

Environmental Protection Agency

§ 63.1212

(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

section prior to burning hazardous waste. In addition:

(i) You must make a draft NIC available to the public, notice the public meeting, conduct a public meeting, and submit a final NIC prior to burning hazardous waste; and

(ii) You must submit your progress report at the time you submit your final NIC.

OTHER

§ 63.1213 How can the compliance date be extended to install pollution prevention or waste minimization controls?

(a) *Applicability.* You may request from the Administrator or State with an approved Title V program an extension of the compliance data of up to one year. An extension may be granted if you can reasonably document that the installation of pollution prevention or waste minimization measures will significantly reduce the amount and/or toxicity of hazardous wastes entering the feedstream(s) of the hazardous waste combustor(s), and that you could not install the necessary control measures and comply with the emission standards and operating requirements of this subpart within three years after their effective date.

(b) *Requirements for requesting an extension.* (1) You must make your requests for a (up to) one-year extension in writing, and it must be received not later than 12 months before the compliance date. The request must contain the following information:

(i) A description of pollution prevention or waste minimization controls that, when installed, will significantly reduce the amount and/or toxicity of hazardous wastes entering the feedstream(s) of the hazardous waste combustor(s). Pollution prevention or waste minimization measures may include: equipment or technology modifications, reformulation or redesign of products, substitution of raw materials, improvements in work practices, maintenance, training, inventory control, or recycling practices conducted as defined in § 261.1(c) of this chapter;

(ii) A description of other pollution controls to be installed that are nec-

essary to comply with the emission standards and operating requirements;

(iii) A reduction goal or estimate of the annual reductions in quantity and/or toxicity of hazardous waste(s) entering combustion feedstream(s) that you will achieve by installing the proposed pollution prevention or waste minimization measures;

(iv) A comparison of reductions in the amounts and/or toxicity of hazardous wastes combusted after installation of pollution prevention or waste minimization measures to the amounts and/or toxicity of hazardous wastes combusted prior to the installation of these measures. If the difference is less than a fifteen percent reduction, include a comparison to pollution prevention and waste minimization reductions recorded during the previous five years;

(v) Reasonable documentation that installation of the pollution prevention or waste minimization changes will not result in a net increase (except for documented increases in production) of hazardous constituents released to the environment through other emissions, wastes or effluents;

(vi) Reasonable documentation that the design and installation of waste minimization and other measures that are necessary for compliance with the emission standards and operating requirements of this subpart cannot otherwise be installed within the three year compliance period, and

(vii) The information required in § 63.6(i)(6)(i)(B) through (D).

(2) You may enclose documentation prepared under an existing State-required pollution prevention program that contains the information prescribed in paragraph (b) of this section with a request for extension in lieu of complying with the time extension requirements of that paragraph.

(c) *Approval of request for extension of compliance date.* Based on the information provided in any request made under paragraph (a) of this section, the Administrator or State with an approved title V program may grant an extension of the compliance date of this subpart. The extension will be in writing in accordance with §§ 63.6(i)(10)(i) through 63.6(i)(10)(v)(A).