 days after the date the Notification of Compliance Status report is due and shall cover the 6-month period beginning on the date the Notification of Compliance Status report is due. Each subsequent Periodic report shall cover the 6-month period following the preceding period.

(ii) For equipment complying with the provisions of paragraphs (b) through (g) of this section, the Periodic report shall contain the summary information listed in paragraphs (h)(3)(ii)(A) through (L) of this section for each monitoring period during the 6-month period.

(A) The number of valves for which leaks were detected as described in paragraph (e)(2) of this section, the percent leakers, and the total number of valves monitored;

(B) The number of valves for which leaks were not repaired as required in paragraph (e)(7) of this section, identifying the number of those that are determined nonrepairable;

(C) The number of pumps and agitators for which leaks were detected as described in paragraph (c)(2) of this section, the percent leakers, and the total number of pumps and agitators monitored;

(D) The number of pumps and agitators for which leaks were not repaired as required in paragraph (c)(3) of this section;

(E) The number of compressors for which leaks were detected as described in § 63.164(f) of subpart H of this part;

(F) The number of compressors for which leaks were not repaired as required in § 63.164(g) of subpart H of this part;

(G) The number of connectors for which leaks were detected as described in § 63.174(a) of subpart H of this part, the percent of connectors leaking, and the total number of connectors monitored;

(H) The number of connectors for which leaks were not repaired as required in § 63.174(d) of subpart H of this part, identifying the number of those that are determined nonrepairable;

(I) The facts that explain any delay of repairs and, where appropriate, why a process shutdown was technically infeasible.

(J) The results of all monitoring to show compliance with §§ 63.164(i) and 63.172(f) conducted within the semiannual reporting period.

(K) If applicable, the initiation of a monthly monitoring program under either paragraph (c)(4)(ii) or paragraph (e)(4)(i)(A) of this section.

(L) If applicable, notification of a change in connector monitoring alternatives as described in § 63.174(c)(1) of subpart H of this part.

(iii) For owners or operators electing to meet the requirements of § 63.178(b) of subpart H of this part, the Periodic report shall include the information listed in paragraphs (h)(3)(iii) (A) through (E) of this section for each process.

(A) Product process equipment train identification;

(B) The number of pressure tests conducted;

(C) The number of pressure tests where the equipment train failed either the retest or two consecutive pressure tests;

(D) The facts that explain any delay of repairs; and

(E) The results of all monitoring to determine compliance with § 63.172(f) of subpart H of this part.

(iv) Any change in the information submitted under paragraph (h)(2) of this section shall be provided in the next Periodic report.

(v) For pressure relief devices in organic HAP service, Periodic Reports must include the information specified in paragraphs (h)(3)(v)(A) through (C) of this section.

(A) For pressure relief devices in organic HAP service subject to paragraph (b)(4) of this section, report confirmation that all monitoring to show compliance was conducted within the reporting period.

(B) For pressure relief devices in organic HAP gas or vapor service subject to paragraph (b)(4)(ii) of this section, report any instrument reading of 500 ppm above background or greater, more than 5 calendar days after the pressure release.

(C) For pressure relief devices in organic HAP service subject to paragraph (b)(4)(iii) of this section, report each pressure release to the atmosphere, including the following information:

(*1*) The source, nature, and cause of the pressure release.

(*2*) The date, time, and duration of the pressure release.

(*3*) The quantity of total HAP emitted during the pressure release and the method used for determining this quantity.

(*4*) The actions taken to prevent this pressure release.

(*5*) The measures adopted to prevent future such pressure releases.

§ 63.1364 Compliance dates.

(a) ***Compliance dates for existing sources.***

(2) Pursuant to section 112(i)(3)(B) of the CAA, an owner or operator of an existing source may request an extension of up to 1 additional year to comply with the provisions of this subpart if the additional time is needed for the installation of controls.

(i) For purposes of this subpart, a request for an extension shall be submitted no later than 120 days prior to the compliance date specified in paragraph (a)(1) of this section, except as provided in paragraph (a)(2)(ii) of this section. The dates specified in § 63.6(i) of subpart A of this part for submittal of requests for extensions shall not apply to sources subject to this subpart.

(ii) An owner or operator may submit a compliance extension request after the date specified in paragraph (a)(1)(i) of this section provided the need for the compliance extension arose after that date and before the otherwise applicable compliance date, and the need arose due to circumstances beyond reasonable control of the owner or operator. This request shall include the data described in § 63.6(i)(8)(A), (B), and (D) of subpart A of this part.

§ 63.1366 Monitoring and inspection requirements.

(b) ***Monitoring for control devices*** —

(1) ***Parameters to monitor.*** Except as specified in paragraph (b)(1)(i) of this section, for each control device, the owner or operator shall install and operate monitoring devices and operate within the established parameter levels to ensure continued compliance with the standard. Monitoring parameters are specified for control scenarios in paragraphs (b)(1)(ii) through (xii) of this section, and are summarized in Table 3 of this subpart.

(i) ***Periodic verification.*** For control devices that control vent streams containing total HAP emissions less than 0.91 Mg/yr, before control, monitoring shall consist of a periodic verification that the device is operating properly. This verification shall include, but not be limited to, a daily or more frequent demonstration that the unit is working as designed and may include the daily measurements of the parameters described in paragraphs (b)(1)(ii) through (xii) of this section. This demonstration shall be included in the Precompliance plan, to be submitted 6 months prior to the compliance date of the standard.

(ii) ***Scrubbers.*** For affected sources using liquid scrubbers, the owner or operator shall establish a minimum scrubber liquid flow rate or pressure drop as a site-specific operating parameter which must be measured and recorded at least once every 15 minutes during the period in which the scrubber is controlling HAP from an emission stream as required by the standards in § 63.1362. If the scrubber uses a caustic solution to remove acid emissions, the pH of the effluent scrubber liquid shall also be monitored once a day. The minimum scrubber liquid flow rate or pressure drop shall be based on the conditions under which the initial compliance demonstration was conducted. Alternatively, for halogen scrubbers, the owner or operator may comply with the requirements specified in § 63.994(c).

(A) The monitoring device used to determine the pressure drop shall be certified by the manufacturer to be accurate to within a gage pressure of ±10 percent of the maximum pressure drop measured.

