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will contact the designated representative as part of such a review process.

[58 FR 3701, Jan. 11, 1993, as amended at 60 FR 26538, May 17, 1995; 64 FR 28620, May 26, 1999; 67 FR 40442, June 12, 2002; 73 FR 4356, Jan. 24, 2008; 76 FR 17316, Mar. 28, 2011]

§ 75.61 Notifications.

(a) *Submission.* The designated representative for an affected unit (or owner or operator, as specified) shall submit notice to the Administrator, to the appropriate EPA Regional Office, and to the applicable State and local air pollution control agencies for the following purposes, as required by this part.

(1) *Initial certification and recertification test notifications.* The owner or operator or designated representative for an affected unit shall submit written notification of initial certification tests and revised test dates as specified in § 75.20 for continuous emission monitoring systems, for alternative monitoring systems under subpart E of this part, or for excepted monitoring systems under appendix E to this part, except as provided in paragraphs (a)(1)(iii), (a)(1)(iv) and (a)(4) of this section. The owner or operator shall also provide written notification of testing performed under § 75.19(c)(1)(iv)(A) to establish fuel-and-unit-specific NO_x emission rates for low mass emissions units. Such notifications are not required, however, for initial certifications and recertifications of excepted monitoring systems under appendix D to this part.

(i) Notification of initial certification testing and full recertification. Initial certification test notifications and notifications of full recertification testing under § 75.20(b)(2) shall be submitted not later than 21 days prior to the first scheduled day of certification or recertification testing. In emergency situations when full recertification testing is required following an uncontrollable failure of equipment that results in lost data, notice shall be sufficient if provided within 2 business days following the date when testing is scheduled. Testing may be performed on a date other than that already provided in a notice under this subparagraph as long as notice of the new date is provided either in writing

or by telephone or other means at least 7 days prior to the original scheduled test date or the revised test date, whichever is earlier.

(ii) *Notification of certification retesting, and partial recertification testing.* For retesting required following a loss of certification under § 75.20(a)(5) or for partial recertification testing required under § 75.20(b)(2), notice of the date of any required RATA testing or any required retesting under section 2.3 in appendix E to this part shall be submitted either in writing or by telephone at least 7 days prior to the first scheduled day of testing; except that in emergency situations when testing is required following an uncontrollable failure of equipment that results in lost data, notice shall be sufficient if provided within 2 business days following the date when testing is scheduled. Testing may be performed on a date other than that already provided in a notice under this subparagraph as long as notice of the new date is provided by telephone or other means at least 2 business days prior to the original scheduled test date or the revised test date, whichever is earlier.

(iii) *Repeat of testing without notice.* Notwithstanding the above notice requirements, the owner or operator may elect to repeat a certification or recertification test immediately, without advance notification, whenever the owner or operator has determined during the certification or recertification testing that a test was failed or must be aborted, or that a second test is necessary in order to attain a reduced relative accuracy test frequency.

(iv) *Waiver from notification requirements.* The Administrator, the appropriate EPA Regional Office, or the applicable State or local air pollution control agency may issue a waiver from the notification requirement of paragraph (a)(1)(ii) of this section, for a unit or a group of units, for one or more recertification tests or other retests. The Administrator, the appropriate EPA Regional Office, or the applicable State or local air pollution control agency may also discontinue the waiver and reinstate the notification requirement of paragraph (a)(1)(ii)

of this section for future recertification tests (or other retests) of a unit or a group of units.

(2) *New unit, newly affected unit, new stack, or new flue gas desulfurization system operation notification.* The designated representative for an affected unit shall submit written notification: For a new unit or a newly affected unit, of the planned date when a new unit or newly affected unit will commence commercial operation, or becomes affected, or, for new stack or flue gas desulfurization system, of the planned date when a new stack or flue gas desulfurization system will be completed and emissions will first exit to the atmosphere.

(i) Notification of the planned date shall be submitted not later than 45 days prior to the date the unit commences commercial operation or becomes affected, or not later than 45 days prior to the date when a new stack or flue gas desulfurization system exhausts emissions to the atmosphere.

(ii) If the date when the unit commences commercial operation or becomes affected, or the date when the new stack or flue gas desulfurization system exhausts emissions to the atmosphere, whichever is applicable, changes from the planned date, a notification of the actual date shall be submitted not later than 7 days following: The date the unit commences commercial operation or becomes affected, or the date when a new stack or flue gas desulfurization system exhausts emissions to the atmosphere.

