

2. Application for Approval of Construction or Reconstruction

The proposed rule requires that the owners or operator comply with § 63.5 of subpart A regarding the application for approval of construction or reconstruction, with one exception. The information required to be included in the Implementation Plan must be submitted as part of the application for approval of construction or reconstruction.

3. Implementation Plan

The Implementation Plan details how the source plans to comply. Implementation Plans are required only for existing sources that have not yet submitted operating permit applications. New sources are required to submit the information normally required in the Implementation Plan as part of the Application for Approval of Construction or Reconstruction. Implementation Plans are due 12 months prior to the date of compliance. The information in the Implementation Plan should be incorporated into the source's operating permit application. The terms and conditions of the plan, as approved by the permit authority, would then be incorporated into the operating permit.

The Implementation Plan would include a list of emission points subject to the storage vessels, continuous front-end process vents, batch front-end process vents, wastewater operations, and equipment leak provisions and, as applicable, whether each emission point (e.g., storage vessel or process vent) is Group 1 or Group 2. The control technology or method of compliance planned for each Group 1 emission point must be specified. In addition, the Implementation Plan must identify if the facility has back-end process emission operations that are subject to a back-end emission limitation. If the facility is subject to a back-end emission limitation, the owner or operator must specify if compliance will be achieved using stripping technology or add-on control. Additionally, the owner or operator must specify if continuous compliance using stripping technology will be demonstrated by sampling or by monitoring stripper parameters.

The plan must also certify that appropriate testing, monitoring, reporting, and recordkeeping will be done for each Group 1 emission point of subject process back-end. If a source requests approval to monitor a unique parameter, a rationale must be included.

4. Emissions Averaging Plan

The Emissions Averaging Plan would be due 18 months prior to the date of compliance. New sources are not allowed to comply through the use of emissions averaging. The owner or operator must demonstrate that the emissions described in the Plan will not result in greater hazard or risk to human health or the environment than would result if the emissions points were controlled through the traditional provisions on the rule.

For points included in emissions averaging, the Emissions Averaging Plan would include: An identification of all points in the average and whether they are Group 1 or Group 2 points; the specific control technique or pollution prevention measure that will be applied to each point; the control efficiency for each control used in the average; the projected credit or debit generated by each point; and the overall expected credits and debits. The plan must also certify that the same types of testing, monitoring, reporting, and recordkeeping that are required by the proposed rule for Group 1 points will be done for all points (both Group 1 and Group 2) included in an emissions average. If a source requests approval to monitor a unique parameter or use a unique recordkeeping and reporting system, a rationale must be included in the Emissions Averaging Plan.

5. Notification of Compliance Status

The Notification of Compliance Status would be required 150 days after the source's compliance date. It contains the information for Group 1 emission points, back-end process operations using add-on control, and for all emission points in emissions averages, necessary to demonstrate that compliance has been achieved. Such information includes, but is not limited to, the results of any performance tests for continuous and/or batch process vents, and wastewater emission points; one complete test report for each test method used for a particular kind of emission point; TRE determinations for process vents; group determinations for batch process vents; design analyses for storage vessels and wastewater emission points; monitored parameter levels for each emission point and supporting data for the designated level; and values of all parameters used to calculate emission credits and debits for emissions averaging. The Notification of Compliance Status required by subpart H must be submitted within 90 days after the compliance date.

6. Periodic Reports

Generally, Periodic Reports would be submitted semiannually. However, there are two exceptions. First, quarterly reports must be submitted for all points included in an emissions average. Second, if monitoring results show that the parameter values for an emission point are above the maximum or below the minimum established levels for more than 1 percent of the operating time in a reporting period, or the monitoring system is out of service for more than 5 percent of the time, the regulatory authority may request that the owner or operator submit quarterly reports for that emission point. After 1 year, semiannual reporting can be resumed, unless the regulatory authority requests continuation of quarterly reports.

All Periodic Reports would include information required to be reported under the recordkeeping and reporting provisions for each emission point. For emission points involved in emissions averages, the report would include the results of the calculations of credits and debits for each month and for the quarter.

For continuously monitored parameters, the Periodic Report must report when "excursions" occur. Table 6 shows what constitutes an excursion. A significant difference exists between the proposed rule and the HON. In the HON, a source was allowed a certain number of "excused" excursions each semi-annual period before the source was determined to be out of compliance. In today's proposed rule, the owner or operator is out of compliance with the provisions of this subpart for each excursion.

Periodic Reports would also include results of any performance tests conducted during the reporting period and instances when required inspections revealed problems. Additional information the source is required to report under its operating permit or Implementation Plan would also be described in Periodic Reports.

Periodic Reports for subpart H must be submitted every 6 months, and must contain summary information on the leak detection and repair program, changes to the process unit, changes in monitoring frequency or monitoring alternatives, and/or initiation of a QIP.

7. Other Reports

Other reports required under the proposed rule include: Reports of startup, shutdown, and malfunction; process changes that change the