(B) The monitoring device used for measurement of scrubber liquid flowrate shall be certified by the manufacturer to be accurate to within ±10 percent of the design scrubber liquid flowrate.

(C) The monitoring device shall be calibrated annually.

(iii) ***Condensers.*** For each condenser, the owner or operator shall establish the maximum condenser outlet gas temperature as a site-specific operating parameter which must be measured and recorded at least once every 15 minutes during the period in which the condenser is controlling HAP from an emission stream as required by the standards in § 63.1362.

(A) The temperature monitoring device must be accurate to within ±2 percent of the temperature measured in degrees Celsius or ±2.5 °C, whichever is greater.

(B) The temperature monitoring device must be calibrated annually.

(iv) ***Regenerative carbon adsorbers.*** For each regenerative carbon adsorber, the owner or operator shall comply with the provisions in paragraphs (b)(1)(iv)(A) through (F) of this section.

(A) Establish the regeneration cycle characteristics specified in paragraphs (b)(1)(iv)(A) (*1*) through (*4*) of this section under absolute or hypothetical peak-case conditions, as defined in § 63.1365(b)(11)(i) or (ii).

(*1*) Minimum regeneration frequency (i.e., operating time since last regeneration);

(*2*) Minimum temperature to which the bed is heated during regeneration;

(*3*) Maximum temperature to which the bed is cooled, measured within 15 minutes of completing the cooling phase; and

(*4*) Minimum regeneration stream flow.

(B) Monitor and record the regeneration cycle characteristics specified in paragraphs (b)(1)(iv)(B) (*1*) through (*4*) of this section for each regeneration cycle.

(*1*) Regeneration frequency (i.e., operating time since end of last regeneration);

(*2*) Temperature to which the bed is heated during regeneration;

(*3*) Temperature to which the bed is cooled, measured within 15 minutes of the completion of the cooling phase; and

(*4*) Regeneration stream flow.

(C) Use a temperature monitoring device that is accurate to within ±2 percent of the temperature measured in degrees Celsius or ±2.5 °C, whichever is greater.

(D) Use a regeneration stream flow monitoring device capable of recording the total regeneration stream flow to within ±10 percent of the established value (i.e., accurate to within ±10 percent of the reading).

(E) Calibrate the temperature and flow monitoring devices annually.

(F) Conduct an annual check for bed poisoning in accordance with manufacturer's specifications.

(v) ***Nonregenerative carbon adsorbers.*** For each nonregenerative carbon adsorption system such as a carbon canister that does not regenerate the carbon bed directly onsite in the control device, the owner or operator shall replace the existing carbon bed in the control device with fresh carbon on a regular schedule based on one of the following procedures:

(A) Monitor the TOC concentration level in the exhaust vent stream from the carbon adsorption system on a regular schedule, and replace the existing carbon with fresh carbon immediately when carbon breakthrough is indicated. The monitoring frequency shall be daily or at an interval no greater than 20 percent of the time required to consume the total carbon working capacity under absolute or

hypothetical peak-case conditions as defined in § 63.1365(b)(11)(i) or (ii), whichever is longer.

(B) Establish the maximum time interval between replacement, and replace the existing carbon before this time interval elapses. The time interval shall be established based on the conditions anticipated under absolute or hypothetical peak-case, as defined in § 63.1365(b)(11)(i) or (ii).

(vi) ***Flares.*** For each flare, the presence of the pilot flame shall be monitored at least once every 15 minutes during the period in which the flare is controlling HAP from an emission stream subject to the standards in § 63.1362. The monitoring device shall be calibrated annually.

(vii) ***Thermal incinerators.*** For each thermal incinerator, the owner or operator shall monitor the temperature of the gases exiting the combustion chamber as the site-specific operating parameter which must be measured and recorded at least once every 15 minutes during the period in which the combustion device is controlling HAP from an emission stream subject to the standards in § 63.1362.

(A) The temperature monitoring device must be accurate to within ±0.75 percent of the temperature measured in degrees Celsius or ±2.5 °C, whichever is greater.

(B) The monitoring device must be calibrated annually.

(viii) ***Catalytic incinerators.*** For each catalytic incinerator, the parameter levels that the owner or operator shall establish are the minimum temperature of the gas stream immediately before the catalyst bed and the minimum temperature difference across the catalyst bed. The owner or operator shall monitor the temperature of the gas stream immediately before and after the catalyst bed, and calculate the temperature difference across the catalyst bed, at least once every 15 minutes during the period in which the catalytic incinerator is controlling HAP from an emission stream subject to the standards in § 63.1362.

(A) The temperature monitoring devices must be accurate to within ±0.75 percent of the temperature measured in degrees Celsius or ±2.5 °C, whichever is greater.

(B) The temperature monitoring devices must be calibrated annually.

(ix) ***Process heaters and boilers.***

(A) Except as specified in paragraph (b)(1)(ix)(B) of this section, for each boiler or process heater, the owner or operator shall monitor the temperature of the gases exiting the combustion chamber as the site-specific operating parameter which must be monitored and recorded at least every 15 minutes during the period in which the boiler or process heater is controlling HAP from an emission stream subject to the standards in § 63.1362.

(*1*) The temperature monitoring device must be accurate to within ±0.75 percent of the temperature measured in degrees Celsius or ±2.5 °C, whichever is greater.

(*2*) The temperature monitoring device must be calibrated annually.

(B) The owner or operator is exempt from the monitoring requirements specified in paragraph (b)(1)(ix)(A) of this section if either:

(*1*) All vent streams are introduced with primary fuel; or

(*2*) The design heat input capacity of the boiler or process heater is 44 megawatts or greater.

(x) ***Continuous emission monitor.*** As an alternative to the parameters specified in paragraphs (b)(1)(ii) through (ix) of this section, an owner or operator may monitor and record the outlet HAP concentration or both the outlet TOC concentration and outlet total HCl and chlorine concentration at least every 15 minutes during the period in which the control device is controlling HAP from an emission stream subject to the standards in § 63.1362. The owner or operator need not monitor the total HCl and chlorine concentration if the owner or operator determines that the emission stream does not contain HCl or chlorine. The owner or operator need not monitor the TOC concentration if the owner or operator determines the emission stream does not contain organic compounds. The HAP or TOC monitor must meet the requirements of Performance Specification 8 or 9 of appendix B of part 60 and must be installed, calibrated, and maintained, according to § 63.8 of subpart A of this part. As part of the QA/QC Plan, calibration of the device must include, at a minimum, quarterly cylinder gas audits. If supplemental gases are introduced before the control device, the monitored concentration shall be corrected as specified in § 63.1365(a)(7).

