

Environmental Protection Agency

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a previous Notification of Compliance are no longer applicable.

(3) The Notification of Compliance requirements of § 63.1207(j) also apply.

[64 FR 53038, Sept. 30, 1999, as amended at 64 FR 63211, Nov. 19, 1999]

§ 63.1211 What are the recordkeeping and reporting requirements?

(a) *Summary of reporting requirements.* You must submit the following reports to the Administrator:

| Reference | Report |
|-------------------------|---|
| 63.1211(b) | Compliance progress report associated and submitted with the notification of intent to comply. |
| 63.10(d)(4) | Compliance progress reports, if required as a condition of an extension of the compliance date granted under § 63.6(j). |
| 63.1206(c)(3)(vi) | Excessive exceedances reports. |
| 63.1206(c)(4)(iv) | Emergency safety vent opening reports. |
| 63.10(d)(5)(i) | Periodic startup, shutdown, and malfunction reports. |
| 63.10(d)(5)(ii) | Immediate startup, shutdown, and malfunction reports. |
| 63.10(e)(3) | Excessive emissions and continuous monitoring system performance report and summary report. |

(b) *Compliance progress reports associated with the notification of intent to comply—(1) General.* If you intend to comply with the emission standards and operating requirements of this subpart, then not later than October 1, 2001, you must comply with the following, unless you comply with paragraph (b)(2)(ii) of this section:

(i) Develop engineering design for any physical modifications to the source needed to comply with the emission standards of this subpart;

(ii) Submit applicable construction applications to the Administrator; and

(iii) Document an internal or external commitment of resources, i.e. funds or personnel, to purchase, fabricate, and install any equipment, devices, and ancillary structures needed to comply with the emission standards and operating requirements of this subpart.

(2) *Progress Report.* (i) You must submit to the Administrator a progress report on or before October 1, 2001 which contains information documenting that you have met the requirements of paragraph (b)(1) of this section. This information will be used by the Administrator to determine if you have made adequate progress towards compliance with the emission standards of this subpart. In any evaluation of adequate progress, the Administrator may consider any delays in a source's progress caused by the time required to obtain necessary permits from governmental regulatory agencies when the sources

have submitted timely and complete permit applications.

(ii) If you intend to comply with the emission standards and operating requirements of this subpart, but can do so without undertaking any of the activities described in paragraph (b)(1) of this section, you must submit a progress report documenting either:

(A) That you, at the time of the progress report, are in compliance with the emission standards and operating requirements; or

(B) The steps you will take to comply, without undertaking any of the activities listed in paragraphs (b)(1)(i) through (b)(1)(iii) of this section.

(iii) If you do not comply with paragraphs (b)(1) or (b)(2)(ii) of this section, you must stop burning hazardous waste on or before October 1, 2001.

(3) *Schedule.* (i) You must include in the progress report a detailed schedule that lists key dates for all projects that will bring the source into compliance with the emission standards and operating requirements of this subpart for the time period between submission of the progress report and the compliance date of the emission standards and operating requirements of this subpart.

(ii) The schedule must contain anticipated or actual dates for the following:

(A) Bid and award dates, as necessary, for construction contracts and equipment supply contractors;

(B) Milestones such as ground breaking, completion of drawings and specifications, equipment deliveries, intermediate construction completions, and testing;

(C) The dates on which applications will be, submitted for operating permits or licenses;

(D) The dates by which approvals of any permits or licenses are anticipated; and

(E) The projected date by which you expect to comply with the emission standards and operating requirements of this subpart.

(4) *Notice of intent to comply.* You must include a statement in the progress report that you intend or do not intend to comply with the emission standards and operating requirements of this subpart.

(5) *Sources that do not intend to comply.* (i) If you indicated in your NIC your intent not to comply with the emission standards and operating re-

quirements of this subpart and stop burning hazardous waste prior to submitting a progress report, or if you meet the requirements of § 63.1206(a)(2), you are exempt from the requirements of paragraphs (b)(1) through (b)(4) of this section. However, you must submit and include in a revised NIC the date on which you stopped burning hazardous waste and the date(s) you submitted, or plan to submit RCRA closure documents.

(ii) If you signify in the progress report, submitted not later than October 1, 2001, your intention not to comply with the emission standards and operating requirements of this subpart, you must stop burning hazardous waste on or before October 1, 2001 and you are exempt from the requirements of paragraphs (b)(1) through (b)(3) of this section.

