

Subpart M—National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities

The Environmental Protection Agency promulgated in the July 27, 2006 Federal Register National Perchloroethylene (Perc) Air Emissions Standards for Dry Cleaning Facilities. This is a revision to regulations that were issued in 1993. The rule revision was proposed on December 21, 2005 with comments received until March 24, 2006. The rule is available at the [federal EPA web site](#) and also as the rule was published on July 27, 2006 in the Federal Regulations. Below is an indexed copy of the rule as found at the EPA web site that provides links to cross-referenced portions of the rule.

Subpart M—National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities

Source: 58 FR 49376, Sept. 22, 1993, unless otherwise noted.

§ 63.320 Applicability.

(a) The provisions of this subpart apply to the owner or operator of each [dry cleaning facility](#) that uses perchloroethylene.

(b) The compliance date for a [new dry cleaning system](#) depends on the date that [construction](#) or [reconstruction](#) commences.

(1) Each [dry cleaning system](#) that commences [construction](#) or [reconstruction](#) on or after December 9, 1991 and before December 21, 2005, shall be in compliance with the provisions of this subpart except [§63.322\(o\)](#) beginning on September 22, 1993 or immediately upon startup, whichever is later, except for [dry cleaning systems](#) complying with [section 112\(i\)\(2\)](#) of the Clean Air Act; and shall be in compliance with the provisions of [§63.322\(o\)](#) beginning on July 28, 2008, except as provided by [§63.6\(b\)\(4\)](#), as applicable.

(2)(i) Each [dry cleaning system](#) that commences [construction](#) or [reconstruction](#) on or after December 21, 2005 shall be in compliance with the provisions of this subpart, except [§63.322\(o\)](#), immediately upon startup; and shall be in compliance with the provisions of [§63.322\(o\)](#) beginning on July 27, 2006 or immediately upon startup, whichever is later.

(ii) Each [dry cleaning system](#) that commences [construction](#) or [reconstruction](#) on or after December 21, 2005, but before July 13, 2006, and is located in a building with a [residence](#), shall be in compliance with the provisions of this subpart, except [§63.322\(o\)](#), immediately upon startup; shall be in compliance with the provisions of [§63.322\(o\)\(5\)\(ii\)](#) beginning on July 27, 2006; and shall be in compliance with the provisions of [§63.322\(o\)\(5\)\(i\)](#) beginning on July 27, 2009.

(3) Each [dry cleaning system](#) that commences [construction](#) or [reconstruction](#) on or after July 27, 2006, shall be in compliance with the provisions of this subpart, including [§63.322\(o\)](#), immediately upon startup.

(c) Each [dry cleaning system](#) that commenced [construction](#) or [reconstruction](#) before December 9, 1991, and each [new transfer machine system](#) and its [ancillary equipment](#) that commenced

construction or reconstruction on or after December 9, 1991 and before September 22, 1993, shall comply with §§63.322(c), (d), (i), (j), (k), (l), and (m); 63.323(d); and 63.324(a), (b), (d)(1), (d)(2), (d)(3), (d)(4), and (e) beginning on December 20, 1993, and shall comply with other provisions of this subpart except §63.322(o) by September 23, 1996; and shall comply with §63.322(o) by July 28, 2008.

(d) Each existing dry-to-dry machine and its ancillary equipment located in a dry cleaning facility that includes only dry-to-dry machines, and each existing transfer machine system and its ancillary equipment, and each new transfer machine system and its ancillary equipment installed between December 9, 1991 and September 22, 1993, as well as each existing dry-to-dry machine and its ancillary equipment, located in a dry cleaning facility that includes both transfer machine system(s) and dry-to-dry machine(s) is exempt from §§63.322, 63.323, and 63.324, except §§63.322(c), (d), (i), (j), (k), (l), (m), (o)(1), and (o)(4); 63.323(d); and 63.324(a), (b), (d)(1), (d)(2), (d)(3), (d)(4), and (e) if the total PCE consumption of the dry cleaning facility is less than 530 liters (140 gallons) per year. Consumption is determined according to §63.323(d).