(xi) ***Fabric filters.*** For each fabric filter used to control particulate matter emissions from bag dumps and product dryers subject to § 63.1362(e), the owner or operator shall install, calibrate, maintain, and continuously operate a bag leak detection system that meets the requirements in paragraphs (b)(1)(xi)(A) through (G) of this section.

(A) The bag leak detection system sensor must provide output of relative particulate matter emissions.

(B) The bag leak detection system must be equipped with an alarm system that will sound when an increase in particulate matter emissions over a preset level is detected.

(C) For positive pressure fabric filters, a bag leak detector must be installed in each fabric filter compartment or cell. If a negative pressure or induced air filter is used, the bag leak detector must be installed downstream of the fabric filter. Where multiple bag leak detectors are required (for either type of fabric filter), the system instrumentation and alarm may be shared among detectors.

(D) The bag leak detection system shall be installed, operated, calibrated and maintained in a manner consistent with available guidance from the U.S. Environmental Protection Agency or, in the absence of such guidance, the manufacturer's written specifications and instructions.

(E) Calibration of the system shall, at a minimum, consist of establishing the relative baseline output level by adjusting the range and the averaging period of the device and establishing the alarm set points and the alarm delay time.

(F) Following initial adjustment, the owner or operator shall not adjust the sensitivity or range, averaging period, alarm set points, or alarm delay time, except as established in an operation and maintenance plan that is to be submitted with the Precompliance plan. In no event shall the sensitivity be increased more than 100 percent or decreased by more than 50 percent over a 365-day period unless such adjustment follows a complete baghouse inspection which demonstrates the baghouse is in good operating condition.

(G) If the alarm on a bag leak detection system is triggered, the owner or operator shall, within 1 hour of an alarm, initiate the procedures to identify the cause of the alarm and take corrective action as specified in the corrective action plan.

(xii) For each waste management unit, treatment process, or control device used to comply with § 63.1362(d), the owner or operator shall comply with the procedures specified in § 63.143 of subpart G of this part, except that when the procedures to request approval to monitor alternative parameters according to the procedures in § 63.151(f) are referred to in § 63.143(d)(3), the procedures in paragraph (b)(4) of this section shall apply for the purposes of this subpart.

(xiii) ***Closed-vent system visual inspections.*** The owner or operator shall comply with the requirements in either paragraph (b)(1)(xiii)(A) or (B) of this section:

(A) Set the flow indicator at the entrance to any bypass line that could divert the stream away from the control device to the atmosphere to take a reading at least once every 15 minutes; or

(B) If the bypass device valve installed at the inlet to the bypass device is secured in the closed position with a car-seal or lock-and-key type configuration, visually inspect the seal or closure mechanism at least once every month to verify that the valve is maintained in the closed position and the vent stream is not diverted through the bypass line.

(2) ***Averaging periods.*** Averaging periods for parametric monitoring levels shall be established according to paragraphs (b)(2)(i) through (iii) of this section.

(i) Except as provided in paragraph (b)(2)(iii) of this section, a daily (24-hour) or block average shall be calculated as the average of all values for a monitored parameter level set according to the procedures in (b)(3)(iii) of this section recorded during the operating day or block.

(ii) The operating day or block shall be defined in the Notification of Compliance Status report. The operating day may be from midnight to midnight or another continuous 24-hour period. The operating block may be used as an averaging period only for vents from batch operations, and is limited to a period of time that is, at a

maximum, equal to the time from the beginning to end of a series of consecutive batch operations.

(iii) Monitoring values taken during periods in which the control devices are not controlling HAP from an emission stream subject to the standards in § 63.1362, as indicated by periods of no flow or periods when only streams that are not subject to the standards in § 63.1362 are controlled, shall not be considered in the averages. Where flow to the device could be intermittent, the owner or operator shall install, calibrate and operate a flow indicator at the inlet or outlet of the control device to identify periods of no flow.

(3) ***Procedures for setting parameter levels for control devices used to control emissions from process vents.***

(i) ***Small control devices.*** Except as provided in paragraph (b)(1)(i) of this section, for devices controlling less than 10 tons/yr of HAP for which a performance test is not required, the parameteric levels shall be set based on the design evaluation required in § 63.1365(c)(3)(i)(A). If a performance test is conducted, the monitoring parameter level shall be established according to the procedures in paragraph (b)(3)(ii) of this section.

(ii) ***Large control devices.*** For devices controlling greater than or equal to 10 tons/yr of HAP for which a performance test is required, the parameter level must be established as follows:

(A) If the operating parameter level to be established is a maximum or minimum, it must be based on the average of the average values from each of the three test runs.

(B) The owner or operator may establish the parametric monitoring level(s) based on the performance test supplemented by engineering assessments and/or manufacturer's recommendations. Performance testing is not required to be conducted over the entire range of expected parameter values. The rationale for the specific level for each parameter, including any data and calculations used to develop the level(s) and a description of why the level indicates proper operation of the control device shall be provided in the Precompliance plan. Determination of the parametric monitoring level using these procedures is subject to review and approval by the Administrator.

(iii) ***Parameter levels for control devices controlling batch process vents.*** For devices controlling batch process vents alone or in combination with other streams, the level(s) shall be established in accordance with paragraph (b)(3)(iii)(A) or (B) of this section.

(A) A single level for the batch process(es) shall be calculated from the initial compliance demonstration.

(B) The owner or operator may establish separate levels for each batch emission episode or combination of emission episodes selected to be controlled. If separate monitoring levels are established, the owner or operator must provide a record

indicating at what point in the daily schedule or log of processes required to be recorded per the requirements of § 63.1367(b)(7), the parameter being monitored changes levels and must record at least one reading of the new parameter level, even if the duration of monitoring for the new parameter level is less than 15 minutes.

(4) ***Requesting approval to monitor alternative parameters.*** The owner or operator may request approval to monitor parameters other than those required by paragraphs (b)(1)(ii) through (xiii) of this section. The request shall be submitted according to the procedures specified in § 63.8(f) of subpart A of this part or in the Precompliance report (as specified in § 63.1368(e)).

