

## Environmental Protection Agency

## § 125.98

practicable to the applicable performance standards of §125.94(b) without resulting in costs significantly greater than either the costs considered by the Administrator for a facility like yours in establishing the applicable performance standards, or as appropriate, the benefits of complying with the applicable performance standards at your facility;

(D) Design and engineering calculations, drawings, and estimates prepared by a qualified professional to support the elements of the Plan.

(7) *Verification Monitoring Plan.* If you comply using compliance alternatives in §125.94(a)(2), (3), (4), or (5) using design and construction technologies and/or operational measures, you must submit a plan to conduct, at a minimum, two years of monitoring to verify the full-scale performance of the proposed or already implemented technologies and/or operational measures. The verification study must begin once the design and construction technologies and/or operational measures are installed and continue for a period of time that is sufficient to demonstrate to the Director whether the facility is meeting the applicable performance standards in §125.94(b) or site-specific requirements developed pursuant to §125.94(a)(5). The plan must provide the following:

(i) Description of the frequency and duration of monitoring, the parameters to be monitored, and the basis for determining the parameters and the frequency and duration for monitoring. The parameters selected and duration and frequency of monitoring must be consistent with any methodology for assessing success in meeting applicable performance standards in your Technology Installation and Operation Plan as required by paragraph (b)(4)(ii) of this section.

(ii) A proposal on how naturally moribund fish and shellfish that enter the cooling water intake structure would be identified and taken into account in assessing success in meeting the performance standards in §125.94(b).

(iii) A description of the information to be included in a bi-annual status report to the Director.

[69 FR 41683, July 9, 2004, as amended at 69 FR 47210, Aug. 4, 2004]

### **§ 125.96 As an owner or operator of a Phase II existing facility, what monitoring must I perform?**

As an owner or operator of a Phase II existing facility, you must perform monitoring, as applicable, in accordance with the Technology Installation and Operation Plan required by §125.95(b)(4)(ii), the Restoration Plan required by §125.95(b)(5), the Verification Monitoring Plan required by §125.95(b)(7), and any additional monitoring specified by the Director to demonstrate compliance with the applicable requirements of §125.94.

### **§ 125.97 As an owner or operator of a Phase II existing facility, what records must I keep and what information must I report?**

As an owner or operator of a Phase II existing facility you are required to keep records and report information and data to the Director as follows:

(a) You must keep records of all the data used to complete the permit application and show compliance with the requirements of §125.94, any supplemental information developed under §125.95, and any compliance monitoring data submitted under §125.96, for a period of at least three (3) years from date of permit issuance. The Director may require that these records be kept for a longer period.

(b) You must submit a status report to the Director for review every two years that includes appropriate monitoring data and other information as specified by the Director in accordance with §125.98(b)(5).

### **§ 125.98 As the Director, what must I do to comply with the requirements of this subpart?**

(a) *Permit application.* As the Director, you must review materials submitted by the applicant under 40 CFR 122.21(r) and §125.95 before each permit renewal or reissuance.

(1) You must review and comment on the Proposal for Information Collection submitted by the facility in accordance with §125.95(a)(1). You are encouraged to provide comments expeditiously so that the permit applicant can make responsive modifications to its information gathering activities. If