

APPENDIX 112C

NESHAP GENERAL PROVISIONS (40 CFR 63 Subpart A)

Updated to Reflect February 1999 Amendments

CAA SECTION 112 NESHAP

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REGULATION STATUS:

EPA promulgated the final General Provisions rule on 16 Mar 94 (59 FR 12408). Subsequent corrections and amendments are reflected in latest version of the Code of Federal Regulations, Volume 40, Part 63, Subpart A and are also highlighted in the Table 6 in the body of the HAP Status Binder and in the Subsequent Regulatory Activity section of this appendix.

EPA's implementation of CAA §112 will result in over 115 NESHAPs affecting nearly 200 major and area source categories by the year 2003. To minimize redundancy between NESHAPs and the volume of each NESHAP, EPA promulgated baseline rules and requirements for NESHAPs. These "General Provisions" apply to all NESHAPs, unless specifically overridden or modified in a NESHAP. All NESHAPs, promulgated after the General Provisions Rule (16 Mar 94), are supposed to contain a table which identifies which sections of the General Provisions apply.

This appendix contains a Plain Language Guide to the General Provisions which is designed to be easier to understand than the complex regulatory language found in the Subpart A. The HAP Subcommittee developed this plain language translation of the General Provisions to enable the reader to quickly comprehend the requirements of each paragraph. The guide omits General Provisions text that is useless, repetitious, or intuitive.

SUBSEQUENT REGULATORY ACTIVITY

12 Feb 99 ([64 FR 7457](#)) Final Amendments

EPA is amending various sections of 40 CFR Parts 51, 60, 61, and 63 to reduce the recordkeeping and reporting burden for regulated air emission sources. The amendments are a small step in the right direction. EPA is reducing reporting frequencies from quarterly to semi-annually in several areas (mostly in Part 60) and adding provisions for the electronic submission of reports. The changes to the NESHAP General Provisions in 40 CFR 63 include:

- Deleting the "notification of anticipated date of startup" requirement for certain sources in §63.9(b)(4).
- Allowing owners the option to reduce the recordkeeping requirements of sub-hourly data recorded by automated and manual CEMs by adding new paragraphs §63.10(b)(2)(vii)(A) and (B)
- Effectively reducing the submission frequency of the Excess Emissions and CMS Performance Report required by §63.10(e)(3) from quarterly to semiannually.

CONTACTS

EPA: [EPA Regional Offices](#)

Military: [HAP Subcommittee Members](#)

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PLAIN LANGUAGE GUIDE TO THE NESHAP GENERAL PROVISIONS

(Updated to Reflect February 1999 Amendments)

The HAP Subcommittee developed this plain language translation of the General Provisions to enable the reader to quickly comprehend the requirements of each paragraph. Cross references to the relevant section of Subpart A are provided in square brackets, for example, [§63.1(a)(i)]. Where feasible, the main emphasis of each section is **highlighted**. This guide omits General Provisions text that is useless, repetitious, or intuitive. Remember that all General Provisions requirements do not apply to every NESHAP. Most NESHAPs promulgated after March 1994 contain a table that shows which sections are relevant to that NESHAP. Throughout this guide, the term relevant standard is used for convenience. A relevant standard is a standard that is promulgated in accordance with either §112(d) (NESHAP), §112(f) (Residual Risk), §112(g) (Major Source Modification MACT Determination), §112(h) (NESHAP Work Practice Standard) or §112(j) (Equivalent Emission Limitation by Permit MACT Determination, a.k.a, Permit Hammer). If the reader is looking at this guide to decipher paragraphs that apply to a NESHAP, the term “relevant standard” should be read as “NESHAP”.

DISCLAIMER: *We recommend you refer to the actual text of the General Provisions (40 CFR 63 Subpart A) when encountering substantive compliance requirements that apply to your facility. This guide is meant to serve as a layman’s guide; not a policy document or legal interpretation that could withstand judicial review.*

40 CFR PART 63 - SUBPART A GENERAL PROVISIONS NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

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§63.1 Applicability.

§63.1(a) General.

The General Provisions apply to relevant standards resulting from the Clean Air Act Amendments of 1990 (CAA90). The General Provisions do not apply to pre-CAA90 NESHAPs found in 40 CFR 61.

Individual standards may have unique definitions and requirements that are in addition to or supersede those found in §63.2. More stringent Federal or State requirements supersede the General Provisions.

The purpose of the General Provisions is to eliminate the repetition of common §112 requirements.

In the General Provisions *day* means *calendar day*. [§63.1(a)(1)-(10)]

IF An explicit <i>postmark</i> deadline is not specified for a required submittal,	THEN Postmark the submittal on or before the number of days specified. Use the U.S. Postal Service or other carriers that provide the equivalent of a postmark. The permitting authority can approve other means of delivery. [§63.1(a)(11)-(12)]
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§63.1(b) Initial applicability determination for 40 CFR 63.

IF An installation <i>emits</i> or has the <i>potential to emit</i> any HAP, or IF an installation is subject to any standard, limitation, prohibition, or other <i>federally enforceable</i> requirement in 40 CFR 63,	THEN The General Provisions apply.
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In addition to complying with the General Provisions, you may need to obtain a Title V Operating Permit. *(Note: An installation needs a Title V Permit if it is a major source of criteria pollutants or HAPs. An installation that is not a major source but has an area source affected by a NESHAP also needs a Title V Permit. EPA has deferred Title V permitting of many area sources for 5 years and may eventually eliminate this permitting requirement. Contact your permitting authority or a HAP Subcommittee member for more information. See also §63.1(c) below.)*

Plain Language Guide to the NESHAP General Provisions

IF A source on your installation emits or has the potential to emit any HAP but is not subject to a NESHAP or other Part 63 requirement,	THEN You must keep a record of the applicability determination per §63.10(b)(3).
§63.1(c) Applicability of this part after a relevant standard has been promulgated.	
IF A relevant standard applies to a source on your installation,	THEN You must comply with the General Provisions and the relevant standard, unless the standard states otherwise.
IF You have not yet applied for a Title V Permit for your installation, (e.g., the installation is not a major source of criteria pollutants or HAPs) AND a source on your installation is subject to a relevant standard containing standards for area sources,	THEN You must immediately apply for and obtain a Title V Permit, unless the relevant standard specifies that either— <ul style="list-style-type: none"> • States have the option to exclude area sources from the requirement to obtain a Title V Permit; or • States can delay permitting of area sources [§63.1(c)(2)]
IF You obtain an <i>extension of compliance</i> (Subpart D) for an existing source,	THEN You must comply with all requirements of the General Provisions except those requirements that are specifically superseded in the extension of compliance. [§63.1(c)(4)]
IF Your <i>area source increases its HAP emissions</i> (or its potential to emit) such that it becomes a major source,	THEN Your source is also subject to the notification requirements (§63.9) of the General Provisions. <i>(Note: if your installation becomes classified as major HAP source, all sources on the installation are classified and regulated as major HAP sources, unless an applicable standard indicates otherwise.)</i> [§63.1(c)(5)]
§63.1(d) Reserved.	
§63.1(e) Applicability of permit program before a relevant standard has been set.	
After the effective date of a State's approved Title V Permit Program, you may be required to obtain a Title V Permit before a relevant standard is established.	
IF You are required to obtain (or revise) a Title V Permit,	THEN You must apply to obtain (or revise) the permit in accordance with 40 CFR 70 and applicable State regulations, or the Federal Title V Permit Program, whichever applies.

§63.2 Definitions.

The terms used in the 40 CFR 63 are defined verbatim below. Note: NESHAPs and other Part 63 standards may have unique definitions and requirements that are in addition to or supersede those found in §63.2.

Act means the Clean Air Act (42 U.S.C. 7401 *et seq.*, as amended by Pub. L. 101-549, 104 Stat. 2399).

Actual emissions is defined in subpart D of this part for the purpose of granting a compliance extension for an early reduction of hazardous air pollutants.

Administrator means the Administrator of the United States Environmental Protection Agency or his or her authorized representative (e.g., a [State](#) that has been delegated the authority to implement the provisions of this part).

Affected source, for the purposes of this part, means the [stationary source](#), the group of stationary sources, or the portion of a stationary source that is regulated by a [relevant standard](#) or other requirement established pursuant to section 112 of the Act. Each relevant standard will define the "affected source" for the purposes of that standard. The term "affected source," as used in this part, is separate and distinct from any other use of that term in EPA regulations such as those implementing title IV of the Act. Sources regulated under part 60 or part 61 of this chapter are not affected sources for the purposes of part 63.

Alternative emission limitation means conditions established pursuant to sections [112\(i\)\(5\)](#) or [112\(i\)\(6\)](#) of the Act by the Administrator or by a State with an [approved permit program](#).

Alternative emission standard means an alternative means of emission limitation that, after notice and opportunity for public comment, has been demonstrated by an owner or operator to the Administrator's satisfaction to achieve a reduction in emissions of any air pollutant at least equivalent to the reduction in emissions of such pollutant achieved under a relevant design, equipment, work practice, or operational emission standard, or combination thereof, established under this part pursuant to section [112\(h\)](#) of the Act.

Alternative test method means any method of sampling and analyzing for an air pollutant that is not a test method in this chapter and that has been demonstrated to the Administrator's satisfaction, using Method 301 in Appendix A of this part, to produce results adequate for the Administrator's determination that it may be used in place of a test method specified in this part.

Approved permit program means a State permit program approved by the Administrator as meeting the requirements of part 70 of this chapter or a Federal permit program established in this chapter pursuant to title V of the Act ([42 U.S.C. 7661](#)).

Area source means any [stationary source](#) of [hazardous air pollutants](#) that is not a [major source](#) as defined in this part.

Commenced means, with respect to [construction](#) or [reconstruction](#) of a [stationary source](#), that an [owner or operator](#) has undertaken a continuous program of construction or reconstruction or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or reconstruction.

Compliance date means the date by which an [affected source](#) is required to be in compliance with a [relevant standard](#), limitation, prohibition, or any federally enforceable requirement established by the Administrator (or a State with an approved permit program) pursuant to section [112](#) of the Act.

Compliance plan means a plan that contains all of the following:

A description of the compliance status of the affected source with respect to all applicable requirements established under this part;

A description as follows:

For applicable requirements for which the source is in compliance, a statement that the source will continue to comply with such requirements;

For applicable requirements that the source is required to comply with by a future date, a statement that the source will meet such requirements on a timely basis;

For applicable requirements for which the source is not in compliance, a narrative description of how the source will achieve compliance with such requirements on a timely basis;

A compliance schedule, as defined in this section; and

A schedule for the submission of certified progress reports no less frequently than every 6 months for affected sources required to have a schedule of compliance to remedy a violation.

Compliance schedule means:

In the case of an affected source that is in compliance with all applicable requirements established under this part, a statement that the source will continue to comply with such requirements; or

In the case of an affected source that is required to comply with applicable requirements by a future date, a statement that the source will meet such requirements on a timely basis and, if required by an applicable requirement, a detailed schedule of the dates by which each step toward compliance will be reached; or

In the case of an affected source not in compliance with all applicable requirements established under this part, a schedule of remedial measures, including an enforceable sequence of actions or operations with milestones and a schedule for the submission of certified progress reports, where applicable, leading to compliance with a [relevant standard](#), limitation, prohibition, or any federally enforceable requirement established pursuant to section [112](#) of the Act for which the affected source is not in compliance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.

Construction means the on-site fabrication, erection, or installation of an [affected source](#).

Continuous emission monitoring system (CEMS) means the total equipment that may be required to meet the data acquisition and availability requirements of this part, used to sample, condition (if applicable), analyze, and provide a record of emissions.

Continuous monitoring system (CMS) is a comprehensive term that may include, but is not limited to, continuous emission monitoring systems, continuous opacity monitoring systems, continuous parameter monitoring systems, or other manual or automatic monitoring that is used for demonstrating compliance with an applicable regulation on a continuous basis as defined by the regulation.

Continuous opacity monitoring system (COMS) means a continuous monitoring system that measures the opacity of emissions.

Continuous parameter monitoring system means the total equipment that may be required to meet the data acquisition and availability requirements of this part, used to sample, condition (if applicable), analyze, and provide a record of process or control system parameters.

Effective date means:

With regard to an emission standard established under this part, the date of promulgation in the [Federal Register](#) of such standard; or

With regard to an alternative emission limitation or equivalent emission limitation determined by the Administrator (or a State with an approved permit program), the date that the alternative emission limitation or equivalent emission limitation becomes effective according to the provisions of this part. The effective date of a permit program established under title V of the Act ([42 U.S.C. 7661](#)) is determined according to the regulations in this chapter establishing such programs.

Emission standard means a national standard, limitation, prohibition, or other regulation promulgated in a subpart of this part pursuant to sections [112\(d\)](#), [112\(h\)](#), or [112\(f\)](#) of the Act.

Emissions averaging is a way to comply with the emission limitations specified in a [relevant standard](#), whereby an [affected source](#), if allowed under a subpart of this part, may create emission credits by reducing emissions from specific points to a level below that required by the relevant standard, and those credits are used to offset emissions from points that are not controlled to the level required by the relevant standard.

EPA means the United States Environmental Protection Agency.

Equivalent emission limitation means the maximum achievable control technology emission limitation (MACT emission limitation) for [hazardous air pollutants](#) that the Administrator (or a State with an approved permit program) determines on a case-by-case basis, pursuant to section [112\(g\)](#) or section [112\(j\)](#) of the Act, to be equivalent to the emission standard that would apply to an affected source if such standard had been promulgated by the Administrator under this part pursuant to section [112\(d\)](#) or section [112\(h\)](#) of the Act.

Excess emissions and continuous monitoring system performance report is a report that must be submitted periodically by an affected source in order to provide data on its compliance with relevant emission limits, operating parameters, and the performance of its continuous parameter monitoring systems.

Existing source means any [affected source](#) that is not a [new source](#).

Federally enforceable means all limitations and conditions that are enforceable by the Administrator and citizens under the Act or that are enforceable under other statutes administered by the Administrator. Examples of federally enforceable limitations and conditions include, but are not limited to:

[Emission standards](#), [alternative emission standards](#), [alternative emission limitations](#), and [equivalent emission limitations](#) established pursuant to section 112 of the Act as amended in 1990;

New source performance standards established pursuant to section 111 of the Act, and emission standards established pursuant to section 112 of the Act before it was amended in 1990;

All terms and conditions in a Title V Permit, including any provisions that limit a source's [potential to emit](#), unless expressly designated as not federally enforceable;

Limitations and conditions that are part of an approved State Implementation Plan (SIP) or a Federal Implementation Plan (FIP);

Limitations and conditions that are part of a Federal construction permit issued under 40 CFR 52.21 or any construction permit issued under regulations approved by the EPA in accordance with 40 CFR 51;

Limitations and conditions that are part of an operating permit issued pursuant to a program approved by the EPA as part of a SIP as meeting the criteria set forth in the [Federal Register](#) on June 28, 1989 (54 FR 27274);

Limitations and conditions in a State rule or program that has been approved by the EPA under subpart E of this part for the purposes of implementing and enforcing section 112; and

Individual consent agreements that the EPA has legal authority to create.

Fixed capital cost means the capital needed to provide all the depreciable components of an [existing source](#).

Fugitive emissions means those emissions from a [stationary source](#) that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening. **Under section 112 of the Act, all fugitive emissions are to be considered in determining whether a stationary source is a [major source](#).**

Hazardous air pollutant means any air pollutant listed in or pursuant to section [112\(b\)](#) of the Act.

Issuance of a part 70 permit will occur, if the State is the permitting authority, in accordance with the requirements of part 70 of this chapter and the applicable, approved State permit program. When the EPA is the permitting authority, issuance of a Title V Permit occurs immediately after the EPA takes final action on the final permit.