(5) ***Monitoring for the alternative standards.***

(i) For control devices that are used to comply with the provisions of § 63.1362(b)(6) and (c)(4), the owner or operator shall monitor and record the outlet TOC concentration and the outlet total HCl and chlorine concentration at least once every 15 minutes during the period in which the device is controlling HAP from emission streams subject to the standards in § 63.1362. A TOC monitor meeting the requirements of Performance Specification 8 or 9 of appendix B of 40 CFR part 60 shall be installed, calibrated, and maintained, according to § 63.8. The owner or operator need not monitor the total HCl and chlorine concentration if the owner or operator determines that the emission stream does not contain HCl or chlorine. The owner or operator need not monitor for TOC concentration if the owner or operator determines that the emission stream does not contain organic compounds.

(ii) If supplemental gases are introduced before the control device, the owner or operator must either correct for supplemental gases as specified in § 63.1365(a)(7) or, if using a combustion control device, comply with the requirements of paragraph (b)(5)(ii)(A) of this section. If the owner or operator corrects for supplemental gases as specified in § 63.1365(a)(7)(ii) for non-combustion control devices, the flow rates must be evaluated as specified in paragraph (b)(5)(ii)(B) of this section.

(A) ***Provisions for combustion devices.*** As an alternative to correcting for supplemental gases as specified in § 63.1365(a)(7), the owner or operator may monitor residence time and firebox temperature according to the requirements of paragraphs (b)(5)(ii)(A)(*1*) and (*2*) of this section. Monitoring of residence time may be accomplished by monitoring flow rate into the combustion chamber.

(*1*) If complying with the alternative standard instead of achieving a control efficiency of 95 percent or less, the owner or operator must maintain a minimum residence time of 0.5 seconds and a minimum combustion chamber temperature of 760 °C.

(*2*) If complying with the alternative standard instead of achieving a control efficiency of 98 percent, the owner or operator must maintain a minimum residence time of 0.75 seconds and a minimum combustion chamber temperature of 816 °C.

(B) ***Flow rate evaluation for non-combustion devices.*** To demonstrate continuous compliance with the requirement to correct for supplemental gases as

specified in § 63.1365(a)(7)(ii) for non-combustion devices, the owner or operator must evaluate the volumetric flow rate of supplemental gases, V_s, and the volumetric flow rate of all gases, V_a, each time a new operating scenario is implemented based on process knowledge and representative operating data. The procedures used to evaluate the flow rates, and the resulting correction factor used in Equation 8 of this subpart, must be included in the Notification of Compliance Status report and in the next Periodic report submitted after an operating scenario change.

(6) ***Exceedances of operating parameters.*** An exceedance of an operating parameter is defined as one of the following:

(i) If the parameter level, averaged over the operating day or block, is below a minimum value established during the initial compliance demonstration.

(ii) If the parameter level, averaged over the operating day or block, is above the maximum value established during the initial compliance demonstration.

(iii) A loss of all pilot flames for a flare during an operating day or block. Multiple losses of all pilot flames during an operating day constitutes one exceedance.

(iv) Each operating day or block for which the time interval between replacement of a nonregenerative carbon adsorber exceeds the interval established in paragraph (b)(1)(v) of this section.

(v) Each instance in which procedures to initiate the response to a bag leak detector alarm within 1 hour of the alarm as specified in the corrective action plan.

(7) ***Excursions.*** Excursions are defined by either of the two cases listed in paragraph (b)(7)(i) or (ii) of this section. An excursion also occurs if the periodic verification for a small control device is not conducted as specified in paragraph (b)(1)(i) of this section.

(i) When the period of control device operation is 4 hours or greater in an operating day or block and monitoring data are insufficient to constitute a valid hour of data, as defined in paragraph (b)(7)(iii) of this section, for at least 75 percent of the operating hours.

(ii) When the period of control device operation is less than 4 hours in an operating day or block and more than 1 of the hours during the period of operation does not constitute a valid hour of data due to insufficient monitoring data.

(iii) Monitoring data are insufficient to constitute a valid hour of data, as used in paragraphs (b)(7)(i) and (ii) of this section, if measured values are unavailable for any of the required 15-minute periods within the hour.

(8) ***Violations.*** Exceedances of parameters monitored according to the provisions of paragraphs (b)(1)(ii), (b)(1)(iv) through (ix), and (b)(5) of this section, or excursions as defined by paragraphs (b)(7)(i) and (ii) of this section, constitute violations of the operating limit according to paragraphs (b)(8)(i) and (ii) of this section. Exceedances of the temperature limit monitored according to the

provisions of paragraph (b)(1)(iii) of this section or exceedances of the outlet concentrations monitored according to the provisions of paragraph (b)(1)(x) of this section constitute violations of the emission limit according to paragraphs (b)(8)(i) and (ii) of this section. Exceedances of the outlet concentrations monitored according to the provisions of paragraph (b)(5) of this section constitute violations of the emission limit according to the provisions of paragraph (b)(8)(iii) of this section.

(i) For episodes occurring more than once per day, exceedances of established parameter limits or excursions will result in no more than one violation per operating day for each monitored item of equipment utilized in the process.

(ii) For control devices used for more than one process in the course of an operating day, exceedances or excursions will result in no more than one violation per operating day, per control device, for each process for which the control device is in service.

(iii) Exceedances of the 20 or 50 ppmv TOC outlet emission limit, averaged over the operating day, will result in no more than one violation per day per control device. Exceedances of the 20 or 50 ppmv HCl and chlorine outlet emission limit, averaged over the operating day, will result in no more than one violation per day per control device.

(c) ***Monitoring for uncontrolled emission rates.*** The owner or operator shall demonstrate continuous compliance with the emission limit in § 63.1362 (b)(2)(i) or (b)(4)(i) by calculating daily a 365-day rolling summation of uncontrolled emissions based on the uncontrolled emissions per emission episode, as calculated using the procedures in § 63.1365(c)(2), and records of the number of batches produced. Each day that the summation for a process exceeds 0.15 Mg/yr is considered a violation of the emission limit.

(d) ***Monitoring for equipment leaks.*** The standard for equipment leaks is based on monitoring. All monitoring requirements for equipment leaks are specified in § 63.1363.

(e) ***Monitoring for heat exchanger systems.*** The standard for heat exchanger systems is based on monitoring. All monitoring requirements for heat exchanger systems are specified in § 63.1362(f).