(3) *Unit shutdown and recommencement of commercial operation.* For an affected unit that will be shut down on the relevant compliance date specified in §75.4 or in a State or Federal pollutant mass emissions reduction program that adopts the monitoring and reporting requirements of this part, if the owner or operator is relying on the provisions in §75.4(d) to postpone certification testing, the designated representative for the unit shall submit notification of unit shutdown and recommencement of commercial operation as follows:

(i) For planned unit shutdowns (e.g., extended maintenance outages), written notification of the planned shutdown date shall be provided at least 21

days prior to the applicable compliance date, and written notification of the planned date of recommencement of commercial operation shall be provided at least 21 days in advance of unit restart. If the actual shutdown date or the actual date of recommencement of commercial operation differs from the planned date, written notice of the actual date shall be submitted no later than 7 days following the actual date of shutdown or of recommencement of commercial operation, as applicable;

(ii) For unplanned unit shutdowns (e.g., forced outages), written notification of the actual shutdown date shall be provided no more than 7 days after the shutdown, and written notification of the planned date of recommencement of commercial operation shall be provided at least 21 days in advance of unit restart. If the actual date of recommencement of commercial operation differs from the expected date, written notice of the actual date shall be submitted no later than 7 days following the actual date of recommencement of commercial operation.

(4) *Use of backup fuels for appendix E procedures.* The designated representative for an affected oil-fired or gas-fired peaking unit that is using an accepted monitoring system under appendix E of this part and that is relying on the provisions in §75.4(f) to postpone testing of a fuel shall submit written notification of that fact no later than 45 days prior to the deadline in §75.4. The designated representative shall also submit a notification that such a fuel has been combusted no later than 7 days after the first date of combustion of any fuel for which testing has not been performed under appendix E after the deadline in §75.4. Such notice shall also include notice that testing under appendix E either was performed during the initial combustion or notice of the date that testing will be performed.

(5) *Periodic relative accuracy test audits, appendix E retests, and low mass emissions unit retests.* The owner or operator or designated representative of an affected unit shall submit written notice of the date of periodic relative accuracy testing performed under section 2.3.1 of appendix B to this part, of

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periodic retesting performed under section 2.2 of appendix E to this part, and of periodic retesting of low mass emissions units performed under § 75.19(c)(1)(iv)(D), no later than 21 days prior to the first scheduled day of testing. Testing may be performed on a date other than that already provided in a notice under this subparagraph as long as notice of the new date is provided either in writing or by telephone or other means acceptable to the respective State agency or office of EPA, and the notice is provided as soon as practicable after the new testing date is known, but no later than twenty-four (24) hours in advance of the new date of testing.

(i) Written notification under paragraph (a) (5) of this section may be provided either by mail or by facsimile. In addition, written notification may be provided by electronic mail, provided that the respective State agency or office of EPA agrees that this is an acceptable form of notification.

(ii) Notwithstanding the notice requirements under paragraph (a)(5) of this section, the owner or operator may elect to repeat a periodic relative accuracy test, appendix E retest, or low mass emissions unit retest immediately, without additional notification whenever the owner or operator has determined that a test was failed, or that a second test is necessary in order to attain a reduced relative accuracy test frequency.

(iii) *Waiver from notification requirements.* The Administrator, the appropriate EPA Regional Office, or the applicable State air pollution control agency may issue a waiver from the requirement of paragraph (a)(5) of this section to provide notice to the respective State agency or office of EPA for a unit or a group of units for one or more tests. The Administrator, the appropriate EPA Regional Office, or the applicable State air pollution control agency may also discontinue the waiver and reinstate the requirement of paragraph (a)(5) of this section to provide notice to the respective State agency or office of EPA for future tests for a unit or a group of units. In addition, if an observer from a State agency or EPA is present when a test is rescheduled, the observer may waive all

notification requirements under paragraph (a)(5) of this section for the rescheduled test.