Lesser quantity means a quantity of a hazardous air pollutant that is or may be emitted by a stationary source that the Administrator establishes in order to define a major source under an applicable subpart of this part.

Major source means any [stationary source](#) or group of stationary sources located within a contiguous area and under common control that emits or has the [potential to emit](#) considering controls, in the aggregate, 10 tons per year or more of any [hazardous air pollutant](#) or 25 tons per year or more of any combination of hazardous air pollutants, unless the Administrator establishes a lesser quantity, or in the case of radionuclides, different criteria from those specified in this sentence.

Malfunction means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

New source means any [affected source](#) the construction or reconstruction of which is [commenced](#) after the Administrator first proposes a relevant emission standard under this part.

One-hour period, unless otherwise defined in an applicable subpart, means any 60-minute period commencing on the hour.

Opacity means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background. For continuous opacity monitoring systems, opacity means the fraction of incident light that is attenuated by an optical medium.

Owner or operator means any person who owns, leases, operates, controls, or supervises a [stationary source](#).

Part 70 permit means any permit issued, renewed, or revised pursuant to part 70 of this chapter.

Performance audit means a procedure to analyze blind samples, the content of which is known by the Administrator, simultaneously with the analysis of performance test samples in order to provide a

measure of test data quality.

Performance evaluation means the conduct of relative accuracy testing, calibration error testing, and other measurements used in validating the continuous monitoring system data.

Performance test means the collection of data resulting from the execution of a test method (usually three emission test runs) used to demonstrate compliance with a relevant emission standard as specified in the performance test section of the [relevant standard](#).

Permit modification means a change to a Title V Permit as defined in regulations codified in this chapter to implement title V of the Act ([42 U.S.C. 7661](#)).

Permit program means a comprehensive State operating permit system established pursuant to title V of the Act ([42 U.S.C. 7661](#)) and regulations codified in part 70 of this chapter and applicable State regulations, or a comprehensive Federal operating permit system established pursuant to title V of the Act and regulations codified in this chapter.

Permit revision means any permit modification or administrative permit amendment to a Title V Permit as defined in regulations codified in this chapter to implement title V of the Act ([42 U.S.C. 7661](#)).

Permitting authority means:

The State air pollution control agency, local agency, other State agency, or other agency authorized by the Administrator to carry out a permit program under part 70 of this chapter; or

The Administrator, in the case of EPA-implemented permit programs under title V of the Act ([42 U.S.C. 7661](#)).

Potential to emit means the maximum capacity of a [stationary source](#) to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the stationary source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is [federally enforceable](#).

Reconstruction means the replacement of components of an affected or a previously unaffected [stationary source](#) to such an extent that:

The [fixed capital cost](#) of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable new source; and

It is technologically and economically feasible for the reconstructed source to meet the [relevant standard](#)(s) established by the Administrator (or a State) pursuant to section 112 of the Act.

Upon reconstruction, an [affected source](#), or a stationary source that becomes an affected source, is subject to relevant standards for [new sources](#), including compliance dates, irrespective of any change in emissions of hazardous air pollutants from that source.

Regulation promulgation schedule means the schedule for the promulgation of emission standards under this part, established by the Administrator pursuant to section [112\(e\)](#) of the Act and published in the [Federal Register](#).

Relevant standard means:

An [emission standard](#);

an [alternative emission standard](#);

an [alternative emission limitation](#) ; or

an [equivalent emission limitation](#) established pursuant to section 112 of the Act that applies to the [stationary source](#), the group of stationary sources, or the portion of a stationary source regulated by such standard or limitation. A relevant standard may include or consist of a design, equipment, work practice, or operational requirement, or other measure, process, method, system, or technique (including prohibition of emissions) that the Administrator (or a State) establishes for [new](#) or [existing sources](#) to which such standard or limitation applies. Every relevant standard established pursuant to section 112 of the Act includes subpart A of this part and all applicable appendices of this part or of other parts of this chapter that are referenced in that standard.

Responsible official means one of the following:

For a corporation: a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities and either:

The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or

The delegation of authority to such representative is approved in advance by the Administrator.

For a partnership or sole proprietorship : a general partner or the proprietor, respectively.

For a municipality, State, Federal, or other public agency : either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of the EPA).

For [affected sources](#) (as defined in this part) applying for or subject to a Title V Permit: "responsible official" shall have the same meaning as defined in part 70 or Federal title V regulations in this chapter ([42 U.S.C. 7661](#)), whichever is applicable.

Run means one of a series of emission or other measurements needed to determine emissions for a representative operating period or cycle as specified in this part.

Shutdown means the cessation of operation of an [affected source](#) for any purpose.

Six-minute period means, with respect to opacity determinations, any one of the 10 equal parts of a 1-hour period.

Standard conditions means a temperature of 293 K (68 °F) and a pressure of 101.3 kilopascals (29.92 in. Hg).

Startup means the setting in operation of an [affected source](#) for any purpose.

State means all non-Federal authorities, including local agencies, interstate associations, and State-wide programs, that have delegated authority to implement: (1) The provisions of this part and/or (2) the permit program established under part 70 of this chapter. The term State shall have its conventional meaning where clear from the context.

Stationary source means any building, structure, facility, or installation which emits or may emit any air pollutant.

Test method means the validated procedure for sampling, preparing, and analyzing for an air pollutant specified in a [relevant standard](#) as the performance test procedure. The test method may include methods described in an appendix of this chapter, test methods incorporated by reference in this part, or methods validated for an application through procedures in Method 301 of Appendix A of this part.

Title V permit means any permit issued, renewed, or revised pursuant to Federal or State regulations established to implement title V of the Act ([42 U.S.C. 7661](#)). A Title V Permit issued by a State permitting authority is called a part 70 permit in this part.

Visible emission means the observation of an emission of opacity or optical density above the threshold of vision.

§63.3 Units and abbreviations.

This section contains a list of units that are commonly used in 40 CFR 63 rules.

§63.4 Prohibited activities and circumvention.

Violations of the General Provisions, specific relevant standard requirements, and State Title V Permit programs **are prohibited unless** a compliance extension is granted by the EPA, State, or President. [(§63.4(a)]

Do not conceal an emission that could constitute noncompliance with a relevant standard. Concealment includes, but is not limited to, dilution of emission concentrations or visible emissions, and fragmentation of an operation such that the operation avoids regulation by a relevant standard. [(§63.4(b)]

The provisions of 40 CFR 63 are **federally enforceable**. [§63.4(c)]

§63.5 Construction and reconstruction.

§63.5(a) Applicability.

This section implements the **preconstruction review requirements** requirements for constructed and reconstructed stationary sources subject to a relevant promulgated emission standard. [§63.5(a)(1)]

After the effective date of a relevant standard, the requirements of §63.5 apply to new or reconstructed sources. New or reconstructed sources that start up before the relevant standard's effective date do not need preconstruction review as specified in §§63.5(b)(3), (d), and (e). [§63.5(a)(2)]

§63.5(b) Requirements for existing, newly constructed, and reconstructed sources.

IF Affected source is constructed or reconstructed,	THEN Comply with relevant standard for new sources, including compliance dates. [§63.5(b)(1)]
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Plain Language Guide to the NESHAP General Provisions

<p>IF You want to construct or reconstruct a major source (or want to reconstruct a source such that it becomes a major source),</p> <p>AND It is after the effective date of a relevant standard.</p>	<p>THEN</p> <ul style="list-style-type: none"> You must obtain advance written approval from the Administrator per §63.5(d) and (e). [§63.5(b)(3)] You must also notify the Administrator per §63.9(b) and include information specified in §63.5(d). [§63.5(b)(4)] <p>Note: These requirements apply whether or not an approved permit program is effective in the State.</p>
<p>IF You add equipment (or a process change) after the effective date of a relevant standard,</p>	<p>THEN These changes are considered part of the affected source and must comply with applicable requirements of relevant standards. [§63.5(b)(6)]</p>
<p>IF A new affected source is added to your installation,</p>	<p>THEN The new affected source must comply with applicable requirements of relevant standards. [§63.5(b)(6)]</p>
<p>§63.5(d) Application for approval of construction or reconstruction.</p>	
<p>IF You must comply with 63.5(b)(3),</p>	<p>THEN Submit to the Administrator an Application for Approval of:</p> <ul style="list-style-type: none"> the construction of a new major source. the reconstruction of a major source. the reconstruction of a source such that it becomes major. <p>Important Notes: Submit a separate application for each construction or reconstruction project. Each application must include at a minimum the applicable information listed in §63.5(d)(1)(ii) and §63.5(d)(2)-(3). Refer to Implementation Guide I on page 112C-49 for submittal content requirements. This application also fulfills the initial notification requirements of §63.9(b)(5). [§63.5(d)(1)(i)]</p>
<p>IF The construction or reconstruction commences <u>after</u> the effective date of a relevant standard,</p>	<p>THEN Submit the application as soon as practicable before the construction or reconstruction is planned to commence (but no sooner than the effective date of the relevant standard).</p> <p>To ensure a timely review and no delays, you must send the application well in advance of the date construction or reconstruction is planned. [§63.5(d)(1)(i)]</p>
<p>IF The construction or reconstruction had commenced and initial startup had not occurred before the effective date of a relevant standard,</p>	<p>THEN Submit the application as soon as practicable before startup but no later than 60 days after the effective date of the relevant standard. [§63.5(d)(1)(i)]</p>

§63.5(e) Approval of construction or reconstruction.	
IF You submit an application for approval of construction or reconstruction (or any subsequent information requested by the Administrator),	THEN The Administrator will <i>notify</i> you <i>within 30 days</i> after receipt as to whether the application is “complete” or “incomplete”. [§63.5(e)(2)(i)]
IF Your application is “incomplete”,	THEN Submit the additional specified information within 30 days of receiving the Administrator’s notification of incompleteness. [§63.5(e)(2)(ii)]
IF Your application is “complete”, AND the Administrator determines that the construction or reconstruction project is approvable,	THEN The Administrator will approve the application. [§63.5(e)(1)(i)] WHEN Within 60 days after the application was deemed complete. [§63.5(e)(2)(i)] <i>Note: FYI, §63.5(e)(1) contains the criteria that the Administrator will use to determine whether a project is approvable.</i>
IF If the application is “complete”, BUT The Administrator intends to deny the application,	THEN The Administrator will notify you of his/her intention to deny the application and the reasons for the denial. WHEN Within 60 days after the application was deemed complete. [§63.5(e)(2)(i)]
IF You receive a notification of intention to deny the application,	THEN <ul style="list-style-type: none"> You may submit additional information or arguments, in writing, within 30 days of receiving the notification of intention to deny the application. [§63.5(e)(3)(ii)] For those who submit additional information or arguments, the Administrator will either approve the application per §63.5(e)(1) or issue a final denial in writing within 60 days of receiving the additional information or arguments. [§63.5(e)(4)] For those who do not submit additional information or arguments, the Administrator will issue a final denial in writing within 90 days of receiving the notification of intention to deny the application.

§63.5(f) Approval of construction or reconstruction based on prior State preconstruction review.

<p>IF The new or reconstructed source has undergone a State <i>preconstruction review</i> and approval process before the promulgation date of the relevant standard and has received a <i>federally enforceable construction permit</i> with a finding that the source will comply with the proposed relevant standard if the source is properly built and operated,</p>	<p>THEN</p> <ul style="list-style-type: none"> • Submit an “Application for Approval of Construction or Reconstruction Based on Prior State Preconstruction Review.” Submit the application by the applicable deadline specified 63.5(d). [§63.5(f)(2)] • The Administrator <i>may approve</i> the application if the preconstruction review satisfied the criteria listed in §63.5(f)(1)(i)-(iv). [§63.5(f)(1)]
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§63.6 Compliance with standards and maintenance requirements.

§63.6(b) Compliance dates for new and reconstructed sources

Unique situations for new and reconstructed sources

<p>IF You have a new or reconstructed source and <i>construction or reconstruction</i> began <i>after</i> the <i>proposed date</i> but <i>before</i> the <i>effective date</i> of the relevant standard,</p> <p>AND IF The promulgated relevant standard is more stringent than the proposed standard,</p>	<p>THEN</p> <ul style="list-style-type: none"> • You must comply with the promulgated emission standard <i>not later than 3 years after the effective date</i>. [§63.6(b)(3)] • You must comply with the proposed standard during the 3-year interim period. [§63.6(b)(3)(ii)] • You must submit a §63.9(d) “Notification that the Source is Subject to Special Compliance Requirements”. [§63.6(b)(5) and §63.9(d)]
<p>IF You have a new or reconstructed source and <i>construction or reconstruction</i> began <i>after</i> a relevant <i>112(d) NESHAP proposal date</i> but <i>before</i> a relevant <i>112(f) residual risk NESHAP proposal date</i>,</p> <p>AND IF The <i>112(f) residual risk NESHAP</i> is <i>promulgated less than 10 years</i> after construction or reconstruction began,</p>	<p>THEN</p> <ul style="list-style-type: none"> • You must comply with the 112(f) residual risk NESHAP not later than 10 years after construction or reconstruction began. [§63.6(b)(4)] • You must submit a §63.9(d) “Notification that the Source is Subject to Special Compliance Requirements”. [§63.6(b)(5) and §63.9(d)]

Most common situations for new and reconstructed sources	
IF You have a new or reconstructed source with an <i>initial startup</i> date <i>before</i> the <i>effective date</i> of the relevant standard,	THEN You must <i>comply</i> with the relevant standard <i>not later</i> than the <i>effective date</i> . [§63.6(b)(1)]
IF You have a new or reconstructed source with an <i>initial startup</i> date <i>after</i> the <i>effective date</i> of the relevant standard,	THEN You must <i>comply</i> with the relevant standard <i>not later</i> than <i>startup</i> . [§63.6(b)(2)]
IF After promulgation of a relevant standard, you have a <i>new area source or reconstructed area source</i> on your facility and subsequently, your <i>facility becomes a major HAP source</i> ,	THEN Your new and reconstructed area sources are now classified as major HAP sources and must <i>comply</i> with any relevant standards for <i>new</i> major HAP sources <i>immediately upon the facility becoming a major HAP source</i> . [§63.6(b)(7)] IMPORTANT! Please see example in §63.6(c)(5) below.
§63.6(c) Compliance Dates for Existing Sources	
IF You have an <i>existing source</i> subject to a relevant <i>112(d) or 112(h) NESHAP</i> ,	THEN You must <i>comply</i> by the date specified in the NESHAP. Note: The compliance date cannot be more than 3 years from the effective date of the standard. [§63.6(c)(1)]
IF You have an <i>existing source</i> subject to a <i>112(f) residual risk NESHAP</i> ,	THEN You must comply not later than 90 days after the effective date of the 112(f) NESHAP. [§63.6(c)(2)]
IF You have an <i>existing area source</i> on your facility and subsequently, your <i>facility becomes a major HAP source</i> ,	THEN Your existing area sources are now classified as major HAP sources and must <i>comply</i> with any relevant standards for <i>existing</i> major HAP sources by: <ul style="list-style-type: none"> • The <i>date specified</i> in the relevant standard for area sources that become major HAP sources, or if the date is not specified, • The same <i>compliance period</i> that was originally given to <i>existing sources</i> in the relevant standard. [§63.6(c)(5)]

Example Pertaining To §63.6(b)(7) and §63.6(c)(5): A facility which is not a major HAP source has three area HAP sources. One area source is an existing area source, one is a new area source, and the other is a reconstructed area source. The facility later becomes classified as a major HAP source due to an increase in the facilities potential to emit HAP. All area sources are now classified as major HAP sources. The existing source is given a compliance period (typically equivalent to that originally given to existing major HAP sources) and must comply with any newly applicable requirements for existing major HAP sources by the dates specified in the above bullets. The new and reconstructed sources must comply with any newly applicable requirements for new major HAP sources immediately upon the facility becoming major for HAPs as described in §63.6(b)(7) above.