(f) ***Monitoring for the pollution prevention alternative standard.*** The owner or operator of an affected source that chooses to comply with the requirements of § 63.1362(g) (2) or (3) shall calculate annual rolling average values of the HAP and VOC factors in accordance with the procedures specified in paragraph (f)(1) of this section. If complying with § 63.1362(g)(3), the owner or operator shall also comply with the monitoring requirements specified in paragraph (b) of this section for the applicable add-on air pollution control device.

(1) ***Annual factors.*** The annual HAP and VOC factors shall be calculated in accordance with the procedures specified in paragraphs (f)(1) (i) through (iii) of this section.

(i) The consumption of both total HAP and total VOC shall be divided by the production rate, per process, for 12-month periods at the frequency specified in either paragraph (f)(1) (ii) or (iii) of this section, as applicable.

(ii) For continuous processes, the annual factors shall be calculated every 30 days for the 12-month period preceding the 30th day (annual rolling average calculated every 30 days). A process with both batch and continuous operations is considered a continuous process for the purposes of this section.

(iii) For batch processes, the annual factors shall be calculated every 10 batches for the 12-month period preceding the 10th batch (annual rolling average calculated every 10 batches). Additional annual factors shall be calculated every 12 months during the period before the 10th batch if more than 12 months elapse before the 10th batch is produced.

(2) ***Violations.*** Each rolling average that exceeds the target value established in § 63.1365(g)(3) is considered a violation of the emission limit.

(g) ***Monitoring for emissions averaging.*** The owner or operator of an affected source that chooses to comply with the requirements of § 63.1362(h) shall meet all monitoring requirements specified in paragraph (b) of this section, as applicable, for all processes, storage tanks, and waste management units included in the emissions average.

§ 63.1367 Recordkeeping requirements.

(a) ***Requirements of subpart A of this part.*** The owner or operator of an affected source shall comply with the recordkeeping requirements in subpart A of this part as specified in Table 1 of this subpart and in paragraphs (a)(1) through (5) of this section.

(1) ***Data retention.*** Each owner or operator of an affected source shall keep copies of all records and reports required by this subpart for at least 5 years, as specified in § 63.10(b)(1) of subpart A of this part.

(2) ***Records of applicability determinations.*** The owner or operator of a stationary source that is not subject to this subpart shall keep a record of the applicability determination, as specified in § 63.10(b)(3) of subpart A of this part.

(3) ***Records of malfunctions.***

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

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

(iii) Record actions taken to minimize emissions in accordance with § 63.1360(e)(4), and any corrective actions taken to return the affected unit to its normal or usual manner of operation.

(4) ***Recordkeeping requirements for sources with continuous monitoring systems.*** The owner or operator of an affected source who installs a continuous monitoring system to comply with the alternative standards in § 63.1362(b)(6) or (c)(4) shall maintain records specified in § 63.10(c)(1) through (14) of subpart A of this part.

(5) ***Application for approval of construction or reconstruction.*** For new affected sources, each owner or operator shall comply with the provisions regarding construction and reconstruction in § 63.5 of subpart A of this part.

(b) ***Records of equipment operation.*** The owner or operator must keep the records specified in paragraphs (b)(1) through (11) of this section up-to-date and readily accessible.

(1) Each measurement of a control device operating parameter monitored in accordance with § 63.1366 and each measurement of a treatment process parameter monitored in accordance with the provisions of § 63.1362(d).

(2) For processes subject to § 63.1362(g), records of consumption, production, and the rolling average values of the HAP and VOC factors.

(3) For each continuous monitoring system used to comply with the alternative standards in § 63.1362(b)(6) and (c)(4), records documenting the completion of calibration checks and maintenance of the continuous monitoring systems.

(4) For processes in compliance with the 0.15 Mg/yr emission limit of § 63.1362(b)(2)(i) or (b)(4)(i), daily records of the rolling annual calculations of uncontrolled emissions.

(5) For each bag leak detector used to monitor particulate HAP emissions from a fabric filter, the owner or operator shall maintain records of any bag leak detection alarm, including the date and time, with a brief explanation of the cause of the alarm and the corrective action taken.

(6) The owner or operator of an affected source that complies with the standards for process vents, storage tanks, and wastewater systems shall maintain up-to-date, readily accessible records of the information specified in paragraphs (b)(6)(i) through (vii) of this section to document that HAP emissions or HAP loadings (for wastewater) are below the limits specified in § 63.1362:

(i) Except as specified in paragraph (b)(6)(ix) of this section, the initial calculations of uncontrolled and controlled emissions of gaseous organic HAP and HCl per batch for each process.

(ii) The wastewater concentrations and flow rates per POD and process.

(iii) The number of batches per year for each batch process.

(iv) The operating hours per year for continuous processes.

(v) The number of batches and the number of operating hours for processes that contain both batch and continuous operations.

(vi) The number of tank turnovers per year, if used in an emissions average or for determining applicability of a new PAI process unit.

(vii) A description of absolute or hypothetical peak-case operating conditions as determined using the procedures in § 63.1365(b)(11).

(viii) Periods of planned routine maintenance as described in § 63.1362(c)(5).

(ix) As an alternative to the records in paragraph (b)(6)(i) of this section, a record of the determination that the conditions in § 63.1365(b)(11)(iii)(D)(*1*) or (*2*) are met.

(7) Daily schedule or log of each operating scenario updated daily or, at a minimum, each time a different operating scenario is put into operation.

(8) If the owner or operator elects to comply with the vapor balancing alternative in § 63.1362(c)(6), the owner or operator must keep records of the DOT certification required by § 63.1362(c)(6)(ii) and the pressure relief vent setting and leak detection records specified in § 63.1362(c)(6)(v).

(9) If the owner or operator elects to develop process unit groups, the owner or operator must keep records of the PAI and non-PAI process units in the process unit group, including records of the operating time for process units used to establish the process unit group. The owner or operator must also keep records of any redetermination of the primary product for the process unit group.

(10) All maintenance performed on the air pollution control equipment.

(11) If the owner or operator elects to comply with § 63.1362(c) by installing a floating roof, the owner or operator must keep records of each inspection and seal gap measurement in accordance with § 63.123(c) through (e) as applicable.

