Environmental Protection Agency

§63.1213

(a) Applicability. You may request from the Administrator or State with an approved Title V program an extension of the compliance date 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 by the compliance date.

(b) Requirements for requesting an extension. (1) You must make your requests for an (up to) one-year extension in writing in accordance with §63.6(i)(4)(B) and (C). The request must contain the following information:

(1) Explain how the 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).

(2) Explain why you could not install the necessary control measures and comply with the emission standards and operating requirements of this subpart by the compliance date.

(3) Describe the pollution prevention or waste minimization measures you propose to install.

(4) Provide documentation of the pollution prevention or waste minimization measures and their expected effectiveness.

(5) Describe the steps you have taken to ensure that the pollution prevention or waste minimization measures will be implemented and maintained.

(6) Describe the anticipated reduction in the amount and/or toxicity of hazardous wastes entering the feedstream(s) of the hazardous waste combustor(s).

(7) Describe any additional measures you propose to implement to achieve the pollution prevention or waste minimization objectives.

(8) Explain how the pollution prevention or waste minimization measures will be verified and monitored.

(9) Describe any other factors that support the request for an extension.

(10) Provide any other information that supports the request for an extension.

(c) Information Repository specific to new combustion units. (1) Any source that files a RCRA permit application or modification request for construction of a new hazardous waste combustion unit after October 12, 2005 may be required to establish an information repository if deemed appropriate.

(2) The Administrator may assess the need, on a case-by-case basis for an information repository. When assessing the need for a repository, the Administrator shall consider the level of public interest, the presence of an existing repository, and any information available via the New Source Review and Title V permit processes. If the Administrator determines a need for a repository, the Administrator shall notify the facility that it must establish and maintain an information repository.

(3) The information repository shall contain all documents, reports, data, and information deemed necessary by the Administrator. The Administrator shall have the discretion to limit the contents of the repository.

(4) The information repository shall be located and maintained at a site chosen by the source. If the Administrator finds the site unsuitable for the purposes and persons for which it was established, due to problems with location, hours of availability, access, or other relevant considerations, then the Administrator shall specify a more appropriate site.

(5) The Administrator shall require the source to provide a written notice about the information repository to all individuals on the source mailing list.

(6) The source shall be responsible for maintaining and updating the repository with appropriate information throughout a period specified by the Administrator. The Administrator may close the repository at his or her discretion based on the considerations in paragraph (c)(2) of this section.

[70 FR 59555, Oct. 12, 2005, as amended at 73 FR 18982, Apr. 8, 2008]
§ 63.1214 Implementation and enforcement.

(a) This subpart can be implemented and enforced by the U.S. EPA, or a delegated authority such as the applicable State, local, or Tribal agency. If the U.S. EPA Administrator has delegated authority to a State, local, or Tribal agency, then that agency, in addition to the U.S. EPA, has the authority to implement and enforce this subpart. Contact the applicable U.S. EPA Regional Office to find out if this subpart is delegated to a State, local, or Tribal agency.

(b) In delegating implementation and enforcement authority of this subpart to a State, local, or Tribal agency under subpart E of this part, the authorities contained in paragraph (c) of this section are retained by the Administrator of U.S. EPA and cannot be transferred to the State, local, or Tribal agency.

(c) The authorities that cannot be delegated to State, local, or Tribal agencies are as specified in paragraphs (c)(1) through (4) of this section.

1 Approval of alternatives to requirements in §§63.1200, 63.1203, 63.1204, 63.1205, 63.1206(a), 63.1215, 63.1216, 63.1217, 63.1218, 63.1219, 63.1220, and 63.1221.

2 Approval of major alternatives to test methods under §§63.7(e)(2)(ii) and (i), 63.1208(b), and 63.1209(a)(1), as defined under §63.90, and as required in this subpart.