§63.6(e) Operation and maintenance requirements

IF You have an affected source,	THEN <ul style="list-style-type: none"> You must <i>develop and implement</i> a written <i>startup, shutdown, and malfunction (SSM)</i> plan. Implementation Guide II on page 112C-51 contains information that will help you prepare the SSM plan. The current SSM plan must be available for inspection. Keep old SSM plans for 5 years after each revision. Incorporate the SSM plan by reference in the Title V permit.
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§63.6(f) Compliance with nonopacity emission standards

IF You are operating a source which must comply with <i>nonopacity</i> emission standards,	THEN You must comply with the emission standards at all times <i>except</i> during periods of SSM, or as otherwise specified in the relevant standard. <i>Note: The Administrator will determine if your source is in compliance based on the results of performance tests conducted per §63.7 and conformance with the operation and maintenance requirements of §63.6(e).</i>
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§63.6(g) Use of an alternative nonopacity emission standard

IF You want to request an <i>alternative nonopacity emission standard</i> for your source.	THEN You must demonstrate that the <i>alternative is at least as effective as the emission standard</i> . This is done by submitting to the permitting authority (unless otherwise specified in the relevant standard): <ul style="list-style-type: none"> A proposed test plan or the results of testing and monitoring in accordance with §63.7 and §63.8, A description of the procedures followed in testing or monitoring, and A description of pertinent conditions during testing or monitoring. The permitting authority will solicit public comment and, once the alternative is approved, publish a notice in the Federal Register.
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§63.6(h) Compliance with opacity and visible emission standards

IF You have a source which must comply with <i>opacity</i> and <i>visible emission standards</i> ,	THEN Comply at all times except during SSM, or as otherwise specified in the relevant standard. [§63.6(h)(1)] <i>Note: The Administrator will determine if your source is in compliance based on the results of the required test method or Continuous Opacity Monitoring System (COMS). [§63.6(h)(2)(iii)]</i>
IF If an <i>opacity</i> emission <i>test method is not specified</i> in the relevant standard,	THEN You must <i>use Test Method 9</i> (40 CFR 60 Appendix A) to demonstrate compliance or method found in §63.6(h)(7)(ii). [§63.6(h)(2)]

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<p>IF If a <i>visible</i> emission <i>test method</i> is <i>not specified</i> in the relevant standard,</p>	<p>THEN You must <i>use Test Method 22</i> (40 CFR 60 Appendix A) to demonstrate compliance. [§63.6(h)(2)]</p>
<p>IF An affected source undergoes <i>opacity or visible emission testing at startup</i> to obtain an operating permit in the State,</p>	<p>THEN The results may be used to demonstrate compliance provided the test was conducted:</p> <ul style="list-style-type: none"> • within a reasonable amount of time before a required performance test; • under representative operating conditions; • in accordance with EPA-approved test methods; and • with appropriate quality-assurance, per §63.7(c) [§63.6(h)(2)]
<p>IF You are required to <i>perform opacity or visible emission</i> observations,</p>	<p>THEN</p> <ul style="list-style-type: none"> • Perform these tests concurrent with the source’s initial performance test, if a performance test is required. <i>Notify</i> the Administrator of the anticipated date of these tests, along with the notification of performance test, 60 days in advance. • If it is <i>not possible to perform</i> these tests due to <i>poor visibility</i>, reschedule within 30 days. Perform the rescheduled tests under the same operating conditions as the initial performance test. Notify the Administrator of this change. Use Test Method 9 or 22 to determine requirements when poor visibility precludes concurrent testing. • If these <i>tests will not be performed concurrently</i> with a performance test because a performance test is not required, <i>notify</i> the Administrator of the anticipated date of these tests 30 days in advance. [§63.6(h)(4) and §63.9(f)] For <i>new or reconstructed sources</i>, perform these tests within 60 days after achieving the maximum capacity of the source and no later than 120 days after source startup or effective date of the relevant standard. For <i>existing or modified sources</i>, perform these tests 120 days after the compliance date. [§63.6(h)(4), §63.6(h)(5)(i), and §63.9(e),(f)] <p>Important Notes:</p> <ul style="list-style-type: none"> • Minimum total time of opacity observations shall be 3 hours (30, 6-minute averages). [§63.6(h)(5)(ii)] • Submit these test reports to the Administrator along with the performance test report (if applicable) or 30 days after testing. [§63.6(h)(5)(iii) and §63.10(d)(3)] • Opacity readings of portions of plumes that contain condensed, uncombined water vapor shall not be used for purposes of determining compliance. [§63.6(h)(5)(v)] • Retain records that document the operating conditions of the source during these tests. [§63.6(h)(6)]

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<p>IF You are required to use a COMS to monitor opacity,</p>	<p>THEN</p> <ul style="list-style-type: none"> Record the monitoring data produced during any performance test. Submit a written report of the monitoring results per §63.10(e)(4). [§63.6(h)(7)]
<p>IF An <i>opacity emission test method has not been specified</i> or you are required to conduct <i>Test Method 9</i> observations,</p>	<p>THEN You may submit COMS data results produced during any performance test (if required by §63.7) <i>in lieu of Method 9 data</i>. You must then notify the Administrator simultaneously with the notification per §63.7(b) of the date the performance test is scheduled to begin.</p> <ul style="list-style-type: none"> Once this is done, the COMS data results will be used to determine compliance during subsequent performance tests required per §63.7. If you no longer wish to continue submitting COMS data in lieu of Method 9, you can notify the Administrator not later than the notification per §63.7(b) and state the date the subsequent performance test is scheduled to begin. COMS data shall be reduced to 6-minute averages over the duration of the performance test. You must demonstrate compliance with performance evaluation requirements per §63.8(e). COMS must be properly maintained, operated and data-quality assured per §63.8(c),(d). Data cannot be altered.[§63.6(h)(7)]
<p>IF During the initial performance tests, your affected source complies with all relevant standards <i>except the opacity emission standard</i>,</p>	<p>THEN You may petition the Administrator <i>to adjust the opacity standard</i> for your source.</p> <p>Note: The Administrator may grant your petition and promulgate a new opacity emission standard for your source in the Federal Register, if you are able to demonstrate that:</p> <ul style="list-style-type: none"> The source was operated and maintained in a manner to minimize the opacity of emissions during the performance tests; The initial performance tests were performed under the conditions established by the Administrator; and The source was incapable of being adjusted or operated to meet the relevant opacity emission standard. [§63.6(h)(9)]

§63.6(i) Extension of compliance with emission standards. (Existing sources.)

The following compliance extensions may be granted to sources:

6-Year Extension. The EPA may grant a 6-year extension for sources that qualify for the Compliance Extension for *Early Reductions Program*. [§63.6(i)(2)(i), §63.6(i)(3) and 40 CFR 63 Subpart D]

5-Year Extension. The EPA may grant an extension for sources that have installed BACT or LAER prior to promulgation of a NESHAP. This extension may be granted for up to 5-years after the date that BACT or LAER was installed. You must submit this request by 120 days after the effective date and must demonstrate that these technologies control the same pollutants as in the relevant standard. [§63.6(i)(2)(ii), §63.6(i)(5), §63.6(i)(6)(ii)]

1-Year Extension. The EPA or permitting authority may grant a 1-year extension for sources if the time is needed for the *installation of emission control equipment*. In general, you must request an extension 12 months before the compliance date for sources that *are not* including emission points in an emissions average, or 18 months before the compliance date for sources that *are not* including emission points in an emissions average. [§63.6(i)(4)(i)]

2-Year Extension. The EPA may grant an extension for sources that are unable to comply with a §112(f) (residual risk) standard. This extension may be granted for up to 2-years after the effective date of the residual risk standard if the time is needed for the installation of emission control equipment. Requests for this extension must be submitted in writing not later than 15 days after the effective date of a relevant standard. [§63.6(i)(4)(ii)]

Note: If you have a mining waste operation refer to §63.6(i)(4)(i). Any of these extensions must be incorporated in accordance with Title V regulations.

IF

You want to request one of the preceding compliance extensions,

THEN

Submit a Request for Compliance Extension in writing to the Administrator not later than the dates specified above or in the relevant standards. [§63.6(i)(5)]

Note: Refer to *Implementation Guide III* on page 112C-53. [§63.6(i)(6)]

Note: Sections §63.6(i)(7)-(16) contain the procedures governing approval or disapproval of a Request for Compliance Extension.

§63.6(j) Presidential Exemption.

The President may exempt any stationary source from compliance with any relevant standard for a period of not more than 2 years if the technology to implement such standard is not available and it is in the national security interests of the United States to do so. The Presidential Exemption may be extended for 1 or more additional periods, each period not to exceed 2 years.

§63.7 Performance testing requirements.

§63.7(a) Performance testing dates.

IF You are required to do a <i>performance test</i> , or another form of compliance demonstration, and have not received a waiver.	THEN You are subject to §63.7. Unless otherwise specified in the relevant standard, you must perform the test by the date specified in the following table. To use the table, you must know the startup date of the new or existing source and whether the relevant standard is the result of §112(d) or §112(f). Standards contained in originally promulgated NESHAPs are the result of §112(d). Standards contained in subsequently amended NESHAPs may be the result of a §112(f) residual risk revision.			
	Source	Relevant Standard	Source Startup Date	Test Must Be Performed Within 180 Days after
	New	§112(d), (f)	Before Effective Date After Effective Date	Effective Date [§63.7(a)(2)(i)] Startup [§63.7(a)(2)(ii)]
	Existing	§112(d)	Before Effective Date After Effective Date	Compliance Date [§63.7(a)(2)(iii), (v)] Startup [§63.7(a)(2)(iii)]
		§112(f)	N/A	Compliance Date [§63.7(a)(2)(iv)]
	Exceptions to the above table include: <ul style="list-style-type: none">• A performance test must be performed within 180 days after the compliance date for a <i>new</i> source, subject to a <i>§112(f)</i> (residual risk) standard, for which <i>construction or reconstruction began between</i> the proposal dates of the §112(d) (NESHAP) and the §112(f) standard [see §63.6(b)(4)]. [§63.7(a)(2)(vi)]• When a <i>final</i> relevant standard is <i>more stringent</i> than the <i>proposal</i> [see §63.6(b)(3)], a <i>new or reconstructed</i> source which begins construction or reconstruction between the proposal and final dates must complete a performance test within 180 days after the standard's effective date, or within 180 days after startup of the source, <i>whichever is later</i>. If the final standard is more stringent than the proposed standard, you may choose to demonstrate compliance with either the proposed or final standard. If you choose to comply with the proposed standard initially, you must conduct a second performance test within <i>3 years and 180 days</i> after the effective date of the standard, or by the date of startup of the source, <i>whichever is later</i>. [§63.7(a)(2)(ix)]			

§63.7(b) Notification of performance test.

YOU MUST

Notify the Administrator of your intention to conduct a performance test at least **60 days** before the test is scheduled to begin. [§63.7(b)(1) and §63.9(e)]

IF

You are *unable to conduct the performance test* on the date specified in your notification due to unforeseeable circumstances,

THEN

Notify the Administrator **within 5 days** prior to the scheduled performance test date and specify the rescheduled date. [§63.7(b)(2)]

§63.7(c) Quality assurance program

IF YOU MUST

Develop a *site-specific test plan*.

- Include a program summary, 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.
- **Internal QA program** shall include, the activities planned by routine operators and analysts to provide an assessment of test data precision; an example of internal QA is the sampling and analysis of replicate samples.
- **External QA program** must include, at a minimum, application of plans for a test method performance audit (PA) during the performance test. The PA's consist of blind audit samples provided by the Administrator and analyzed during the performance test in order to provide a measure of test data bias. The external QA program may also include systems audits that include the opportunity for on-site evaluation by the Administrator of instrument calibration, data validation, sample logging, and documentation of quality control data and field maintenance activities. [§63.7(c)(2)]

IF

The Administrator requests to review and approve your site-specific test plan,

THEN

Submit the *site-specific test plan* simultaneously with the Notification of Performance Test, or on another mutually agreed upon date. [§63.7(c)(2)(iv)]

IF

The Administrator intends to *deny approval* of the *site-specific test plan*,

THEN

The Administrator must notify you **within 30 days** after receipt of the plan and any other supplemental information and provide you with:

- Information and findings on which the intended disapproval is based; and
- Opportunity for you to present additional information within 30 days. [§63.7(c)(3)(i)]

<p>IF The Administrator fails to <i>approve or disapprove</i> the <i>site-specific test plan</i>, within 30 days,</p>	<p>THEN</p> <ul style="list-style-type: none"> • <i>If</i> you plan to demonstrate compliance using the test method(s) specified in the relevant standard, <i>conduct the performance test as scheduled</i>. [§63.7(c)(3)(ii)(A)] • <i>If</i> you plan to demonstrate compliance using an <i>alternative test method</i>, <i>refrain from conducting the performance test</i> until the alternative method identified in the site-specific test plan is approved. <i>If</i> the Administrator <i>does not approve</i> the use of the <i>alternative method</i> within 30 days before the test is scheduled to begin, the test dates may be extended and you may conduct the performance test within 60 days after approval of the alternative method. <i>If</i> you subsequently decide to use the test methods specified in the relevant standard instead of an alternative method, you may <i>conduct the performance test as scheduled</i>. [§63.7(c)(3)(ii)(B) and §63.7(f)]
<p><i>Performance test method audit program:</i></p> <p>YOU MUST</p> <ul style="list-style-type: none"> • Analyze <i>performance audit (PA) samples</i> during each performance test. • Request PA samples 45 days prior to the test date. Cylinder audit gases may be obtained by contacting the Cylinder Audit Coordinator, Quality Assurance Division (MD-77B), Atmospheric Research and Exposure Assessment Laboratory (AREAL), U.S. EPA, Research Triangle Park, North Carolina 27711. All other audit materials may be obtained by contacting the Source Test Audit Coordinator, Quality Assurance Division (MD-77B), AREAL, U.S. EPA, Research Triangle Park, North Carolina 27711. <p>[§63.7(c)(4)(i)]</p>	
<p>IF The EPA <i>fails to provide the required PA materials</i> in time,</p>	<p>THEN You are no longer required to analyze a PA sample for this performance test. [§63.7(c)(4)(iii)]</p>
<p>§63.7(d) Performance testing facilities</p> <p>YOU MUST</p> <p>Provide performance testing facilities in accordance with the applicable test methods and procedures as follows:</p> <ul style="list-style-type: none"> • Sampling ports. • Air pollution control system designed so that volumetric flow rates and pollutant emission rates can be accurately determined. • Stack or duct that is free of cyclonic flow. • Safe sampling platform(s). • Safe access to sampling platform(s). • Utilities (e.g. electrical power) for sampling and testing equipment. • Any other facilities that the Administrator deems necessary for safe and adequate testing of a source. 	