(c) ***Records of equipment leak detection and repair.*** The owner or operator of an affected source subject to the equipment leak standards in § 63.1363 shall implement the recordkeeping requirements specified in § 63.1363(g). All records shall be retained for a period of 5 years, in accordance with the requirements of § 63.10(b)(1) of subpart A of this part.

(d) ***Records of emissions averaging.*** The owner or operator of an affected source that chooses to comply with the requirements of § 63.1362(h) shall maintain up-to-date records of the following information:

(1) An Emissions Averaging Plan which shall include in the plan, for all emission points included in each of the emissions averages, the information listed in paragraphs (d)(1)(i) through (v) of this section.

(i) The identification of all emission points in each emissions average.

(ii) The values of all parameters needed for input to the emission debits and credits equations in § 63.1365(h).

(iii) The calculations used to obtain the debits and credits.

(iv) The estimated values for all parameters required to be monitored under § 63.1366(g) for each emission point included in an average. These parameter values, or as appropriate, limited ranges for parameter values, shall be specified as enforceable operating conditions for the operation of the process, storage vessel, or waste management unit, as appropriate. Changes to the parameters must be reported as required by § 63.1368(k).

(v) A statement that the compliance demonstration, monitoring, inspection, recordkeeping and reporting provisions in § 63.1365(h), § 63.1366(g), and § 63.1368(k) that are applicable to each emission point in the emissions average will be implemented beginning on the date of compliance.

(2) The Emissions Averaging Plan shall demonstrate that the emissions from the emission points proposed to be included in the average will not result in greater hazard or, at the option of the operating permit authority, greater risk to human health or the environment than if the emission points were controlled according to the provisions in § 63.1362(b) through (d).

(i) This demonstration of hazard or risk equivalency shall be made to the satisfaction of the operating permit authority.

(A) The Administrator may require an owner or operator to use specific methodologies and procedures for making a hazard or risk determination.

(B) The demonstration and approval of hazard or risk equivalency shall be made according to any guidance that the Administrator makes available for use or any other technically sound information or methods.

(ii) An Emissions Averaging Plan that does not demonstrate hazard or risk equivalency to the satisfaction of the Administrator shall not be approved. The Administrator may require such adjustments to the Emissions Averaging Plan as are necessary in order to ensure that the average will not result in greater hazard or risk to human health or the environment than would result if the emission points were controlled according to § 63.1362(b) through (d).

(iii) A hazard or risk equivalency demonstration must satisfy the requirements specified in paragraphs (d)(2)(iii) (A) through (C) of this section.

(A) Be a quantitative, comparative chemical hazard or risk assessment;

(B) Account for differences between averaging and nonaveraging options in chemical hazard or risk to human health or the environment; and

(C) Meet any requirements set by the Administrator for such demonstrations.

(3) Records as specified in paragraphs (a) and (b) of this section.

(4) A calculation of the debits and credits as specified in § 63.1365(h) for the last quarter and the prior four quarters.

(e) The owner or operator of an affected source subject to the requirements for heat exchanger systems in § 63.1362(g) shall retain the records as specified in § 63.104(f)(1)(i) through (iv).

(f) ***Records of inspections.*** The owner or operator shall keep records specified in paragraphs (f)(1) through (6) of this section.

(1) Records identifying all parts of the vapor collection system, closed-vent system, fixed roof, cover, or enclosure that are designated as unsafe to inspect in accordance with § 63.1366(h)(6), an explanation of why the equipment is unsafe-to-inspect, and the plan for inspecting the equipment.

(2) Records identifying all parts of the vapor collection system, closed-vent system, fixed roof, cover, or enclosure that are designated as difficult-to-inspect in accordance with § 63.1366(h)(7), an explanation of why the equipment is difficult-to-inspect, and the plan for inspecting the equipment.

(3) For each vapor collection system or closed-vent system that contains bypass lines that could divert a vent stream away from the control device and to the atmosphere, the owner or operator shall keep a record of the information specified in either paragraph (f)(3)(i) or (ii) of this section.

(i) Hourly records of whether the flow indicator specified under § 63.1362(j)(1) was operating and whether a diversion was detected at any time during the hour, as well as records of the times and durations of all periods when the vent stream is diverted from the control device or the flow indicator is not operating.

(ii) Where a seal mechanism is used to comply with § 63.1362(j)(2), hourly records of flow are not required. In such cases, the owner or operator shall record that the monthly visual inspection of the seals or closure mechanisms has been done and shall record the occurrence of all periods when the seal mechanism is broken, the bypass line valve position has changed, or the key for a lock-and-key type lock has been checked out, and records of any car-seal that has broken.

(4) For each inspection conducted in accordance with § 63.1366(h)(2) and (3) during which a leak is detected, a record of the information specified in paragraphs (f)(4)(i) through (ix) of this section.

(i) Identification of the leaking equipment.

(ii) The instrument identification numbers and operator name or initials, if the leak was detected using the procedures described in § 63.1366(h)(3); or a record of that the leak was detected by sensory observations.

(iii) The date the leak was detected and the date of the first attempt to repair the leak.

(iv) Maximum instrument reading measured by the method specified in § 63.1366(h)(4) after the leak is successfully repaired or determined to be nonrepairable.

(v) “Repair delayed” and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.

(vi) The name, initials, or other form of identification of the owner or operator (or designee) whose decision it was that repair could not be effected without a shutdown.

(vii) The expected date of successful repair of the leak if a leak is not repaired within 15 calendar days.

(viii) Dates of shutdowns that occur while the equipment is unrepaired.

(ix) The date of successful repair of the leak.

(5) For each inspection conducted in accordance with § 63.1366(h)(3) during which no leaks are detected, a record that the inspection was performed, the date of the inspection, and a statement that no leaks were detected.

(6) For each visual inspection conducted in accordance with § 63.1366(h)(2)(i)(B) or (iii)(B) of this section during which no leaks are detected, a record that the inspection was performed, the date of the inspection, and a statement that no leaks were detected.

(g) ***Records of primary use.*** For a PAI process unit that is used to produce a given material for use as a PAI as well as for other purposes, the owner or operator shall keep records of the total production and the production for use as a PAI on a semiannual or more frequent basis if the use as a PAI is not the primary use.

§ 63.1368 Reporting requirements.

(b) ***Initial notification.*** The owner or operator shall submit the applicable initial notification in accordance with § 63.9(b) or (d) of subpart A of this part.