(6) *Notice of combustion of emergency fuel under appendix D or E.* The designated representative of an oil-fired unit or gas-fired unit using appendix D or E of this part shall, for each calendar quarter in which emergency fuel is combusted, provide notice of the combustion of the emergency fuel in the cover letter (or electronic equivalent) which transmits the next quarterly report submitted under § 75.64. The notice shall specify the exact dates and hours during which the emergency fuel was combusted.

(7) *Long-term cold storage and re-commencement of commercial operation.* The designated representative for an affected unit that is placed into long-term cold storage that is relying on the provisions in § 75.4(d) or § 75.64(a), either to postpone certification testing or to discontinue the submittal of quarterly reports during the period of long-term cold storage, shall provide written notification of long-term cold storage status and recommencement of commercial operation as follows:

(i) Whenever an affected unit has been placed into long-term cold storage, written notification of the date and hour that the unit was shutdown and a statement from the designated representative stating that the shutdown is expected to last for at least two years from that date, in accordance with the definition for long-term cold storage of a unit as provided in § 72.2 of this chapter.

(ii) Whenever an affected unit that has been placed into long-term cold storage is expected to resume operation, written notification shall be submitted 45 calendar days prior to the planned date of recommencement of commercial operation. If the actual date of recommencement of commercial operation differs from the expected date, written notice of the actual date shall be submitted no later than 7 days following the actual date of recommencement of commercial operation.

(8) *Certification deadline date for new or newly affected units.* The designated representative of a new or newly affected unit shall provide notification of

the date on which the relevant deadline for initial certification is reached, either as provided in § 75.4(b) or § 75.4(c), or as specified in a State or Federal SO₂ or NO_x mass emission reduction program that incorporates by reference, or otherwise adopts, the monitoring, recordkeeping, and reporting requirements of subpart F, G, or H of this part. The notification shall be submitted no later than 7 calendar days after the applicable certification deadline is reached.

(b) The owner or operator or designated representative shall submit notification of certification tests and recertification tests for continuous opacity monitoring systems as specified in § 75.20(c)(8) to the State or local air pollution control agency.

(c) If the Administrator determines that notification substantially similar to that required in this section is required by any other State or local agency, the owner or operator or designated representative may send the Administrator a copy of that notification to satisfy the requirements of this section, provided the ORISPL unit identification number(s) is denoted.

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§ 75.62 Monitoring plan submittals.

(a) *Submission*—(1) *Electronic*. Using the format specified in paragraph (c) of this section, the designated representative for an affected unit shall submit a complete, electronic, up-to-date monitoring plan file (except for hardcopy portions identified in paragraph (a)(2) of this section) to the Administrator as follows: no later than 21 days prior to the initial certification tests; at the time of each certification or recertification application submission; and (prior to or concurrent with) the submittal of the electronic quarterly report for a reporting quarter where an update of the electronic monitoring plan information is required, either under § 75.53(b) or elsewhere in this part.

(2) *Hardcopy*. The designated representative shall submit all of the hardcopy information required under

§ 75.53 to the appropriate EPA Regional Office and the appropriate State and/or local air pollution control agency prior to initial certification. Thereafter, the designated representative shall submit hardcopy information only if that portion of the monitoring plan is revised. The designated representative shall submit the required hardcopy information as follows: no later than 21 days prior to the initial certification test; with any certification or recertification application, if a hardcopy monitoring plan change is associated with the certification or recertification event; and within 30 days of any other event with which a hardcopy monitoring plan change is associated, pursuant to § 75.53(b). Electronic submittal of all monitoring plan information, including hardcopy portions, is permissible provided that a paper copy of the hardcopy portions can be furnished upon request.

(b) *Contents*. Monitoring plans shall contain the information specified in § 75.53 of this part.

(c) *Format*. The designated representative shall submit each monitoring plan in a format specified by the Administrator.

(d) On and after April 27, 2011, consistent with § 72.21 of this chapter, a hardcopy cover letter signed by the Designated Representative (DR) shall accompany each hardcopy monitoring plan submittal. The cover letter shall include the certification statement described in § 72.21(b) of this chapter, and shall be submitted to the applicable EPA Regional Office and to the appropriate State or local air pollution control agency. For electronic monitoring plan submittals to the Administrator, a cover letter is not required. However, at his or her discretion, the DR may include important explanatory text or comments with an electronic monitoring plan submittal, so long as the information is provided in an electronic format that is compatible with the other data required to be reported under this section.

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