§63.7(e) Conduct of performance tests

YOU MUST

Unless otherwise specified in the relevant standard, conduct performance tests as follows:

- Test under **normal operating conditions**. Operations during periods of SSM are not considered normal. The administrator may request that you provide records that show what are normal operating conditions. [§63.7(e)(1)]
- Test in accordance with the test methods specified in the rule, **unless** the administrator:
 - ⇒ Specifies or approves the use of a test method with minor changes in methodology; or
 - ⇒ Approves the use of an alternative test method, or
 - ⇒ Approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors; or
 - ⇒ Waives the performance testing requirement. [§63.7(e)(2)]
- **Performance test** must consist of **three separate runs** using the applicable test method. Each run must be conducted for the time and under the conditions specified in the relevant standard. The arithmetic mean of the results of the three runs must apply. Results of a test run may be replaced with results of an additional test run, subject to the Administrator's approval, in the event that--
 - ⇒ A sample is accidentally lost after the testing team leaves the site; or
 - ⇒ Conditions occur in which one of the three runs must be discontinued because of forced shutdown; or
 - ⇒ Extreme meteorological conditions occur; or
 - ⇒ Other circumstances occur that are beyond control. [§63.7(e)(3)]

§63.7(f) Use of alternative test method

IF

You are required to do performance testing but prefer to use an **alternative test method** from that specified in the relevant standard,

THEN

You must do all of the following:

- **Notify** the Administrator **of your intention** to use an alternative test method not later than the submittal date of the site-specific test plan (if requested) or at least 60 days before the performance test is scheduled to begin if a site-specific test plan is not submitted;
- Use **Method 301 to validate** the alternative test method; and
- Submit the results of the Method 301 validation process along with the notification of intention and the justification for not using the specified test method. You may submit the information required well in advance to ensure a timely review in order to meet the performance test date specified. [§63.7(f)(2)]

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<p>IF The Administrator finds reasonable grounds to <i>dispute the results</i> obtained by the <i>Method 301</i> validation process, <u>or</u> the results obtained by an <i>alternative test method</i>,</p>	<p>THEN The Administrator may <i>require</i> the use of a <i>test method</i> specified in a relevant standard. [§63.7(f)(3),(4)]</p>
<p>IF You use an <i>alternative test method</i>,</p>	<p>THEN <i>Continue to use</i> the alternative test method for subsequent performance tests until you receive approval to use another test method as allowed under §63.7(f). [§63.7(f)(5)]</p>
<p>§63.7(g) Data analysis, recordkeeping, and reporting</p>	
<p>Unless otherwise specified in a relevant standard or test method, or as otherwise approved by the Administrator in writing, YOU MUST <i>Submit Performance Test Reports:</i></p> <ul style="list-style-type: none"> to the appropriate permitting authority, and as part of the “Notification of Compliance Status” required by §63.9(h), and no later than 60 days after completion of the field sampling. (Note: Refer to §63.9(i) for procedures on how to obtain approval for later submission dates.) <p><i>Keep performance test records for a minimum of 5 years.</i></p>	
<p>§63.7(h) Waiver of performance tests</p>	
<p>The Administrator can approve a written “Application to Waive a Performance Test” if</p> <ul style="list-style-type: none"> the Administrator is convinced that the source complies with the relevant standard on a continuous basis, or the source is being operated under an extension of compliance, or the Administrator is still considering a compliance extension request. <p>Any waiver request must <i>include information justifying the waiver</i>, such as the technical or economic infeasibility, or the impracticality of performing the test. [§63.7(h)(1)-(2)]</p>	
<p>IF A request is made for an extension of compliance under §63.6(i),</p>	<p>THEN Submit an “Application to Waive an Initial Performance Test” along with the “Request for Extension of Compliance.” [§63.7(h)(3)(i)]</p>
<p>IF No request is made for an extension of compliance under §63.6(i), or Administrator is still considering extension request,</p>	<p>THEN Submit at least 60 days before the performance. [§63.7(h)(3)(i)]</p>

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IF You apply for a waiver of a subsequent performance test	THEN The application may accompany any required compliance progress report; compliance status report; or excess emissions and continuous monitoring system performance report; or as specified in the relevant standard or Title V Permit, WHEN Submitted at least 60 days before the performance. [§63.7(h)(3)(ii)]
The Administrator will approve or deny a request for waiver of performance depending upon: <ul style="list-style-type: none"> • Status of extension of compliance under §63.6(i)(8); or • Status of site-specific test plan under §63.7(c)(3); or • Compliance status report, excess emissions and continuous monitoring systems performance report; or • Progress towards compliance following the submission of a compliance progress report, whichever is applicable. [§63.7(h)(4)] 	

§63.8 Monitoring requirements.

Acronyms used in this section.

Continuous Monitoring System (CMS) This is a generic term that refers to COMS, CEMS, and all other continuous monitoring systems.

Continuous Opacity Monitoring System (COMS)

Continuous Emission Monitoring System (CEMS)

Startup, Shutdown, and Malfunction Plan (SSM Plan)

§63.8(a) Applicability.

IF You are required by a relevant standard to do monitoring,	THEN Section §63.8 applies, unless otherwise specified. [§63.8(a)(1)]
IF The relevant standard requires the use of a CMS,	THEN You must comply with §63.8 upon promulgation of the CMS performance specifications, or as otherwise specified by the Administrator. [§63.8(a)(2)]
Additional monitoring requirements for specific control devices (e.g., flares) are specified in §63.11 . [§63.8(a)(4)]	

§63.8(b) Conduct of monitoring.

YOU MUST

Conduct monitoring as specified in §63.8 and the relevant standard,

UNLESS the Administrator

- Specifies or approves the use of minor changes in methodology, or
- Approves the use of alternative monitoring procedures.

Note: Flares used as emission control devices subject to §63.11(b) are not subject to §63.8 unless otherwise specified. [§63.8(b)(1)]

IF
Effluents from a single affected source, or from two or more affected sources, ***are combined*** before being released to the atmosphere,

THEN
Install CMS (if applicable) on ***each*** effluent. [§63.8(b)(2)(i)]

IF
The relevant standard is a ***mass emission standard*** and the effluent from one affected source is released to the atmosphere through ***> one point***,

THEN
Install CMS (if applicable) at ***each emission point*** unless the installation of fewer systems is:

- Approved by the Administrator; or
- Specified in a relevant standard. [§63.8(b)(2)(ii)]

Note: When more than one CMS is used to measure the emissions from one affected source (e.g., multiple breechings, multiple outlets), report the results as required for each CMS. However, when one CMS is used as a backup to another CMS, report the results from the CMS used to meet the monitoring requirements. If both such CMS are used during a particular reporting period then report the results from each CMS for the compliance period. [§63.8(b)(3)]

§63.8(c) Operation and maintenance of continuous monitoring systems.

YOU MUST

- Maintain and operate each CMS in a manner consistent with good air pollution control practices.
- Ensure the immediate repair or replacement of CMS parts to correct "routine" or predictable CMS malfunctions as defined in the source's SSM plan. Keep the necessary parts for routine repairs readily available. If the SSM plan is followed and the CMS repaired immediately, report in the semiannual SSM report required by §63.10(d)(5)(i). [§63.8(c)(1)(i)]
- For *malfunctions and events* that affect the CMS which are *not addressed by the SSM plan*, report actions within 24 hours. Send a *follow-up report within 2 weeks* that either certifies that corrections have been made or includes a corrective action plan and schedule. Provide proof that repair parts have been ordered or any other records that would indicate that the delay in making repairs is beyond control. [§63.8(c)(1)(ii)]
- Install CMS properly. Locate CEMS according to procedures contained in the applicable performance specification(s). [§63.8(c)(2)]
- Make sure all CMS are installed, operational, and verified either prior to or in conjunction with conducting a performance tests (§63.7). At a minimum, verification of operational status must include completion of the manufacturer's written specifications or recommendations for installation, operation, and calibration of the system. [§63.8(c)(3)]
- *Operate* all CMS *continuously* (except for system breakdowns, out-of-control periods, repairs, maintenance periods, calibration checks, and zero (low-level) and high-level calibration drift adjustments) as follows:
 1. All *COMS* must complete a minimum of one cycle of sampling and analyzing for each successive 10-second period and one cycle of data recording for each successive 6-minute period.
 2. All *CEMS* must complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period. [§63.8(c)(4)]

Minimum procedures for COMS must include a method for producing a simulated zero opacity condition and an upscale (high-level) opacity condition using a certified neutral density filter or other related technique to produce a known obscurant of the light beam. Such procedures must provide a system check of all the analyzer's internal optical surfaces and all electronic circuitry, including the lamp and photodetector assembly normally used in the measurement of opacity. [§63.8(c)(5)]

Check the zero (low-level) and high-level calibration drifts of each CMS at least **once daily** per your performance evaluation plan developed under §63.8(e)(3)(i) and (e)(3)(ii). **Adjust** the calibration drifts whenever the 24-hour zero drift exceeds two times the limits of the applicable performance specification(s) specified in the relevant standard. The system must allow the amount of excess drift measured at the 24-hour interval checks to be recorded and quantified, whenever specified. For COMS, all optical and instrumental surfaces exposed to the effluent gases must be cleaned prior to performing the zero (low-level) and high-level drift adjustments; the optical surfaces and instrumental surfaces must be cleaned when the cumulative automatic zero compensation, if applicable, exceeds 4 percent opacity. [§63.8(c)(6)].

<p>IF</p> <p>A CMS is out of control,</p>	<p>THEN</p> <ul style="list-style-type: none"> • You must take corrective action and repeat tests which indicate the system is out of control and conduct retesting until the performance requirements are below the applicable limits. When out of control, recorded data must not be used in data averages and calculations, or to meet any data availability requirement. [§63.8(c)(7)(ii)]. • You must submit all information concerning out-of-control periods, including start and end dates and hours and descriptions of corrective actions taken, in the excess emissions and continuous monitoring system performance report required in §63.10(e)(3). [§63.8(c)(8)]. <p>Note: A CMS is out of control if:</p> <ul style="list-style-type: none"> • The zero (low-level), mid-level (if applicable), or high-level calibration drift (CD) exceeds two times the applicable CD specification in the applicable performance specification or in the relevant standard; or • The CMS fails a performance test audit (e.g., cylinder gas audit), relative accuracy audit, relative accuracy test audit, or linearity test audit; or • The COMS CD exceeds two times the limit in the applicable performance specification in the relevant standard. [§63.8(c)(7)(i)]
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§63.8(d) Quality control program.

<p>IF You are required to use a CMS and are subject to the monitoring requirements of §63.8,</p>	<p>THEN Develop and implement a CMS quality control program which includes at a minimum:</p> <ul style="list-style-type: none"> • The development (and submittal upon request) of a site-specific performance evaluation test plan for the performance evaluation required by §63.8 (e)(3)(i). • The development of a written protocol that describes procedures for: <ol style="list-style-type: none"> 1. Initial and subsequent calibration of the CMS; 2. Determination and adjustment of the calibration drift of the CMS; 3. Preventive maintenance of the CMS, including spare parts inventory; 4. Data recording, calculations, and reporting; 5. Accuracy audit procedures, including sampling and analysis methods; and 6. Program of corrective action for a malfunctioning CMS. <p>[§63.8(d)(2)]</p> <p>Note: <i>Keep</i> these written procedures on record <i>for the life of the affected source</i> or until the affected source is no longer affected. Keep revisions and superseded versions of the performance evaluation plan for 5 years after each revision. A program of corrective action for a malfunctioning CMS <i>can be incorporated as part of the affected source's SSM plan</i> to avoid duplication of planning and recordkeeping efforts. [§63.8(d)(3)]</p>
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§63.8(e) Performance evaluation of continuous monitoring systems.

<p>IF You are required to conduct <i>performance evaluation of the CMS</i>,</p>	<p>THEN</p> <ul style="list-style-type: none"> • Conduct the performance evaluation using the procedures specified in §63.8(e) or in the relevant standard. [§63.8(e)(1)] • Notify the administrator of the performance evaluation date. Submit this notification in writing simultaneously with the notification of performance test date (if applicable) or 60 days before the performance evaluation. [§63.8(e)(2)]
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<p>IF A site-specific performance evaluation test plan is requested,</p>	<p>THEN Develop and submit a test plan which contains the following:</p> <ul style="list-style-type: none"> ⇒ Program objectives, summary, performance evaluation schedule, data quality objectives, and both an <u>internal</u> and <u>external</u> QA program ⇒ The internal QA program shall include at a minimum, the activities planned by routine operators and analysts to provide an assessment of CMS performance. ⇒ The external QA program shall include at a minimum, system audits that include an opportunity for on-site evaluation of instrument calibration, data validation, sample logging, and documentation of QC data and field maintenance activities. [§63.8(e)(3)(ii)] <p>WHEN Submit this test plan at least 60 days before the performance test or evaluation is scheduled to begin, or on a mutually agreed upon date. Note: the review and approval process for the performance evaluation test plan will follow the process outlined in §63.7(c)(3) for the site-specific test plan. [§63.8(e)(3)(iii)]</p>
<p>IF The Administrator <i>fails to approve or disapprove</i> the site-specific performance evaluation test plan <i>within the time period</i> specified in §63.7(c)(3),</p>	<p>THEN</p> <ul style="list-style-type: none"> • <i>If</i> you intend to use the monitoring method(s) in the relevant standard, then conduct the performance evaluation as specified. [§63.8(e)(3)(v)(A)] • <i>If</i> you intend to use an alternative monitoring method, then refrain from conducting the performance evaluation until the alternative method is approved. If it is not approved within 30 days before the performance evaluation is scheduled to begin, the performance evaluation deadlines specified in §63.8(e)(4) may be extended until 60 days after approval of the alternative method. <i>If</i> you subsequently choose to use the specified monitoring method(s) instead of an alternative method, you may conduct the performance evaluation as scheduled. [§63.8(e)(3)(v)(B)]
<p>Conduct a CMS performance evaluation during any performance test required under §63.7 per the relevant standard. [§63.8(e)(4)].</p>	
<p>IF You elect to submit COMS data for compliance with an opacity emission standard per §63.6(h)(7),</p>	<p>THEN Conduct a performance evaluation of the COMS per the emission standard, before the performance test per §63.7 is conducted to ensure time to submit the results of the performance evaluation per §63.8(e)(5)(ii).</p>

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<p>IF A performance test is not required, or the requirement for a performance test has been waived per §63.7(h),</p>	<p>THEN Conduct the performance evaluation not later than 180 days after the appropriate compliance date per §63.7(a), or per the relevant standard. [§63.8(e)(4)]</p>
<p>WHEN Reporting performance evaluation results,</p>	<p>THEN</p> <ul style="list-style-type: none"> • Submit a report of the <i>performance evaluation</i> results <i>simultaneously</i> with the <i>performance test</i> required under §63.7 <i>or within 60 days</i> of completion of the performance evaluation or per the specific standard. [§63.8(e)(5)(i)] • Submit two or, upon request, three copies of a written report of the results of the <i>COMS performance evaluation</i> required under §63.7 at least 15 days before the performance test is conducted. [§63.8(e)(5)(ii)]
<p>§63.8(f) Use of an alternative monitoring method.</p> <p>The Administrator <i>may approve alternatives</i> to any monitoring method under various circumstances. Examples include:</p> <ul style="list-style-type: none"> • 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; • When the affected source is infrequently operated; • To accommodate CEMS that require additional measurements to correct for stack moisture conditions; • Alternative locations for installing CMS when the owner or operator can demonstrate that installation at alternate locations will enable accurate and representative measurements; • Converting pollutant concentration measurements to units of the relevant standard; • 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; • Alternatives to the American Society for Testing and Materials (ASTM) test methods or sampling procedures specified by any relevant standard; • Alternative CMS that do not meet the design or performance requirements in the General Provisions, 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 • 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. [§63.8(f)(2)] 	