(e) Each existing transfer machine system and its ancillary equipment, and each new transfer machine system and its ancillary equipment installed between December 9, 1991 and September 22, 1993, located in a dry cleaning facility that includes only transfer machine system(s), is exempt from §§63.322, 63.323, and 63.324, except §§63.322(c), (d), (i), (j), (k), (l), (m), (o)(1), and (o)(4), 63.323(d), and 63.324(a), (b), (d)(1), (d)(2), (d)(3), (d)(4), and (e) if the PCE consumption of the dry cleaning facility is less than 760 liters (200 gallons) per year. Consumption is determined according to §63.323(d).

(f) If the total yearly perchloroethylene consumption of a dry cleaning facility determined according to §63.323(d) is initially less than the amounts specified in paragraph (d) or (e) of this section, but later exceeds those amounts, the existing dry cleaning system(s) and new transfer machine system(s) and its (their) ancillary equipment installed between December 9, 1991 and September 22, 1993 in the dry cleaning facility must comply with §63.322, §63.323, and §63.324 by 180 calendar days from the date that the facility determines it has exceeded the amounts specified, or by September 23, 1996, whichever is later.

(g) A dry cleaning facility is a major source if the facility emits or has the potential to emit more than 9.1 megagrams per year (10 tons per year) of perchloroethylene to the atmosphere. In lieu of measuring a facility's potential to emit perchloroethylene emissions or determining a facility's potential to emit perchloroethylene emissions, a dry cleaning facility is a major source if:

(1) It includes only dry-to-dry machine(s) and has a total yearly perchloroethylene consumption greater than 8,000 liters (2,100 gallons) as determined according to §63.323(d); or

(2) It includes only transfer machine system(s) or both dry-to-dry machine(s) and transfer machine system(s) and has a total yearly perchloroethylene consumption greater than 6,800 liters (1,800 gallons) as determined according to §63.323(d).

(h) A dry cleaning facility is an area source if it does not meet the conditions of paragraph (g) of this section.

(i) If the total [yearly perchloroethylene consumption](#) of a [dry cleaning facility](#) determined according to [§63.323\(d\)](#) is initially less than the amounts specified in paragraph (g) of this section, but then exceeds those amounts, the [dry cleaning facility](#) becomes a [major source](#) and all [dry cleaning systems](#) located at that [dry cleaning facility](#) must comply with the appropriate requirements for [major sources](#) under [§§63.322](#), [63.323](#), and [63.324](#) by 180 calendar days from the date that the facility determines it has exceeded the amount specified, or by September 23, 1996, whichever is later.

(j) All [coin-operated dry cleaning machines](#) are exempt from the requirements of this subpart.

(k) If you are an owner or operator of an [area source](#) subject to this subpart, you are exempt from the obligation to obtain a permit under [40 CFR part 70](#) or [71](#), provided you are not required to obtain a permit under [40 CFR 70.3\(a\)](#) or [71.3\(a\)](#) for a reason other than your status as an [area source](#) under this subpart. Notwithstanding the previous sentence, you must continue to comply with the provisions of this subpart applicable to [area sources](#).

[58 FR 49376, Sept. 22, 1993, as amended at 58 FR 66289, Dec. 20, 1993; 61 FR 27788, June 3, 1996; 61 FR 49265, Sept. 19, 1996; 64 FR 69643, Dec. 14, 1999; 70 FR 75345, Dec. 19, 2005; 71 FR 42743, July 27, 2006]

§ 63.321 Definitions.

Administrator means the Administrator of the United States Environmental Protection Agency or his or her authorized representative (e.g., a State that has been delegated the authority to implement the provisions of this part).

Ancillary equipment means the equipment used with a [dry cleaning machine](#) in a [dry cleaning system](#) including, but not limited to, emission control devices, pumps, [filters](#), [muck cookers](#), [stills](#), solvent tanks, solvent containers, [water separators](#), [exhaust dampers](#), [diverter valves](#), interconnecting piping, hoses, and ducts.

Area source means any perchloroethylene [dry cleaning facility](#) that meets the conditions of [§63.320\(h\)](#).