(c) *Summary of recordkeeping requirements.* You must retain the following in the operating record:

| Reference | Document, data, or information |
|---|--|
| 63.1201(a), 63.10(b) and (c) | General. Information required to document and maintain compliance with the regulations of Subpart EEE, including data recorded by continuous monitoring systems (CMS), and copies of all notifications, reports, plans, and other documents submitted to the Administrator. |
| 63.1211(d) | Documentation of compliance. |
| 63.1206(c)(3)(vii) | Documentation and results of the automatic waste feed cutoff operability testing. |
| 63.1209(c)(2) | Feedstream analysis plan. |
| 63.1204(d)(3) | Documentation of compliance with the emission averaging requirements for cement kilns with in-line raw mills. |
| 63.1204(e)(3) | Documentation of compliance with the emission averaging requirements for preheater or preheater/precalciner kilns with dual stacks. |
| 63.1206(b)(1)(ii)(B) | If you elect to comply with all applicable requirements and standards promulgated under authority of the Clean Air Act, including Sections 112 and 129, in lieu of the requirements of Subpart EEE when not burning hazardous waste, you must document in the operating record that you are in compliance with those requirements. |
| 63.1206(c)(2) | Startup, shutdown, and malfunction plan. |
| 63.1206(c)(3)(v) | Corrective measures for any automatic waste feed cutoff that results in an exceedance of an emission standard or operating parameter limit. |
| 63.1206(c)(4)(ii) | Emergency safety vent operating plan. |
| 63.1206(c)(4)(iii) | Corrective measures for any emergency safety vent opening. |
| 63.1206(c)(6) | Operator training and certification program. |
| 63.1206(c)(7) | Ramp down procedures for waste feed cutoffs. |
| 63.1209(k)(6)(iii), 63.1209(k)(7)(ii), 63.1209(k)(9)(ii), 63.1209(o)(4)(iii). | Documentation that a substitute activated carbon, dioxin/furan formation reaction inhibitor, or dry scrubber sorbent will provide the same level of control as the original material. |

(d) *Documentation of compliance.* (1) By the compliance date, you must develop and include in the operating record a Documentation of Compliance.

(2) The Documentation of Compliance must identify the applicable emission standards under this subpart and the limits on the operating parameters

under § 63.1209 that will ensure compliance with those emission standards.

(3) You must include a signed and dated certification in the Documentation of Compliance that:

(i) Required CEMs and CMS are installed, calibrated, and continuously operating in compliance with the requirements of this subpart; and

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(ii) Based on an engineering evaluation prepared under your direction or supervision in accordance with a system designed to ensure that qualified personnel properly gathered and evaluated the information and supporting documentation, and considering at a minimum the design, operation, and maintenance characteristics of the combustor and emissions control equipment, the types, quantities, and characteristics of feedstreams, and available emissions data:

(A) You are in compliance with the emission standards of this subpart; and

(B) The limits on the operating parameters under § 63.1209 ensure compliance with the emission standards of this subpart.

(4) You must comply with the emission standards and operating parameter limits specified in the Documentation of Compliance.

(e) *Data compression.* You may submit a written request to the Administrator for approval to use data compression techniques to record data from CEMS, including CEMS, on a frequency less than that required by § 63.1209. You must submit the request for review and approval as part of the comprehensive performance test plan.

(1) You must record a data value at least once each ten minutes.

(2) For each CEMS or operating parameter for which you request to use data compression techniques, you must recommend:

(i) A fluctuation limit that defines the maximum permissible deviation of a new data value from a previously generated value without requiring you to revert to recording each one-minute value.

(A) If you exceed a fluctuation limit, you must record each one-minute value for a period of time not less than ten minutes.

(B) If neither the fluctuation limit nor the data compression limit are exceeded during that period of time, you may reinitiate recording data values on a frequency of at least once each ten minutes; and

(ii) A data compression limit defined as the closest level to an operating parameter limit or emission standard at which reduced data recording is allowed.

(A) Within this level and the operating parameter limit or emission standard, you must record each one-minute average.

(B) The data compression limit should reflect a level at which you are unlikely to exceed the specific operating parameter limit or emission standard, considering its averaging period, with the addition of a new one-minute average.

[64 FR 53038, Sept. 30, 1999, as amended at 64 FR 63212, Nov. 19, 1999]

§ 63.1212 What are the other requirements pertaining to the NIC and associated progress reports?

(a) *Certification of intent to comply.* (1) The Notice of Intent to Comply (NIC) and Progress Report must contain the following certification signed and dated by an authorized representative of the source: I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

(2) An authorized representative should be a responsible corporate officer (for a corporation), a general partner (for a partnership), the proprietor (of a sole proprietorship), or a principal executive officer or ranking elected official (for a municipality, State, Federal, or other public agency).

(b) *Sources that begin burning hazardous waste after September 30, 1999.* (1) If you begin to burn hazardous waste after September 30, 1999 but prior to June 30, 2000 you must comply with the requirements of §§ 63.1206(a)(2), 63.1210(b) and (c), 63.1211(b), and paragraph (a) of this section, and associated time frames for public meetings and document submittals.

(2) If you intend to begin burning hazardous waste after June 30, 2000, you must comply with the requirements of §§ 63.1206(a)(2), 63.1210(b) and (c), 63.1211(b), and paragraph (a) of this