

(D) Other circumstances occur that are beyond the owner or operator's control.

(ii) *Performance test.* The Administrator may determine compliance with emission limitations of this subpart based on, but not limited to, the results of performance tests conducted according to the procedures specified in § 63.997 of this part, unless otherwise specified in this subpart or a subpart referenced by this subpart.

(iii) *Operation and maintenance requirements.* The Administrator may determine compliance with the operation and maintenance standards of this subpart by, but not limited to, evaluation of an owner or operator's conformance with operation and maintenance requirements, including the evaluation of monitoring data, as specified in this subpart or a subpart referenced by this subpart.

(5) *Design, equipment, work practice, or operational standards.* The Administrator may determine compliance with design, equipment, work practice, or operational requirements by, but is not limited to, review of records, inspection of the affected source, and by evaluation of an owner or operator's conformance with operation and maintenance requirements as specified in this subpart, and in the subparts referenced by this subpart.

(c) *Finding of compliance.* The Administrator may make a finding concerning an affected source's compliance with an emission standard or operating and maintenance requirement as specified in, but not limited to, paragraphs (a) and (b) of this section, upon obtaining all of the compliance information required by the relevant standard (including the written reports of performance test results, monitoring results, and other information, if applicable) and any information available to the Administrator to determine whether proper operation and maintenance practices are being used. Standards in this subpart and methods of determining compliance are in metric units followed by the equivalents in English units. The Administrator will make findings of compliance with the numerical standards of this subpart using metric units.

(d) *Compliance time.* All terms that define a period of time for completion of required tasks (e.g., weekly, monthly, quarterly, annually), unless specified otherwise in the section or subsection that imposes the requirement, refer to the standard calendar periods.

(1) Notwithstanding time periods specified for completion of required tasks, time periods may be changed by mutual agreement between the owner or operator and the Administrator, as specified in § 63.1110(h). For each time period that is changed by agreement, the revised period shall remain in effect until it is changed. A new request is not necessary for each recurring period.

(2) When the period specified for compliance is a standard calendar period, if the initial compliance date occurs after the beginning of the period, compliance shall be required according to the schedule specified in paragraph (d)(2) (i) or (ii) of this section, as appropriate.

(i) Compliance shall be required before the end of the standard calendar period within which the compliance deadline occurs, if there remain at least 3 days for tasks that must be performed weekly, at least 2 weeks for tasks that must be performed monthly, at least 1 month for tasks that must be performed each quarter, or at least 3 months for tasks that must be performed annually; or

(ii) In all other cases, compliance shall be required before the end of the first full standard calendar period after the period within which the initial compliance deadline occurs.

(3) In all instances where a provision requires completion of a task during each of multiple successive periods, an owner or operator may perform the required task at any time during the specified period, provided the task is conducted at a reasonable interval after completion of the task during the previous period.

[64 FR 34921, June 29, 1999, as amended at 64 FR 63709, Nov. 22, 1999; 71 FR 20458, Apr. 20, 2006]

§ 63.1109 Recordkeeping requirements.

(a) *Maintaining notifications, records, and reports.* Except as provided in paragraph (b) of this section, the owner or

operator of each affected source subject to this subpart shall keep copies of notifications, reports and records required by this subpart and subparts referenced by this subpart for at least 5 years, unless otherwise specified under this subpart.

(b) *Copies of reports.* If the Administrator has waived the requirement of §63.1110(g)(1) for submittal of copies of reports, the owner or operator is not required to maintain copies of the waived reports. This paragraph applies only to reports and not the underlying records that must be maintained as specified in this subpart and the subparts referenced by this subpart.

(c) *Availability of records.* All records required to be maintained by this subpart or a subpart referenced by this subpart shall be maintained in such a manner that they can be readily accessed and are suitable for inspection. The records of the remaining 3 years, where required, may be retained offsite. Records may be maintained in hard copy or computer-readable form including, but not limited to, on paper, microfilm, computer, computer disk, magnetic tape, or microfiche.

(d) *Control applicability records.* Owners or operators shall maintain records containing information developed and used to assess control applicability under §63.1103 (e.g., combined total annual emissions of regulated organic HAP).

[64 FR 34921, June 29, 1999, as amended at 67 FR 39307, June 7, 2002]

§63.1110 Reporting requirements.

(a) *Required reports.* Each owner or operator of an affected source subject to this subpart shall submit the reports listed in paragraphs (a)(1) through (8) of this section, as applicable.

(1) A Notification of Initial Startup described in paragraph (b) of this section, as applicable.

(2) An Initial Notification described in paragraph (c) of this section.

(3) [Reserved]

(4) A Notification of Compliance Status report described in paragraph (d) of this section.

(5) Periodic Reports described in paragraph (e) of this section.

(6) Application for approval of construction or reconstruction described in §63.5(d) of subpart A of this part.

(7) Startup, Shutdown, and Malfunction Reports described in §63.1111 of this subpart.

(8) Other reports. Other reports shall be submitted as specified elsewhere in this subpart and subparts referenced by this subpart.

(b) *Notification of initial startup—(1) Contents.* An owner or operator of an affected source for which a notice of initial startup has not been submitted under §63.5, shall send the Administrator written notification of the actual date of initial startup of an affected source. This paragraph does not apply to an affected source in existence on the effective date of this rule.

(2) *Due date.* The notification of the actual date of initial startup shall be postmarked within 15 days after such date.

(c) *Initial Notification.* Owners or operators of affected sources who are subject to this subpart shall notify the Administrator of the applicability of this subpart by submitting an Initial Notification according to the schedule described in paragraph (c)(1) of this section. The notice shall include the information specified in paragraphs (c)(2) through (7) of this section, as applicable. An application for approval of construction or reconstruction required under §63.5(d) of subpart A of this part may be used to fulfill the initial notification requirements.

(1) The initial notification shall be postmarked within 1 year after the source becomes subject to this subpart.

(2) Identification of the storage vessels subject to this subpart.

(3) Identification of the process vents subject to this subpart.

(4) Identification of the transfer racks subject to this subpart.

(5) For equipment leaks, identification of the process units subject to this subpart.

(6) Identification of other equipment or emission points subject to this subpart.

(7) As an alternative to the requirements specified in paragraphs (c)(1) through (3) and (c)(5) of this section, process units can be identified instead of individual pieces of equipment. For