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<p>IF You want to use an alternative monitoring method,</p>	<p>THEN <i>Submit</i> a “Request to Use Alternative Monitoring Method”. The request must include:</p> <ul style="list-style-type: none"> • A description of the proposed alternative monitoring system. • The performance evaluation test plan (if required). • Information justifying the use of an alternative monitoring method, such as the technical or economic infeasibility, or the impracticality, of the affected source using the required method. [§63.8(f)(4)(ii)] <p>WHEN</p> <ul style="list-style-type: none"> • Submit the request well in advance of the submittal dates specified in §63.8(f)(4)(i). [§63.8(f)(4)(iii)] • If the alternative monitoring method is to be used to demonstrate compliance, then submit the request not later than with the site-specific test plan required in §63.7(c) (if requested) or with the site-specific performance evaluation plan (if requested) or 60 days before the performance evaluation is scheduled to begin. [§63.8(f)(4)(i)] • If the alternative monitoring method is not used to demonstrate compliance, you may submit the request at any time. [§63.8(f)(4)(i)]
<p>IF The Administrator notifies <i>approval or intention to deny approval</i> of the request,</p>	<p>THEN The Administrator must do so <i>within 30 days</i> after receipt of the original request and within 30 days after receipt of any supplementary information. [§63.8(f)(5)]</p>
<p>IF The Administrator intends to disapprove,</p>	<p>THEN The Administrator will notify you of their intention to disapprove the request together with--</p> <ul style="list-style-type: none"> • Notice of the information and findings on which the intended disapproval is based; and • Notice of opportunity to present additional information before final action on the request. At the time the applicant receives notification, the Administrator will specify how much time you will have after being notified of the intended disapproval to submit the additional information. [§63.8(f)(5)]
<p>IF The alternative monitoring method is approved,</p>	<p>THEN Continue to use the alternative monitoring method until you receive approval from the Administrator to use another monitoring method as allowed by §63.8(f). [§63.8(f)(5)(iii)]</p>

The Administrator ***may approve an alternative*** to the ***relative accuracy test*** for a CEMS:

- If the emission rate of the affected source is demonstrated to be less than 50 percent of the relevant standard.
- You may petition per §63.8(f)(6)(ii) 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 or other test demonstrates that the emission rate of the pollutant is less than 50 percent of the relevant standard.
- For affected sources subject to emission limitations expressed as control efficiency levels, you may petition 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. [§63.8(f)(6)]

<p>IF You want to use an alternative to the relative accuracy test for a CEMS,</p>	<p>THEN</p> <ul style="list-style-type: none"> • Submit a “Petition” that includes: <ol style="list-style-type: none"> 1. A detailed description of the procedures to be applied, 2. The location and the procedure for conducting the alternative, 3. The concentration or response levels of the alternative relative accuracy materials, and the other equipment checks included in the alternative procedure(s). <p>The Administrator will review the petition for completeness and applicability and approval will depend on the intended use of the CEMS data and may require specifications more stringent than in Performance Specification 2. [§63.8(f)(6)(ii)]</p>
<p>IF The <i>CEMS data</i> from a successful completion of the alternative relative accuracy procedure indicate that <i>emissions are approaching the level of the relevant standard</i>,</p>	<p>THEN</p> <p>The Administrator will review the permission to use an alternative to the CEMS relative accuracy test and <i>may rescind such permission</i>.</p> <p>This is based on the collection of <i>CEMS data</i> showing that emissions have <i>exceeded 70 percent</i> of the relevant standard for any averaging period. 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. You must <i>maintain records</i> 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, <i>notify the Administrator within 10 days</i> 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 a relative accuracy test of the CEMS as specified in section 7 of Performance Specification 2. [§63.8(f)(5)(iii)]</p>

§63.8(g) Reduction of monitoring data.

YOU MUST

Unless otherwise specified in the relevant standard, reduce monitoring data from any required CMS as follows.

- Reduce COMS data to 6-minute averages calculated from 36 or more data points equally spaced over each 6-minute period.
- Reduce CEMS data to 1-hour averages computed from four or more data points equally spaced over each 1-hour period, except during periods when calibration, quality assurance, or maintenance activities are being performed. During these periods, a valid hourly average must consist of at least two data points with each representing a 15-minute period. Alternatively, an arithmetic or integrated 1-hour average of CEMS data may be used. Time periods for averaging are defined in §63.2.
- Note: The data may be recorded in reduced or nonreduced form.
- Convert all emission data into units of the relevant standard for reporting purposes using the conversion procedures specified in that standard. After conversion, the data may be rounded to the same number of significant digits as used in that standard to specify the emission limit.
- In most cases, do not include monitoring data recorded during periods of unavoidable CMS breakdowns, out-of-control periods, repairs, maintenance periods, calibration checks, and zero (low-level) and high-level adjustments in any data average computed under this part. However, per the 12 Feb 99 amendments (64 FR 7475), for owners of CEMS complying with the requirements of either paragraphs 63.10(b)(2)(vii) (A) or (B), data averages must include any data recorded during periods of monitor breakdown or malfunction. [§63.8(g)]

§63.9 Notification requirements.

§63.9(a) Applicability and general information.

Applicability:

- Unless otherwise specified in a relevant standard, this section applies to sources subject to a 40 CFR Part 63 standard. This section establishes due dates for when you need to notify the administrator of the start up of a newly constructed, reconstructed, or unaffected area source that has become a major source. Other notifications such as compliance extensions, and compliance performance tests are included. [§63.9(a)]

Exceptions:

- Affected sources that have been granted a 6-year compliance extension, via the *early reductions program* (40 CFR 64 subpart D), are temporarily exempt from the notification requirements until the compliance extension expires.
- If any State requires a notice that contains all the information required in a notification listed in this section, you may send the Administrator a copy of the notice sent to the State in lieu of the notice required by this section.

Where to submit notifications:

- Until a State has been delegated the authority to implement and enforce notification requirements, submit notifications to your EPA Regional Office. (See §63.13 for addresses.)
- After a State has been delegated the authority to implement and enforce notification requirements, submit notifications to *both* the delegated State authority (which may be the same as the permitting authority) and to your EPA Regional Office. Note: your EPA Regional Office may waive the requirement to send them a copy of the notifications.

§63.9(b) Initial notifications.

YOU MUST

Submit an *initial notification* for any source affected by a relevant standard. This applies to new sources, existing sources, and unaffected sources that subsequently become affected sources. New sources may submit the application for approval of construction or reconstruction (if required by §63.5(d)), in lieu of the initial notification. [§63.9(b)(1)]

IF

You have an *existing or new source that has an initial startup before the effective date* of a relevant standard,

THEN

Submit an initial notification. See *Implementation Guide IV* on page 112C-54.

WHEN

Submit the notification either 120 days after the effective date of the relevant standard, or 120 days after that the source becomes subject to the relevant standard. [§63.9(b)(2)]

<p>IF You have a <i>new or reconstructed affected source</i>, that has an initial <i>startup after the effective date</i> of a relevant standard...</p> <p>AND IF <i>construction or reconstruction began before the proposal date</i>...</p> <p>AND IF an application for approval of construction or reconstruction is not required under §63.5(d),</p>	<p>THEN Submit an initial notification along with the notification required by §63.9(b)(5). See <i>Implementation Guide IV</i> on page 112C-54.</p> <p>WHEN</p> <ul style="list-style-type: none"> • 120 days after initial startup. [§63.9(b)(3)]
<p>IF You have a <i>new or reconstructed <u>major</u> affected source</i> that has an initial startup <i>after the effective date</i> of a relevant standard</p> <p>AND IF <i>construction or reconstruction began after the proposal date</i> of a relevant standard...</p> <p>AND IF an application for approval of construction or reconstruction is required under §63.5(d),</p>	<p>THEN & WHEN</p> <ul style="list-style-type: none"> • <i>Submit a notification of intention</i> to construct or reconstruct a new major source along <i>with the application</i> for approval of construction or reconstruction required by §63.5(d)(1)(i); • If construction or reconstruction commenced before the effective date of the NESHAP, also <i>submit</i> a notification of <i>the date when construction or reconstruction commenced, simultaneously</i> with the <i>application</i> for approval of construction or reconstruction. • If construction or reconstruction commenced after the effective date of the relevant standard, also <i>submit</i> a notification of the date when construction or reconstruction commenced 30 days after such date. • <i>Submit</i> a notification of the actual date of startup of the source 15 days after that date. [§63.9(b)(4)] <p>Note: On 12 Feb 99 (64 FR 7475), EPA deleted the requirement to submit a "notification of the anticipated date of startup". Such notifications are no longer required for sources that meet these IF criteria. This is certainly a step in the right direction, albeit a small step.</p>

<p>IF You intend to construct or reconstruct an affected source after the effective date of the relevant standard,</p>	<p>THEN Submit a notification of the intended construction or reconstruction. The notification must include all the information required for an application for approval of construction or reconstruction as specified in §63.5(d). Refer to Implementation Guide I on page 112C-49. Major source owners may use the application for approval of construction or reconstruction (§63.5(d)) to fulfill the requirements of this notification.</p> <p>WHEN</p> <ul style="list-style-type: none"> • If the construction or reconstruction commences after the effective date of the relevant standard, submit this notification as soon as practicable before the construction or reconstruction is planned to commence, but not before the effective date of the relevant standard. • If the construction or reconstruction commenced and initial startup had not occurred before the effective date of a relevant standard, submit the notification as soon as practicable before startup but no later than 60 days after the effective date of a relevant standard. [§63.9(b)(5)]
<p>§63.9(c) Request for an extension of compliance</p>	
<p>IF Your affected source cannot comply with a relevant standard by the applicable compliance date, or if you have installed BACT or technology to meet LAER consistent with §63.6(i)(5),</p>	<p>THEN Submit a Request for an Extension of Compliance as specified in §63.6(i)(4)-(6).</p>
<p>§63.9(d) Notification that source is subject to special compliance requirements.</p>	
<p>IF You have a new source that is subject to special compliance requirements as specified in §63.6(b)(3) and §63.6(b)(4),</p>	<p>THEN & WHEN Submit a notification of the special compliance requirements that apply to your source not later than the notification dates established in 63.9(b).</p>
<p>§63.9(e) Notification of performance test.</p>	
<p>IF You have an affected source and intend to conduct a performance test to demonstrate compliance,</p>	<p>THEN</p> <ul style="list-style-type: none"> • Submit a Notification of the Performance Test at least 60 days in advance. • If requested, submit a site-specific test plan along with the notification. Note: §63.7(c) requires that you prepare a site-specific test plan.

§63.9(f) Notification of opacity and visible emission observations.

<p>IF A relevant standard <i>requires</i> you to conduct the <i>opacity or visible emission observations</i> specified in §63.6(h)(5),</p>	<p>THEN <i>Submit</i> a “Notification of the Anticipated Date for Conducting Opacity or Visible Emission Observations.”</p> <p>WHEN</p> <ul style="list-style-type: none"> • Submit the notification along with the Notification of Performance Test (§63.9(e)), if applicable, or • If no performance test is required or if opacity or visible emission observations cannot be conducted concurrently with the performance test, <i>submit</i> the notification at least 30 days before the opacity or visible emission observations are scheduled to take place.
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§63.9(g) Additional notification requirements for sources with CMS.

<p>IF Your affected source is <i>required to use a CMS</i> by a relevant standard,</p>	<p>THEN & WHEN</p> <ul style="list-style-type: none"> • <i>Submit</i> a notification of the date the <i>CMS performance</i> evaluation under §63.8(e) is <i>scheduled to begin</i>. Submit this notification along with the notification of <i>performance test</i> (per §63.7(b)), if applicable. If no performance test is required, or if the requirement to conduct a performance test has been waived per §63.7(h), submit this notification at least 60 days before the evaluation is scheduled to begin. • If applicable, <i>submit</i> a notification that COMS data results will be used to determine compliance with an opacity emission standard during a performance test (§63.7) in lieu of Method 9 or other opacity emissions test method data, as allowed by §63.6(h)(7)(ii). Submit this notificaton at least 60 days before the performance test is scheduled to begin. • If you are using an alternative to a relative accuracy test method, <i>submit</i> a notification when the emission criterion in §63.8(f)(6) has been exceeded. This notification must include a description of the nature and cause of the increased emissions and be submitted not later than 10 days after the occurrence of the exceedance.
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§63.9(h) Notification of compliance status.	
<p>IF Your affected source becomes subject to a relevant standard, and each time a subsequent notification of compliance status is required,</p> <p>Note: A source becomes subject to a standard when an applicable compliance deadline arrives.</p>	<p>THEN</p> <ul style="list-style-type: none"> • If a Title V Permit has not yet been issued that covers the affected source, submit a “Notification of Compliance Status” signed by the responsible official certifying that the source has complied with the relevant standard. Refer to Implementation Guide V on page 112C-55. [§63.9(h)(2)(i)] • If a Title V Permit has been issued that covers the affected source, you must also comply with all requirements for compliance status reports contained in the Title V permit. [§63.9(h)(3)] <p>WHEN</p> <ul style="list-style-type: none"> • Submit this notification by the 60th day following the completion of the relevant compliance demonstration activity (e.g. performance test) specified in the relevant standard. • If no performance test is required, but opacity or visible emission observations are required, submit the notification of compliance status before close of business on the 30th day following the completion of opacity or visible emission observations. [§63.9(h)(2)(ii)]
<p>IF You have submitted <i>estimates</i> or preliminary information in the application for approval of construction or reconstruction required in §63.5(d) in place of the <i>actual</i> emissions data or control efficiencies required in §63.5 (d)(1)(ii)(H) and §63.5 (d)(2),</p>	<p>THEN Submit the <i>actual</i> emissions data and other correct information as soon as available but no later than with the initial Notification of Compliance Status.</p>
§63.9(i) Adjustment to time periods or postmark deadlines for submittal and review of required communications.	
<p>IF You want to change a time period or postmark deadline for a §63.9 notification,</p>	<p>THEN Request the adjustment from the Administrator, in writing, as soon as practicable before the activity is required to take place. You must include information to convince the Administrator that an adjustment is warranted. [63.9(i)(1),(2)]</p>
<p>IF You request an adjustment,</p>	<p>THEN The Administrator will notify you in writing of approval or disapproval of the request for an adjustment within 15 days of receiving sufficient information to evaluate the request. [63.9(i)(3)]</p>
<p>IF The Administrator is unable to meet a specified deadline,</p>	<p>THEN The Administrator will notify you of any significant delay and the amended schedule. [63.9(i)(4)]</p>

§63.9(j) Change in information already provided.

IF Any provided information you have submitted changes,	THEN <i>Submit</i> this revised information within 15 days after the change.
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§63.10 Recordkeeping and reporting requirements.

§63.10(a) Applicability and general information.

Applicability:

- Unless otherwise specified in a relevant standard, this section applies to sources subject to a 40 CFR Part 63 standard.

Exceptions:

- Affected sources that have been granted a 6-year compliance extension, via the early reductions program (40 CFR 63 subpart D), are temporarily exempt from the recordkeeping and reporting requirements until the compliance extension expires.
- If any State requires a report that contains all the information required in a report listed in this section, you may send the Administrator a copy of the report sent to the State in lieu of the report required by this section.

Where to submit the reports:

- Until a State has been delegated the authority to implement and enforce recordkeeping and reporting requirements, submit reports to your EPA Regional Office. (See §63.13 for addresses.)
- After a State has been delegated the authority to implement and enforce recordkeeping and reporting requirements, submit reports to **both** the delegated State authority (which may be the same as the permitting authority) and to your EPA Regional Office. Note: your EPA Regional Office may waive the requirement to send them a copy of the reports.

When to submit the reports:

- Each of the reporting requirements specifies when and how often the reports must be submitted.

Exceptions: The following reporting changes can be made beginning one year after the relevant standard compliance date. If more than one relevant standard is involved changes can be made one year after the **latest** relevant standard compliance date.

- **IF** you are required to submit periodic reports in a State with delegated authority, and if the timeline for these reports is consistent with the reporting frequency(ies) specified for your source, **THEN** you may change the reporting dates to be consistent with the State's schedule by mutual agreement with the State. Note: You cannot change the frequency of reporting.
- **IF** you supervise one or more stationary sources affected by more than one relevant standard, **THEN** you may arrange with the Administrator (or the State permitting authority) a common schedule for the periodic reports required for each source.
- **IF** you supervise one or more stationary sources that are affected by both relevant standards and 40 CFR part 60/ 61 standards, **THEN** you may arrange with the Administrator (or the State permitting authority) a common schedule for all the periodic reports required. This applies in each State beginning 1 year after the source §112 standard compliance date, or 1 year after the part 60/61 compliance date, whichever is later.