(c) ***Application for approval of construction or reconstruction.*** The owner or operator who is subject to § 63.5(b)(3) of subpart A of this part shall submit to the Administrator an application for approval of the construc-tion of a new major source, the reconstruction of a major affected source, or the reconstruction of a major affected source subject to the standards. The application shall be prepared in accordance with § 63.5(d) of subpart A of this part.

(d) ***Notification of continuous monitoring system performance evaluation.*** An owner or operator who is required by the Administrator to conduct a performance evaluation for a continuous monitoring system that is used to comply with the alternative standard in § 63.1362(b)(6) or (c)(4) shall notify the Administrator of the date of the performance evaluation as specified in § 63.8(e)(2) of subpart A of this part.

(e) ***Precompliance plan.*** The Precompliance plan shall be submitted at least 3 months prior to the compliance date of the standard. For new sources, the Precompliance plan shall be submitted to the Administrator with the application for approval of construction or reconstruction. The Administrator shall have 90 days to approve or disapprove the Precompliance plan. The Precompliance plan shall be considered approved if the Administrator either approves it in writing, or fails to disapprove it in writing within the 90-day time period. The 90-day period shall begin when the Administrator receives the Precompliance plan. If the Precompliance plan is disapproved, the owner or operator must still be in compliance with the standard by the compliance date. To change any of the information submitted in the Precompliance plan or to submit a Precompliance plan for the first time after the compliance date, the owner or operator shall notify the Administrator at least 90 days before the planned change is to be implemented; the change shall be considered approved if the Administrator either approves the change in writing, or fails to disapprove the change in writing within 90 days of receipt of the change. The Precompliance plan shall include the information specified in paragraphs (e)(1) through (5) of this section.

(1) Requests for approval to use alternative monitoring parameters or requests to set monitoring parameters according to § 63.1366(b)(4).

(2) Descriptions of the daily or per batch demonstrations to verify that control devices subject to § 63.1366(b)(1)(i) are operating as designed.

(3) Data and rationale used to support the parametric monitoring level(s) that are set according to § 63.1366(b)(3)(ii)(B).

(4) For owners and operators complying with the requirements of § 63.1362(g), the pollution prevention demonstration summary required in § 63.1365(g)(1).

(5) Data and rationale used to support an engineering assessment to calculate uncontrolled emissions from process vents as required in § 63.1365(c)(2)(ii).

(6) For fabric filters that are monitored with bag leak detectors, an operation and maintenance plan that describes proper operation and maintenance procedures, and a corrective action plan that describes corrective actions to be taken, and the timing of those actions, when the particulate matter concentration exceeds the setpoint and activates the alarm.

(f) ***Notification of compliance status report.*** The Notification of Compliance Status report required under § 63.9(h) shall be submitted no later than 150 calendar days after the compliance date and shall include the information specified in paragraphs (f)(1) through (7) of this section.

(1) The results of any applicability determinations, emission calculations, or analyses used to identify and quantify HAP emissions from the affected source.

(2) The results of emissions profiles, performance tests, engineering analyses, design evaluations, or calculations used to demonstrate compliance. For

performance tests, results should include descriptions of sampling and analysis procedures and quality assurance procedures.

(3) Descriptions of monitoring devices, monitoring frequencies, and the values of monitored parameters established during the initial compliance determinations, including data and calculations to support the levels established.

(4) Operating scenarios.

(5) Descriptions of absolute or hypothetical peak-case operating and/or testing conditions for control devices.

(6) Identification of emission points subject to overlapping requirements described in § 63.1360(i) and the authority under which the owner or operator will comply, and identification of emission sources discharging to devices described by § 63.1362(l).

(7) Anticipated periods of planned routine maintenance during which the owner or operator would not be in compliance with the provisions in § 63.1362(c)(1) through (4).

(8) Percentage of total production from a PAI process unit that is anticipated to be produced for use as a PAI in the 3 years after either June 23, 1999 or startup, whichever is later.

(9) Records of the initial process units used to create each process unit group, if applicable.

(g) ***Periodic reports.*** The owner or operator shall prepare Periodic reports in accordance with paragraphs (g)(1) and (2) of this section and submit them to the Administrator.

(1) ***Submittal schedule.*** Except as provided in paragraphs (g)(1)(i) and (ii) of this section, the owner or operator shall submit Periodic reports semiannually. The first report shall be submitted no later than 240 days after the date the Notification of Compliance Status report is due and shall cover the 6-month period beginning on the date the Notification of Compliance Status report is due. Each subsequent Periodic report shall cover the 6-month period following the preceding period and shall be submitted no later than 60 days after the end of the applicable period.

(i) The Administrator may determine on a case-by-case basis that more frequent reporting is necessary to accurately assess the compliance status of the affected source.

(ii) Quarterly reports shall be submitted when the monitoring data are used to comply with the alternative standards in § 63.1362(b)(6) or (c)(4) and the source experiences excess emissions. Once an affected source reports excess emissions, the affected source shall follow a quarterly reporting format until a request to reduce reporting frequency is approved. If an owner or operator submits a request to reduce the frequency of reporting, the provisions in § 63.10(e)(3) (ii) and (iii) of subpart A of this part shall apply, except that the term “excess emissions and

continuous monitoring system performance report and/or summary report" shall mean "Periodic report" for the purposes of this section.

(2) ***Content of periodic report.*** The owner or operator shall include the information in paragraphs (g)(2)(i) through (xii) of this section, as applicable.

(i) Each Periodic report must include the information in § 63.10(e)(3)(vi)(A) through (M) of subpart A of this part, as applicable.

(ii) If the total duration of excess emissions, parameter exceedances, or excursions for the reporting period is 1 percent or greater of the total operating time for the reporting period, or the total continuous monitoring system downtime for the reporting period is 5 percent or greater of the total operating time for the reporting period, the Periodic report must include the information in paragraphs (g)(2)(ii)(A) through (D) of this section.

(A) Monitoring data, including 15-minute monitoring values as well as daily average values of monitored parameters, for all operating days when the average values were outside the ranges established in the Notification of Compliance Status report or operating permit.

(B) Duration of excursions, as defined in § 63.1366(b)(7).

(C) Operating logs and operating scenarios for all operating days when the values are outside the levels established in the Notification of Compliance Status report or operating permit.