To request a change to the reporting frequencies:

- Follow the procedure in §63.9(i).

§63.10(b) General recordkeeping requirements.

YOU MUST

Maintain and retain for 5 years files of all information (including all reports and notifications), required by 40 CFR part 63. Records for the most recent 2 years must be retained onsite and readily available for inspection. The remaining 3 years of data may be retained off site. Such files may be maintained on microfilm, computer, floppy disks, magnetic tape disks, or microfiche. [§63.10(b)(1)]

For your affected sources, you must maintain relevant records of numerous specific items.

Implementation Guide VI on page 112C-56 contains a list of information you must keep on file. [§63.10(b)(2)]

For your *unaffected* sources,

IF

Your source emits (or potentially emits, without considering controls) one or more hazardous air pollutants but *is not subject* to a relevant standard,

THEN

You must keep a *record of the applicability determination* on site at the source for a *period of 5 years*, or until the source changes its operations to become an affected source, whichever comes first. The applicability determination is a sufficiently detailed analysis that demonstrates why you believe the source is unaffected (e.g., because the source is an area source). If relevant, the analysis must be performed in accordance with requirements established in subparts of the General Provisions and in accordance with EPA guidance materials. [§63.10(b)(3)]

§63.10(c) Additional recordkeeping requirements for sources with CMS.

IF

You are required to install a continuous monitoring system (CMS),

THEN

You must maintain relevant records of numerous specific items. Refer to **Implementation Guide VII** on page 112C-57. [§63.10(c)(1)-(15)]

§63.10(d) General reporting requirements.

Individual relevant standards may have additional or modified reporting requirements. [§63.10(d)(1)]

§63.10(d)(2) Performance test reports.

IF

You perform a *performance emission test* as described in §63.7,

THEN & WHEN

Submit the performance test results as part of the Notification of Compliance Status (§63.9(h)) *no later than 60 days after completion of the performance test*.

§63.10(d)(3) Opacity or visible emission observation reports.	
<p>IF You conduct <i>opacity or visible emission observations</i> (using EPA Methods 9 or 22, or an alternative method) as required by a relevant standard,</p>	<p>THEN <i>Submit</i> the opacity or visible emission results.</p> <p>WHEN</p> <ul style="list-style-type: none"> • If the opacity or visible emission observations are conducted <i>concurrently with a performance test</i> required per §63.7, <i>submit</i> the results <i>no later than 60 days after completion of the performance test</i>. • If no performance test is required, or if visibility or other conditions prevent observations from being conducted concurrently with the performance test required per §63.7, <i>submit</i> the results <i>no later than 30 days</i> after completion of the opacity or visible emission observations.
§63.10(d)(4) Progress reports.	
<p>IF You are required to <i>submit progress reports</i> as a condition of receiving an extension of compliance per §63.6(i):</p>	<p>THEN & WHEN <i>Submit</i> the progress reports <i>by the dates specified in the written extension of compliance</i>.</p>
§63.10(d)(5)(i) Periodic startup, shutdown, and malfunction (SSM) reports.	
<p>IF A <i>SSM</i> occurred during the reporting period AND IF your actions are <i>consistent with</i> the procedures specified in your source's SSM Plan,</p>	<p>THEN <i>Submit</i> a periodic SSM report consisting of a letter stating that a SSM occurred during the reporting period, that actions taken were consistent with the SSM Plan. The letter must be signed by the owner or other responsible official who is certifying the accuracy of the report.</p> <p>WHEN Unless otherwise specified in a relevant standard or unless the reporting period is changed using the procedures of §63.10 (e):</p> <ul style="list-style-type: none"> • Either <i>submit</i> this report semiannually no later than 30 days after the end of each calendar half (or other calendar reporting period, as appropriate), or • If applicable, <i>submit</i> this report simultaneously with excess emissions and CMS performance (or other periodic) reports.

§63.10(d)(5)(ii) Immediate startup, shutdown, and malfunction (SSM) reports.	
<p>IF You take <i>an action</i> during a startup, shutdown, or malfunction that is <i>not consistent</i> with the procedures specified in your <i>SSM plan</i>,</p>	<p>THEN & WHEN Report the inconsistent action (via phone or FAX) <i>within 2 working days</i> after commencing inconsistent actions. Follow this with a letter <i>delivered or postmarked within 7 working days</i>. The letter must contain:</p> <ul style="list-style-type: none"> • The name, title, and signature of the owner or operator or other responsible official who is certifying its accuracy. • Explanation of the circumstances of the startup, shutdown, or malfunction event, • Reasons why SSM plan was not followed, • Statement as to whether or not excess emissions and/or parameter monitoring exceedances may have occurred. <p>Note: After the effective date of an approved permit program in the State, <i>you may make alternative reporting arrangements</i>, in advance, with the permitting authority per §63.9(i).</p>
§63.10(e) Additional reporting requirements for sources with continuous monitoring systems.	
<p>IF You use <i>more than one</i> CEMS to measure the emissions from <i>one</i> affected source (e.g., multiple breechings, multiple outlets),</p>	<p>THEN Report the results as required for each CEMS. [§63.10(e)(1)]</p>
<p>IF A relevant standard requires that you install a CMS,</p>	<p>THEN & WHEN <i>Submit</i> a CMS performance evaluation report (§63.8(e)) simultaneously with the results of the performance test (§63.7). [§63.10(e)(2)(i)]</p>
<p>IF You want to use a <i>COMS to demonstrate opacity compliance during any performance test</i> (See §63.7 and §63.6(d)(6)),</p>	<p>THEN & WHEN <i>Submit</i> two copies of the results of COMS Performance Evaluation conducted per §63.8(e) at least <i>15 days before the performance test</i> is conducted. [§63.10(e)(2)(ii)]</p>

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<p>IF A relevant standard requires that you install a CMS,</p>	<p>THEN <i>Submit</i> an “Excess Emissions and CMS Performance Report and/or a summary report. Refer to <i>Implementation Guide VIII</i> on page 112C-58. You may submit a Summary Report in lieu of this report if you meet the criteria specified in §63.10(e)(3)(vi)-(vii).</p> <p>WHEN <i>Submit</i> no later than 30 days after the end of each reporting period. The reporting period is:</p> <ul style="list-style-type: none"> • Semiannually, or • More frequently if specifically required by a relevant standard. • More frequently if specifically required by the Administrator on a case-by-case basis. <p>[§63.10(e)(3)(i) and (v)]</p>
<p>IF You are required to submit <i>excess emissions and CMS performance</i> (and/or summary) reports on a quarterly (or more frequent) basis,</p>	<p>THEN You <i>may request to reduce the frequency of reporting</i> to semiannual if all of the following conditions are met:</p> <ul style="list-style-type: none"> • For 1 full year (e.g., 4 quarterly or 12 monthly reporting periods) excess emissions and CMS performance reports continually demonstrate compliance. • You continue to comply with all recordkeeping and monitoring requirements. • The Administrator does not object to a reduced frequency of reporting. [§63.10(e)(3)(ii)-(iii)]
<p>IF The Administrator <i>disapproves your request</i> to reduce the frequency of reporting,</p>	<p>THEN The Administrator must <i>notify</i> you in writing within 45 days after receiving notice of the your intention. The Administrator's notification must <i>specify the reasons for disapproval</i>. [§63.10(e)(3)(iii)]</p>
<p>IF You <i>do not receive a notice</i> of disapproval within 45 days,</p>	<p>THEN Approval is <i>automatically</i> granted. [§63.10(e)(3)(iii)]</p>
<p>IF Your CMS <i>data indicate</i> that your source is <i>not in compliance</i>,</p>	<p>THEN</p> <ul style="list-style-type: none"> • Your reporting frequency <i>reverts to the frequency specified in the relevant standard</i>, and • You must submit an excess emissions and CMS performance (and summary) report for the noncomplying emission points at the next appropriate reporting period following the noncomplying event. <p>Note: If you demonstrate ongoing compliance for another full year after the noncomplying event, you may again request approval to reduce the frequency of reporting per §63.10(e)(3)(ii)-(iii). [§63.10(e)(3)(iv)]</p>

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<p>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,</p>	<p>THEN Submit a Summary Report in lieu of the full Excess Emissions and CMS Performance Report. Submit one Summary Report for each affected source. The title of the summary report must be "Summary Report - Gaseous and Opacity Excess Emission and Continuous Monitoring System Performance". Refer to Implementation Guide IX on page 112C-59 for guidance on preparing this report. [§63.10(e)(3)(vi)-(vii)]</p>
<p>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,</p>	<p>THEN Submit both the Summary Report and the Excess Emissions and Continuous Monitoring System Performance Report. Refer to Implementation Guides VIII and IX. [§63.10(e)(3)(viii)]</p>
<p>IF A relevant standard requires that you install a COMS,</p>	<p>THEN & WHEN Record the COMS data produced during a required performance test (§63.7) and submit a report of the COMS data results simultaneously with the report of the performance test results. Refer to §63.10(d)(2) for submission deadlines. [§63.10(e)(4)]</p>
<p>§63.10(f) Waiver of recordkeeping or reporting requirements. This section contains procedures for requesting a waiver of recordkeeping or reporting requirements. The Administrator can approve a waiver request if the source is complying with the relevant standard(s), or the source is operating under an extension of compliance, or the Administrator is still considering an extension of compliance request. Important note: if you request an extension of compliance you should also request a waiver of recordkeeping and reporting requirements.</p>	

§63.11 Control device requirements.

Note: This section currently contains only requirements for flares. EPA will add subsections for other control devices, as needed.

<p>IF A relevant standard requires the use of a control device included in this section and refers directly or indirectly to §63.11 control devices requirements,</p>	<p>THEN You must comply with the requirements for the specific control device. [§63.11(a)]</p>
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IF You are using a flare to comply with the requirements of a relevant standard,	THEN You must comply with all applicable flare requirements in §63.11(b)(1) - (8). [§63.11(b)]
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§63.12 State authority and delegations.

State agencies may:

- Adopt and enforce more stringent requirements;
- Require you to obtain permits, licenses, or approvals prior to initiating construction, reconstruction, modification, or operation of a source; or
- Require emission reductions in excess of those specified in 40 CFR Part 63 Subpart D as a condition for granting the 6-year compliance extension. [§63.12(a)]

Note: CAA §112(l) directs the Administrator to delegate to each State the authority to implement and enforce standards and other requirements for stationary sources. Because of the unique nature of radioactive material, delegation of authority to implement and enforce standards that control radionuclides may require separate approval. [§63.12(b)(1)]

Note: 40 CFR Part 63 Subpart E establishes procedures consistent with §112(l) for the approval of State rules or programs to implement and enforce applicable federal rules per CAA §112. Subpart E also establishes procedures for the review and withdrawal of CAA §112 implementation and enforcement authorities granted through a CAA §112(l) approval. [§63.12(b)(2)]

Note: All information required to be submitted to the EPA must be submitted to the appropriate State agency to which authority has been delegated under §112(l). Each State that has received §112(l) delegation must be able to exempt sources from certain Federal or State reporting requirements. The Administrator may permit all or some of the information to be submitted to the appropriate State agency only, instead of to the EPA and the State agency. [§63.12(c)]

§63.13 Addresses of State air pollution control agencies and EPA Regional Offices.

IF You are directed to <i>submit requests, reports, applications, submittals, and other communications</i> to the Administrator:	THEN You must <i>submit</i> the information to: <ul style="list-style-type: none"> • The appropriate EPA Regional Office. §63.13 contains the addresses for EPA Regional Offices. [§63.13(a)] AND ALSO TO <ul style="list-style-type: none"> • The appropriate State agency of any State to which authority has been delegated. Your EPA Regional Office will provide addresses for state agencies which have delegated authority. [§63.13(b)]
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IF Any State requires a submittal that contains all the information required in an application, notification, request, report, statement, or other communication required in this part,	THEN You may send the appropriate Regional Office of the EPA a copy of that submittal to satisfy the requirements for that communication. [§63.13(c)]
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§63.14 Incorporations by reference.

This section lists references that are incorporated into 40 CFR 63.

§§63.15 Availability of information and confidentiality.

§63.15(a) Availability of information.

ITEMS COLLECTED BY THE ADMINISTRATOR WILL BE AVAILABLE TO THE PUBLIC INCLUDING:

All reports	All notifications of compliance status
All records	All excess emissions reports
All permit applications	All continuous monitoring systems performance reports
All compliance plans	All Title V Permits

With the exception of information protected through 40 CFR 63 part 2, all reports, records, and other information collected by the Administrator under this part are available to the public. In addition, a copy of each permit application, compliance plan (including the schedule of compliance), notification of compliance status, excess emissions and continuous monitoring systems performance report, and Title V Permit is available to the public, consistent with protections recognized in section 503(e) of the Act. [§63.15(a)(1)]

The availability to the public of information provided to or otherwise obtained by the Administrator under this part must be governed 40 CFR 63 part 2 of this chapter. [§63.15(a)(2)]

§63.15(b) Confidentiality.

If you are required to submit information entitled to protection from disclosure under CAA §114(c) you may submit such information separately and the requirements of CAA §114(c) must apply. [§63.15(b)(1)]

The contents of a Title V Permit are not entitled to protection under CAA §114(c); however, information submitted as part of an application for a Title V Permit may be entitled to protection from disclosure. [§63.15(b)(2)]

IMPLEMENTATION GUIDE I

Application for Approval of Construction or Reconstruction Required by §63.5(d) and/or Initial Notification of Construction or Reconstruction Required by §63.9(b)(5)

*Note: This submittal is required when a **major source** is constructed or reconstructed or an **area source** is reconstructed such that it becomes a **major source**.*

Per §63.5(d)(1)(ii), submit at a minimum the following information:

- Applicant's name and address.
- A notification of intention to construct or reconstruct a major affected source.
- Address or proposed address of the source.
- Identification of the relevant standard that is the basis of the application.
- Expected commencement date of the construction or reconstruction.
- Expected completion date of the construction or reconstruction.
- Anticipated date of (initial) startup of the source.
- Type and quantity of HAPs emitted by the source, reported in units and averaging times required by test methods specified in the relevant standard. If actual emissions data are not yet available, provide an estimate of the type and quantity of HAPs 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, must be included to the extent that they demonstrate performance and compliance.

Per §63.5(d)(2), if the application is for approval of **construction**, also submit technical information:

- Description of the proposed source including: the proposed nature, size, design, operating design capacity, and method of operation of the source, and identification of each emission point for each HAP that is (or could be) emitted.
- Description of the planned air pollution control system (equipment or method) for each emission point. These descriptions must include the estimated control efficiency (percent) for each control device (or method).

Per §63.5(d)(3), if the application is for approval of **reconstruction**, also submit:

- Brief description of the affected source and the components being replaced.
- Description of existing and proposed emission control systems (equipment or methods) for each emission point. These descriptions must include the estimated control efficiency (percent) for each control device (or method).
- Declaration that there are **no** economic or technical limitations to prevent the reconstructed source from complying with all relevant standards or other requirements, if applicable.

IMPLEMENTATION GUIDE I

- If there are economic or technical limitations that would prevent the reconstructed source from complying with all relevant standards or other requirements, then also submit
- Estimate of the fixed capital cost of the replacements and of constructing a comparable entirely new source.
- Estimated life of the affected source after the replacements.
- Detailed discussion of any economic or technical limitations the source may have in complying with relevant standards or other requirements after the proposed replacements.

Important Notes:

If you submit estimates or preliminary information instead of actual information:

- Provide calculations of emission estimates in sufficient detail to permit assessment of the validity of the calculations.
- Submit the actual correct information as soon as it becomes available but no later than the notification of compliance status required by 63.9(h)(5). [§63.5(d)(1)(iii) and (2)]

The Administrator may request additional relevant information after the submittal of an application for approval of construction or reconstruction. [§63.5(d)(4)]

IMPLEMENTATION GUIDE II

Startup, Shutdown, and Malfunction Plan Required by §63.6(e)

Note: This information is essentially the same as that provided in §63.6(e).

PURPOSE The purpose of the startup, shutdown, and malfunction (SSM) plan is to--

- Ensure that source operation is consistent with good air pollution control practices for minimizing emissions at least to the levels required by all relevant standards;
- Ensure that owners or operators are prepared to correct malfunctions as soon as practicable after their occurrence
- Reduce the reporting burden associated with periods of SSM.

SSM PLAN REQUIREMENTS List (in detail) the procedures to be used to operate and maintain the source during SSM. Identify possible malfunction scenarios, including malfunctions to monitoring systems and a program for corrective actions, review of operation and maintenance records and inspection of the source. As required under §63.8(c)(1)(i), identify all routine or otherwise predictable CMS malfunctions.

DEADLINE The plan is due by the source's compliance date and is to be incorporated by reference into the Title V Permit.

RECORDS Keep records to demonstrate that the procedures specified in the plan were followed. These records may take the form of a "checklist," or other form of recordkeeping, that confirms conformance with the plan. Also per §63.10(b) include records of the occurrence and duration of each SSM of the source and each malfunction of the air pollution control equipment.

In the semiannual (or more frequent) report required by §63.10(d)(5), confirm that actions taken during the reporting period during periods of SSM were consistent with the plan.

Occasionally, you may need to take an action during periods of SSM that is not consistent with the procedures specified in your SSM plan. When this happens you must do the following:

- Keep a record the inconsistent actions taken for that event.
- Report these actions to the permitting authority within 2 working days. This report can be made via telephone or facsimile. However, if you submit by facsimile you should confirm receipt.
- Submit a letter to the permitting authority within 7 working days after the end of the event.

Note: The 2 and 7 day deadlines apply unless you make alternative reporting arrangements with the permitting authority [see §63.10(d)(5)(ii)].

Keep the SSM plan on record after it is developed. It must be made available for inspection for the life of the affected source or until no longer subject to the General Provisions. If the SSM plan is revised, keep previous (i.e., superseded) versions on record for 5 years after each revision.

It is acceptable to use the standard operating procedures (or other pre-prepared documents) for the source as the plan if it meets the requirements.

IMPLEMENTATION GUIDE II

REVISIONS The Administrator may require reasonable revisions to plan, if the plan:

- Does not address a SSM event that has occurred;
- Fails to provide for the operation of the source (including associated air pollution control equipment) during a SSM in a manner consistent with good air pollution control practices for minimizing emissions at least to the levels required by all relevant standards; or
- Does not provide adequate procedures for correcting malfunctioning process and/or air pollution control equipment as quickly as practicable.
- If the plan inadequately addresses a malfunction event that has occurred, you must revise the plan within 45 days after the event. Include detailed procedures for operating and maintaining the source during similar malfunction events and a program of corrective actions of process or air pollution control equipment.

IMPLEMENTATION GUIDE III

Request for Extension of Compliance

Note: This information is essentially the same as that provided in §63.6(i)(6).

A request for one of the compliance extensions identified in §63.6(i)(4) must include the following information:

- Description of the controls to be installed to comply with the standard;
- Compliance schedule. Specify, at a minimum, the following dates by which each step toward compliance will be reached:
 1. The date by which contracts for emission control systems or process changes for emission control will be awarded, or the date by which orders will be issued for the purchase of component parts to accomplish emission control or process changes;
 2. The date by which on-site construction, installation of emission control equipment, or a process change is to be initiated;
 3. The date by which on-site construction, installation of emission control equipment, or a process change is to be completed; and
 4. The date by which final compliance is to be achieved;
- Description of interim emission control steps that will be taken during the extension period, including milestones to assure proper operation and maintenance of emission control and process equipment; and
- Indicate whether the owner or operator is also requesting an extension of other applicable requirements (e.g., performance testing requirements).

A request for the compliance extension identified in §63.6(i)(5) must include all information needed to demonstrate that the installation of BACT/LAER controls the same pollutant (or stream of pollutants) that would be controlled at that source by the relevant emission standard.

IMPLEMENTATION GUIDE IV

Initial Notification Required by §63.9(b)

The initial notification required by **§63.9(b)(2) and (3)** must provide the following information:

- Name and address of the owner or operator.
- Address (i.e., physical location) of the affected source.
- Identification of the relevant standard, or other requirement, that is the basis of the notification.
- The source's compliance date.
- Brief description of the nature, size, design, and method of operation of the source, including its operating design capacity and an identification of each point of emission for each hazardous air pollutant, or if a definitive identification is not yet possible, a preliminary identification of each point of emission for each hazardous air pollutant.
- A statement of whether the affected source is a major source or an area source.

IMPLEMENTATION GUIDE V

Notification Of Compliance Status Required by §63.9(h)

The notification of compliance status required by §63.9(h)(1) thru (2) must include the following information:

- The methods that were used to determine compliance;
- 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;
- The methods that will be used for determining continuing compliance, including a description of monitoring and reporting requirements and test methods;
- The type and quantity of HAPs emitted by the source (or surrogate pollutants if specified in the NESHAP), reported in units and averaging times and in accordance with the test methods specified in the NESHAP;
- An analysis demonstrating whether the affected source is a major source or an area source (using the emissions data generated for this notification);
- A description of the air pollution controls (or method) for each emission point, including each control device (or method) for each HAP and the control efficiency (percent) for each control device (or method); and
- A statement as to whether the source has complied with the relevant standard or other requirements.
- Other information, if required by the NESHAP.

IMPLEMENTATION GUIDE VI

General Recordkeeping Requirements per §63.10(b)(2)

For your affected sources, you must maintain relevant records and files of:

- The occurrence and duration of each SSM of operation (i.e., process equipment);
- The occurrence and duration of each malfunction of the air pollution control equipment;
- All maintenance performed on the air pollution control equipment;
- Actions taken during periods of SSM (including corrective actions to restore malfunctioning process and air pollution control equipment to its normal or usual manner of operation) when such actions are different from the procedures specified in the affected source's SSM plan [see §63.6(e)(3)];
- All information necessary to demonstrate conformance with the affected source's SSM plan [see §63.6(e)(3)] when all actions taken during periods of SSM (including corrective actions to restore malfunctioning process and air pollution control equipment to its normal or usual manner of operation) are consistent with the procedures specified in such plan. (The information needed to demonstrate conformance with the SSM plan may be recorded using a "checklist," or some other effective form of recordkeeping, in order to minimize the recordkeeping burden for conforming events);
- Each period during which a CMS is malfunctioning or inoperative (including out-of-control periods);
- All required measurements needed to demonstrate compliance with a relevant standard (including, but not limited to, 15-minute averages of CMS data, raw performance testing measurements, and raw performance evaluation measurements, that support data that the source is required to report); (*Note: On 11 Sep 96, EPA proposed to revise this requirement to allow the 15-minute averages to be discarded under certain circumstances.*)
- All results of performance tests, CMS performance evaluations, and opacity and visible emission observations;
- All measurements as may be necessary to determine the conditions of performance tests and performance evaluations;
- All CMS calibration checks;
- All adjustments and maintenance performed on CMS;
- Any information demonstrating whether a source is meeting the requirements for a waiver of recordkeeping or reporting requirements under this part, if the source has been granted a waiver under §63.10(f);
- All emission levels relative to the criterion for obtaining permission to use an alternative to the relative accuracy test, if the source has been granted such permission under §63.8(f)(6); and
- All documentation supporting initial notifications and notifications of compliance status under §63.9.

IMPLEMENTATION GUIDE VII

Recordkeeping Requirements for Sources with Continuous Monitoring Systems (CMS) per §63.10(c)

Affected sources required to install a CMS must maintain records of:

- All required CMS measurements (including monitoring data recorded during unavoidable CMS breakdowns and out-of-control periods);
- The date and time identifying each period during which the CMS was inoperative except for zero (low-level) and high-level checks;
- The date and time identifying each period during which the CMS was out of control, as defined in §63.8(c)(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 SSM of the affected source;
- 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 SSM of the affected source;
- The nature and cause of any malfunction (if known);
- The corrective action taken or preventive measures adopted;
- The nature of the repairs or adjustments to the CMS that was inoperative or out of control;
- The total process operating time during the reporting period; and
- All procedures that are part of a quality control program developed and implemented for CMS under §63.8(d).
- In order to satisfy the requirements items 10 through 12 above and to avoid duplicative recordkeeping efforts, the owner or operator may use the affected source's SSM plan or records kept to satisfy the recordkeeping requirements of SSM plan specified in §63.6(e), provided that such plan and records adequately address the requirements of items 10 through 12.

IMPLEMENTATION GUIDE VIII

Excess Emissions and Continuous Monitoring Systems (CMS) Reports Required by §63.10(e)(i)-(v)

Reports must contain:

- The date and time identifying each period during which the CMS was inoperative except for zero (low-level) and high-level checks;
- The date and time identifying each period during which the CMS was out of control, as defined in §63.8(c)(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 SSM of the affected source;
- 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 SSM of the affected source;
- The nature and cause of any malfunction (if known);
- The corrective action taken or preventive measures adopted;
- The nature of the repairs or adjustments to the CMS that was inoperative or out of control;
- The total process operating time during the reporting period; and
- All information concerning CMS “out of control” periods, including start date and hour (the beginning of the out-of-control period is the hour that a performance check such as a calibration drift (CD) indicates an exceedance), end date and hour (the end of the out-of-control period is the hour following the completion of corrective action and successful demonstration that the system is within the allowable limits), and description of corrective actions taken and retesting.
According to §63.8(c)(7)-(8) A CMS is out of control if:
 - ⇒ The zero (low-level), mid-level (if applicable), or high-level calibration drift (CD) exceeds two times the applicable CD specification in the applicable performance specification or in the relevant standard; or
 - ⇒ The CMS fails a performance test audit (e.g., cylinder gas audit), relative accuracy audit, relative accuracy test audit, or linearity test audit; or
 - ⇒ The COMS CD exceeds two times the limit in the applicable performance specification in the relevant standard.
- Any other information required by the relevant standard.
- If no excess emissions or exceedances have occurred, or a CMS has not been inoperative, out of control, repaired, or adjusted, then state such facts in the report.
- The name, title, and signature of the responsible official certifying the reports accuracy.

IMPLEMENTATION GUIDE IX

Summary Report Gaseous and Opacity Excess Emission and Continuous Monitoring System Performance Required by §63.10(e)(3)(vi)

As required under §63.10(e)(3)(vii) and §63.10(e)(3)(viii), one summary report must 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 must be entitled "Summary Report - Gaseous and Opacity Excess Emission and Continuous Monitoring System Performance" and must contain the following information:

- The company name and address of the affected source;
- An identification of each hazardous air pollutant monitored at the affected source;
- The beginning and ending dates of the reporting period;
- A brief description of the process units;
- The emission and operating parameter limitations specified in the relevant standard(s);
- The monitoring equipment manufacturer(s) and model number(s);
- The date of the latest CMS certification or audit;
- The total operating time of the affected source during the reporting period;
- An emission data summary (or similar summary if you monitor 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;
- A CMS performance summary (or similar summary if you monitor 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;
- A description of any changes in CMS, processes, or controls since the last reporting period;
- The name, title, and signature of the responsible official certifying the reports accuracy; and
- The date of the report.

Plain Language Guide to the NESHAP General Provisions

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TIMING OF GENERAL PROVISIONS ACTIVITIES

Section	Activity	Timeline	Existing	New or Reconst. Sources
Construction and Reconstruction				
63.5(d)(1)(i)	Owner/operator (O/o) submit application for approval of construction or reconstruction	As soon as practicable before construction or reconstruction that commences after the effective date; as soon as practicable <i>[before startup]</i> but at least 60 days after the effective date for sources that commence construction or reconstruction before the effective date		X
63.5(e)(2)(i)	Administrator response period to approve application or notify o/o of intent to deny begins when the submittal is complete	Within 60 days; status report to o/o within 30 days of receipt of original application or supplementary info.		X
63.5(e)(2)(ii)	O/o respond with additional information to Administrator's notice of incomplete application	Within 30 days		X
63.5(e)(3)(ii)	O/o respond with additional information to Administrator's notice of intent to deny application	Within 30 days		X
63.5(e)(4)	Final action by Administrator on application	Within 60 days from presentation of final arguments or within 60 days after date specified for presentation if none is made		X

TIMING OF GENERAL PROVISIONS ACTIVITIES--Feb99 Update (Continued)

Section	Activity	Timeline	Existing	New or Reconst. Sources
Compliance with Standards and Maintenance				
63.6(b)(1)	If initial startup before effective date of relevant standard (RS) - o/o comply with RS effective date	RS effective date		X
63.6(b)(2)	If initial startup after effective date of RS - o/o comply with standard under 112(d), 112(f), or 112(h)	At startup of source		X
63.6(b)(3)	Construction or reconstruction is after proposal under 112(d), 112(f), or 112(h) but before effective date (if promulgated standard more stringent than proposed and o/o complies with proposed standard during 3-year period immediately after effective date) - o/o shall comply with final standard	No later than 3 years after promulgation date		X
63.6(b)(4)	Construction or reconstruction is after proposal of RS under 112(d) but before proposal date of RS under 112(f) - o/o shall comply with emission standard under 112(f)	No later than 10 years after construction or reconstruction commenced unless 112(f) is promulgated more than 10 years after construction or reconstruction commenced {then refer to (b)(1), (b) (2)}		X
63.6(b)(7)	Any new area source that becomes an affected major source - o/o shall comply	Upon becoming a major source		X
63.6(c)(1)	O/o shall comply with standard under 112(d) or 112(h)	Compliance date in RS not to exceed 3 years	X	
63.6(c)(2)	O/o shall comply with standard under 112(f)	No later than 90 days after standard's effective date	X	
63.6(c)(5)	Any existing area source that becomes a major source	By the date specified in the RS for existing (area) sources	X	
63.6(e)(3)(iv)	If actions taken during startup, shutdown, or malfunction (SSM) are not consistent with SSM plan	Report actions within 2 working days with letter following within 7 working days after the end of the event	X	X
63.6(e)(3)(viii)	O/o shall revise the SSM plan if a malfunction occurs that is not addressed in the plan	Within 45 days after the event	X	X

TIMING OF GENERAL PROVISIONS ACTIVITIES--Feb99 Update (Continued)

Section	Activity	Timeline	Existing	New or Reconst. Sources
63.6(h)(4)	O/o shall notify Administrator of anticipated date for conducting opacity or visible emissions observations	60 days before observations	X	X
63.6(h)(5)(i)(A)	Opacity or visible emissions observations: If no performance test required under §63.7, observations shall be conducted	Within 60 days after achieving maximum production rate and no later than 120 days after initial startup or effective date of RS		X
63.6(h)(5)(i)(A)	Opacity or visible emissions observations: If no performance test required under §63.7, observations shall be conducted	Within 120 days after compliance date	X	
63.6(h)(5)(i)(B)	If unable to perform opacity/visible emission observations within time frame, reschedule	As soon as possible, but not later than 30 days after initial performance test date	X	X
63.6(h)(7)(ii)	If o/o submits COMS data for compliance with opacity emission standard, notify Administrator in writing	Simultaneous with notification of performance test	X	X
63.6(i)(4)(i)(B)	O/o request for extension of compliance with RS under 112(d) [not to exceed 1 year (3 years if mining waste operations)-see 63.6(i)(4)(i)(A)]	No later than 12 months before compliance date if no emission points in an emissions average; no later than 18 months if including emission points	X	
63.6(i)(4)(ii)	Request for extension of compliance with RS under 112(f) (maximum of 2 years)	No later than 15 days after effective date or RS	X	
63.6(i)(5)	Request for extension of compliance with RS when BACT or LAER controls installed [until 5 years after installation-see 63.6(i)(2)(ii)]	No later than 120 days after promulgation date of RS	X	
63.6(i)(12)(i)	Administrator/State will notify o/o of approval or intention to deny request for extension of compliance under 112(d)	Within 30 days or receipt of sufficient information	X	
63.6(i)(12)(i)	Administrator/State will notify o/o of status of application [112(d)]	Within 30 days after receipt of original information/ supplementary information	X	
63.6(i)(12)(ii)	O/o shall submit supplementary information if required [112(d)]	Within 30 days of notice from Administrator	X	