(D) When a continuous monitoring system is used, the information required in § 63.10(c)(5) through (13) of subpart A of this part.

(iii) For each vapor collection system or closed vent system with a bypass line subject to § 63.1362(j)(1), records required under § 63.1366(f) of all periods when the vent stream is diverted from the control device through a bypass line. For each vapor collection system or closed vent system with a bypass line subject to § 63.1362(j)(2), records required under § 63.1366(f) of all periods in which the seal mechanism is broken, the bypass valve position has changed, or the key to unlock the bypass line valve was checked out.

(iv) The information in paragraphs (g)(2)(iv)(A) through (D) of this section shall be stated in the Periodic report, when applicable.

(A) No excess emissions.

(B) No exceedances of a parameter.

(C) No excursions.

(D) No continuous monitoring system has been inoperative, out of control, repaired, or adjusted.

(v) For each storage vessel subject to control requirements:

(A) Actual periods of planned routine maintenance during the reporting period in which the control device does not meet the specifications of § 63.1362(c)(5); and

(B) Anticipated periods of planned routine maintenance for the next reporting period.

(vi) For each PAI process unit that does not meet the definition of primary use, the percentage of the production in the reporting period produced for use as a PAI.

(viii) Updates to the corrective action plan.

(ix) Records of process units added to each process unit group, if applicable.

(x) Records of redetermination of the primary product for a process unit group.

(xi) For each inspection conducted in accordance with § 63.1366(h)(2) or (3) during which a leak is detected, the records specify in § 63.1367(h)(4) must be included in the next Periodic report.

(xii) If the owner or operator elects to comply with the provisions of § 63.1362(c) by installing a floating roof, the owner or operator shall submit the information specified in § 63.122(d) through (f) as applicable. References to § 63.152 in § 63.122 shall not apply for the purposes of this subpart.

(h) ***Notification of process change.***

(1) Except as specified in paragraph (h)(2) of this section, whenever a process change is made, or any of the information submitted in the Notification of Compliance Status report changes, the owner or operator shall submit the information specified in paragraphs (h)(1)(i) through (iv) of this section with the next Periodic report required under paragraph (g) of this section. For the purposes of this section, a process change means the startup of a new process, as defined in § 63.1361.

(i) A brief description of the process change;

(ii) A description of any modifications to standard procedures or quality assurance procedures;

(iii) Revisions to any of the information reported in the original Notification of Compliance Status report under paragraph (f) of this section; and

(iv) Information required by the Notification of Compliance Status report under paragraph (f) of this section for changes involving the addition of processes or equipment.

(2) The owner or operator must submit a report 60 days before the scheduled implementation date of either of the following:

(i) Any change in the activity covered by the Precompliance report.

(ii) A change in the status of a control device from small to large.

(i) ***Reports of malfunctions.*** If a source fails to meet an applicable standard, report such events in the Periodic Report. Report the number of failures to meet an applicable standard. For each instance, report the date, time, and duration of each failure. For each failure the report must include a list of the affected sources or equipment, an estimate of the quantity of each regulated pollutant emitted over any emission limit, and a description of the method used to estimate the emissions.

(j) ***Reports of equipment leaks.*** The owner or operator of an affected source subject to the standards in § 63.1363, shall implement the reporting requirements specified in § 63.1363(h). Copies of all reports shall be retained as records for a period of 5 years, in accordance with the requirements of § 63.10(b)(1) of subpart A of this part.

(k) ***Reports of emissions averaging.*** The owner or operator of an affected source that chooses to comply with the requirements of § 63.1362(h) shall submit all information as specified in § 63.1367(d) for all emission points included in the emissions average. The owner or operator shall also submit to the Administrator all information specified in paragraph (g) of this section for each emission point included in the emissions average.

(1) The reports shall also include the information listed in paragraphs (k)(1)(i) through (iv) of this section:

(i) Any changes to the processes, storage tanks, or waste management unit included in the average.

(ii) The calculation of the debits and credits for the reporting period.

(iii) Changes to the Emissions Averaging Plan which affect the calculation methodology of uncontrolled or controlled emissions or the hazard or risk equivalency determination.

(iv) Any changes to the parameters monitored according to § 63.1366(g).

(2) Every second semiannual or fourth quarterly report, as appropriate, shall include the results according to § 63.1367(d)(4) to demonstrate the emissions averaging provisions of §§ 63.1362(h), 63.1365(h), 63.1366(g), and 63.1367(d) are satisfied.

(l) ***Reports of heat exchange systems.*** The owner or operator of an affected source subject to the requirements for heat exchange systems in § 63.1362(f) shall submit information about any delay of repairs as specified in § 63.104(f)(2) of subpart F of this part, except that when the phrase “periodic reports required by § 63.152(c) of subpart G of this part” is referred to in § 63.104(f)(2) of subpart F of this part, the periodic reports required in paragraph (g) of this section shall apply for the purposes of this subpart.

(m) ***Notification of performance test and test Plan.*** The owner or operator of an affected source shall notify the Administrator of the planned date of a performance test at least 60 days before the test in accordance with § 63.7(b) of subpart A of this part. The owner or operator also must submit the test Plan

required by § 63.7(c) of subpart A of this part and the emission profile required by § 63.1365(b)(11)(iii) with the notification of the performance test.

(n) ***Request for extension of compliance.*** The owner or operator may submit to the Administrator a request for an extension of compliance in accordance with § 63.1364(a)(2).

(p) ***Electronic reporting.*** Within 60 days after the date of completing each performance test (as defined in § 63.2), the owner or operator must submit the results of the performance tests, including any associated fuel analyses, required by this subpart according to the methods specified in paragraphs (p)(1) or (2) of this section.

(1) For data collected using test methods supported by the EPA-provided software, the owner or operator shall submit the results of the performance test to the EPA by direct computer-to-computer electronic transfer via EPA-provided software, unless otherwise approved by the Administrator. Owners or operators, who claim that some of the information being submitted for performance tests is confidential business information (CBI), must submit a complete file using EPA-provided software that includes 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 file with the CBI omitted must be submitted to the EPA by direct computer-to-computer electronic transfer via EPA-provided software.

(2) For any performance test conducted using test methods that are not compatible with the EPA-provided software, the owner or operator shall submit the results of the performance test to the Administrator at the appropriate address listed in § 60.4.