TIMING OF GENERAL PROVISIONS ACTIVITIES--Feb99 Update (Continued)

Section	Activity	Timeline	Existing	New or Reconst. Sources
63.6(i)(12)(iii)(B)	If o/o is notified of intent to deny extension, o/o may present additional information or arguments [112(d)]	Within 15 days from receipt of notice of intent to deny	X	
63.6(i)(12)(iv)	Final determination of denial due [112(d)]	30 days after presentation of information or arguments; or 30 days after the final date specified for presentation	X	
63.6(i)(13)(i)	Administrator will notify o/o of approval or intent to deny for RS under 112(f) after receipt of sufficient information	Within 30 days	X	
63.6(i)(13)(i)	Administrator will notify o/o of status of application [112(f)]	Within 15 days after receipt	X	
63.6(i)(13)(ii)	O/o is allowed to present additional information/arguments [112(f)]	Within 15 days after notification	X	
63.6(i)(13)(iii) (B)	Administrator will notify o/o of intent to deny with o/o allowed to present additional information/arguments [112(f)]	Within 15 days	X	
63.6(i)(13)(iv)	Administrator will make final determination [112(f)]	Within 30 days after final date of presentation	X	

TIMING OF GENERAL PROVISIONS ACTIVITIES--Feb99 Update (Continued)

Section	Activity	Timeline	Existing	New or Reconst. Sources
Performance Testing Requirements				
63.7(a)(2)(i)	Performance test required for new source with initial startup date before effective date	Within 180 days after effective date of RS		X
63.7(a)(2)(ii)	Performance test required for new source that has an initial startup date after effective date	Within 180 days after initial startup		X
63.7(a)(2)(iii)	Performance test required for existing source under 112(d) standard	Within 180 days after compliance date in RS; or within 180 days after initial startup	X	
63.7(a)(2)(iv)	Performance test required for existing source under 112(f) standard	Within 180 days after compliance date	X	
63.7(a)(2)(v)	Performance test required after termination of compliance extension	Within 180 days after termination date	X	
63.7(a)(2)(vi)	Performance test required for new source subject to RS under 112(f) and construction/ reconstruction is commenced after proposal date of standard under 112(d) but before proposal date of RS under 112(f)	Within 180 days after compliance date		X
63.7(a)(2)(ix)	Conduct performance testing - if promulgated standard than proposed	Within 180 days after startup (as proposed) and within 3 years and 180 days after startup (as promulgated) standard within 180 days		X
63.7(b)(1)	O/o shall notify Administrator of intention to conduct performance test	At least 60 days before performance test is conducted	X	X
63.7(b)(2)	O/o shall notify Administrator of delay in test due to unforeseeable circumstances and specify revised test dates	Within 5 days prior to originally scheduled test date	X	X
63.7(c)(2)(iv)	O/o shall submit site-specific test plan (SSTP) to Administrator upon request	At least 60 days before performance test is conducted or at a mutually agreed upon schedule	X	X

TIMING OF GENERAL PROVISIONS ACTIVITIES--Feb99 Update (Continued)

Section	Activity	Timeline	Existing	New or Reconst. Sources
63.7(c)(3)(i)	Administrator will notify o/o of approval or intent to deny SSTP (if review of SSTP requested)	Within 30 days after receipt of plan and within 30 days after receipt of additional information	X	X
63.7(c)(3)(i)(B)	O/o may provide additional information after notice of intent to deny (if review of SSTP requested)	Within 30 days after receipt of notice of intent to deny	X	X
63.7(c)(3)(ii)(A)	If the Administrator does not approve SSTP within time period specified in 63.7(c)(3)(i), and the o/o intends to use the methods specified in the standard, the o/o shall conduct test	Within the time specified in the section	X	X
63.7(c)(3)(ii)(B)	If the Administrator does not approve use of alternative method within 30 days of the test, the test date may be extended	Within 60 days after approval	X	X
63.7(c)(4)(i)	O/o shall request performance audit materials	45 days prior to test date	X	X
63.7(f)(2)(i)	If o/o uses alternative test method other than in RS, the o/o shall notify the Administrator of intent and submit results of Method 301 validation	No later than with submission of SSTP; or at least 60 days before the performance test if a SSTP is not submitted	X	X
63.7(g)(1)	Report results of performance test including analysis of samples, raw data, and emissions determination	Within 60 days after each test is completed	X	X
63.7(h)(3)(i)	Request waiver of initial performance test	Accompany request for extension of compliance; or at least 60 days before performance test if SSTP not submitted	X	X
63.7(h)(3)(ii)	Request waiver of subsequent performance test	At least 60 days before the performance test	X	X

TIMING OF GENERAL PROVISIONS ACTIVITIES--Feb99 Update (Continued)

Section	Activity	Timeline	Existing	New or Reconst. Sources
Monitoring Requirements				
63.8(c)(1)(i)	O/o shall repair any routine CMS malfunctions as defined by SSM plan	Immediately	X	X
63.8(c)(1)(ii)	O/o shall provide initial notification followed by a follow-up report that certifies nonroutine CMS repairs are complete or provides a corrective action plan and schedule	Initial report within 24 hours after commencing actions inconsistent with the plan; follow-up report within 2 weeks	X	X
63.8(c)(3)	CMS shall be installed, operational, and data verified	Either prior to or in conjunction with performance test	X	X
63.8(c)(6)	O/o shall check the zero and high level calibration drifts of CMS	Once daily	X	X
63.8(d)(2)	O/o shall submit a site-specific performance evaluation test plan for CMS performance upon request	See (e)(3)	X	X
63.8(d)(3)	Quality Control Program: O/o using CMS system and subject to monitoring shall develop CMS quality control program	Current version on file; keep previous versions for 5 years	X	X
63.8(e)(2)	O/o shall notify Administrator of date of CMS performance evaluation	Simultaneous with notification of performance test under §63.7(b) or at least 60 days prior to evaluation	X	X
63.8(e)(3)(iii)	O/o shall submit site-specific performance evaluation test plan upon request	At least 60 days before the performance test or performance evaluation is conducted or at a mutually agreed upon schedule	X	X
63.8(e)(3)(v)(A)	If the Administrator does not approve the site-specific performance evaluation plan within the time period specified and the o/o intends to use monitoring methods specified in the standard, the o/o shall conduct the performance evaluation	Within time specified in 63.7(c)(3)	X	X

TIMING OF GENERAL PROVISIONS ACTIVITIES--Feb99 Update (Continued)

Section	Activity	Timeline	Existing	New or Reconst. Sources
63.8(e)(3)(v)(B)	If the Administrator does not approve use of the alternative method within 30 days of the performance evaluation, o/o may receive extension to conduct evaluation	60 days after approval	X	X
63.8(e)(4)	If a performance test is not required, or has been waived, the o/o shall conduct performance evaluation	No later than 180 days after compliance date	X	X
63.8(e)(5)(i)	O/o shall submit results of performance evaluation	Simultaneous with results of performance test under §63.7 or within 60 days of completion of evaluation if no test required	X	X
63.8(e)(5)(ii)	For COMS, submit to Administrator copies of written report of results of COMS performance evaluation if being used for performance test under opacity compliance	At least 15 days before performance test under §63.7	X	X
63.8(f)(4)(i)	Request for use of an alternative monitoring method may be submitted to Administrator	Anytime, provided it is not used to demonstrate compliance with RS	X	X
63.8(f)(4)(i)	If alternative monitoring method is to be used to demonstrate compliance with RS, submit application	No later than with SSTP under §63.7 (c) (if requested) or with site-specific performance evaluation plan (if requested) or at least 60 days before the performance evaluation	X	X
63.8(f)(5)(i)	Administrator will notify o/o of approval or intent to deny use of alternative monitoring method	Within 30 days of receipt of original request or additional information	X	X
63.8(f)(5)(i)(B)	O/o may respond with additional information to the Administrator's notice of intent to deny	As specified by the Administrator	X	X
63.8(f)(6)(iii)	O/o shall notify Administrator if the source exceeds relative accuracy test criterion	Within 10 days of occurrence	X	X

TIMING OF GENERAL PROVISIONS ACTIVITIES--Feb99 Update (Continued)

Section	Activity	Timeline	Existing	New or Reconst. Sources
Notification Requirements				
63.9(b)(2)	If source has initial startup before effective date of RS, o/o shall notify Administrator that the source is subject to standard	No later than 120 days after effective date	X	X
63.9(b)(3)	If source has initial startup after effective date and application for approval of construction or reconstruction is not required, o/o shall notify Administrator that source is subject to standard	No later than 120 days after initial startup		X
63.9(b)(4)	If initial startup is after effective date and application for approval of construction or reconstruction is required, o/o shall notify Administrator of:			X
	• Intent to construct/reconstruct	As soon as practicable before construction or reconstruction but no sooner than the effective date of standard		X
	• When construction/reconstruction commenced	No later than 30 days after commencement		X
	• Actual date of startup	Within 15 days after startup		X
63.9(b)(5)	After the effective date of RS, if o/o intends to construct/reconstruct, o/o shall notify Administrator	As soon as practicable before construction or reconstruction but no sooner than the effective date of standard		X
63.9(b)(5)	O/o shall notify the Administrator if construction/reconstruction has commenced and initial startup has not occurred before effective date	As soon as practicable before construction or reconstruction but no later than 60 days after effective date of standard		X
63.9(c)	If o/o cannot comply with RS by compliance date or if the o/o has installed BACT/LAER, o/o may submit a compliance extension request	In accordance with §63.6(i)(4) through (i)(6)	X	X
63.9(d)	If o/o is subject to special compliance requirements [§63.6(b)(3) and (4)], o/o shall notify Administrator of compliance obligations	No later than notifications listed in 63.9(b) for new sources		X

TIMING OF GENERAL PROVISIONS ACTIVITIES--Feb99 Update (Continued)

Section	Activity	Timeline	Existing	New or Reconst. Sources
63.9(e)	Notify Administrator of intent to conduct performance test	60 days before test	X	X
63.9(f)	Notify Administrator of anticipated date for conducting opacity or visible emission observations if required by RS	Submit with notice of intent to conduct performance test (60 days prior)	X	X
63.9(f)	Opacity or visible emissions observations: If no performance test required under §63.7, or visibility or other conditions prevent observations, notify Administrator	No less than 30 days before observations	X	X
63.9(g)(1)	If required to use CMS, notify the Administrator of the date CMS performance evaluation is scheduled to begin	Simultaneous with notification of test date under §63.7(b)	X	X
63.9(g)(1)	If performance test not required or waived, notify Administrator of the date of performance evaluation	60 days before evaluation		
63.9(g)(2)	Notify Administrator if COMS data will be used to determine compliance with opacity emission standard	60 days before performance test	X	X
63.9(g)(3)	Notify Administrator if criterion necessary to continue use of alternative accuracy testing has been exceeded	No later than 10 days after occurrence	X	X
63.9(h)(2)(ii)	If not permitted, notify Administrator of compliance status following completion of the relevant compliance demonstration activity specified in the RS	Within 60 days, unless notifying compliance with opacity or visible emission standard, which shall be submitted within 30 days	X	X
63.9(h)(3)	If permitted, notify Administrator of compliance status following completion of the relevant compliance demonstration activity specified in the RS	Within schedules established by operating permit, including those of RS	X	X
63.9(h)(5)	If o/o submits estimates or preliminary information in application for approval of construction/reconstruction submit actual information	With initial notification of compliance status		X
63.9(i)(2)	If an o/o wishes to change a time period or postmark deadline, request the adjustment	As soon as practicable before subject activity	X	X

TIMING OF GENERAL PROVISIONS ACTIVITIES--Feb99 Update (Continued)

Section	Activity	Timeline	Existing	New or Reconst. Sources
63.9(i)(3)	The Administrator will respond to the request to change a specified time period	Within 15 calendar days of receipt of information	X	X
63.9(j)	Any change in information already provided to Administrator under §63.9 shall be provided to Administrator	Within 15 days after the change	X	X

TIMING OF GENERAL PROVISIONS ACTIVITIES--Feb99 Update (Continued)

Section	Activity	Timeline	Existing	New or Reconst. Sources
Recordkeeping and Reporting Requirements				
63.10(d)(2)	O/o shall report results of performance tests	Within 60 days following test	X	X
63.10(d)(3)	O/o shall report opacity or visible emission observations	With results of performance test	X	X
63.10(d)(3)	If no performance test required or visibility or other conditions exist which prevent observations, o/o shall report	Within 30 days following observations	X	X
63.10(d)(4)	If o/o submits progress reports for extension of compliance	Submit by dates specified in extension	X	X
63.10(d)(5)(i)	O/o shall submit SSM report (if all actions taken are consistent with SSM plan)	Semiannually or simultaneous with excess emissions and CMS performance reports	X	X
63.10(d)(5)(ii)	O/o shall submit SSM report (if any action taken is not consistent with SSM plan)	Report actions within 2 working days followed by written report within 7 working days	X	X
63.10(e)(2)(i)	O/o using CMS shall submit to Administrator written report of the results of CMS performance evaluation	Simultaneous with performance test results	X	X
63.10(e)(2)(ii)	O/o using COMS to determine opacity compliance shall submit to Administrator results of COMS performance evaluation	Within 15 days before the performance test required	X	X
63.10(e)(3)(i)	O/o required to install a CMS shall submit an excess emissions and CMS performance report and/or summary report to Administrator- <u>Except:</u> If more frequent reporting is specified in RS <u>Except:</u> If Administrator determines that more frequent reporting required	Semiannually	X	X
		RS requirement	X	X
		Case-by-case	X	X
63.10(e)(3)(ii)	If RS calls for quarterly report, o/o may reduce submittal of excess emissions and CMS performance report to semiannual if o/o meets certain requirements	Semiannual	X	X

TIMING OF GENERAL PROVISIONS ACTIVITIES--Feb99 Update (Continued)

Section	Activity	Timeline	Existing	New or Reconst. Sources
63.10(e)(3)(iii)	If Administrator denies request to reduce frequency of reporting, Administrator will notify o/o	Within 45 days after receiving notice from o/o	X	X
63.10(e)(3)(v)	Submit excess emissions and monitoring system performance reports and summary reports (if required)	Postmarked by the 30th day following end of each calendar half or quarter	X	X
63.10(e)(3)(vii)	Submit summary report only if excess emissions or control system parameter exceedances for reporting period are less than 1 percent of total operating time for reporting period and CMS downtime for reporting period is less than 5 percent of total operating time for reporting period	Same as (e)(3)(v)	X	X
63.10(e)(3)(viii)	Submit summary report, excess emissions, and COMS performance report if excess emission or process or control system parameter exceedances are 1 percent or greater or CMS downtime is 5 percent or greater	Same as (e)(3)(v)	X	X
63.10(e)(4)	O/o using COMS shall record and submit to Administrator monitoring data produced during performance test under §63.7	Submit with performance test results under §63.10(d)(2)	X	X
63.10(f)(3)	If o/o requests waiver of R&R requirements	Submit with request for extension of compliance, compliance progress report, compliance status report, in source's permit, or in excess emission and CMS performance report	X	X
63.10(f)(4)	Administrator will approve or deny request for waiver when he/she	Approves or denies extension of compliance; makes determination of compliance; or makes determination of progress towards compliance	X	X