Articles mean clothing, garments, textiles, fabrics, leather goods, and the like, that are dry cleaned.

Biweekly means any 14-day period of time.

Carbon adsorber means a bed of activated carbon into which an air-perchloroethylene gas-vapor stream is routed and which adsorbs the perchloroethylene on the carbon.

Coin-operated dry cleaning machine means a [dry cleaning machine](#) that is operated by the customer (that is, the customer places [articles](#) into the machine, turns the machine on, and removes [articles](#) from the machine).

Colorimetric detector tube means a glass tube (sealed prior to use), containing material impregnated with a chemical that is sensitive to perchloroethylene and is designed to measure the concentration of perchloroethylene in air.

Construction, for purposes of this subpart, means the fabrication (onsite), erection, or installation of a [dry cleaning system](#) subject to this subpart.

Desorption means regeneration of a [carbon adsorber](#) by removal of the perchloroethylene adsorbed on the carbon.

Diverter valve means a flow control device that prevents room air from passing through a [refrigerated condenser](#) when the door of the [dry cleaning machine](#) is open.

Dry cleaning means the process of cleaning [articles](#) using perchloroethylene.

Dry cleaning cycle means the washing and drying of [articles](#) in a [dry-to-dry machine](#) or [transfer machine system](#).

Dry cleaning facility means an establishment with one or more [dry cleaning systems](#).

Dry cleaning machine means a [dry-to-dry machine](#) or each machine of a [transfer machine system](#).

Dry cleaning machine drum means the perforated container inside the [dry cleaning machine](#) that holds the [articles](#) during dry cleaning.

Dry cleaning system means a [dry-to-dry machine](#) and its [ancillary equipment](#) or a [transfer machine system](#) and its [ancillary equipment](#).

Dryer means a machine used to remove perchloroethylene from [articles](#) by tumbling them in a heated air stream (see [reclaimer](#)).

Dry-to-dry machine means a one-machine dry cleaning operation in which washing and drying are performed in the same machine.

Exhaust damper means a flow control device that prevents the air-perchloroethylene gas-vapor stream from exiting the [dry cleaning machine](#) into a [carbon adsorber](#) before room air is drawn into the [dry cleaning machine](#).

Existing means commenced [construction](#) or [reconstruction](#) before December 9, 1991.

Filter means a porous device through which PCE is passed to remove contaminants in suspension. Examples include, but are not limited to, lint filter, button trap, cartridge filter, tubular filter, regenerative filter, prefilter, polishing filter, and spin disc filter.

Halogenated hydrocarbon detector means a portable device capable of detecting vapor concentrations of PCE of 25 parts per million by volume and indicating a concentration of 25 parts per million by volume or greater by emitting an audible or visual signal that varies as the concentration changes.

Heating coil means the device used to heat the air stream circulated from the [dry cleaning machine drum](#), after perchloroethylene has been condensed from the air stream and before the stream reenters the [dry cleaning machine drum](#).

Major source means any [dry cleaning facility](#) that meets the conditions of [§63.320\(g\)](#).

Muck cooker means a device for heating perchloroethylene-laden waste material to volatilize and recover perchloroethylene.

New means commenced [construction](#) or [reconstruction](#) on or after December 9, 1991.

PCE gas analyzer means a flame ionization detector, photoionization detector, or infrared analyzer capable of detecting vapor concentrations of PCE of 25 parts per million by volume.

Perceptible leaks mean any perchloroethylene vapor or liquid leaks that are obvious from:

- (1) The odor of perchloroethylene;
- (2) Visual observation, such as pools or droplets of liquid; or
- (3) The detection of gas flow by passing the fingers over the surface of equipment.

Perchloroethylene consumption means the total volume of perchloroethylene purchased based upon purchase receipts or other reliable measures.

Reclaimer means a machine used to remove perchloroethylene from [articles](#) by tumbling them in a heated air stream (see [dryer](#)).

Reconstruction, for purposes of this subpart, means replacement of a [washer](#), [dryer](#), or [reclaimer](#); or replacement of any components of a [dry cleaning system](#) to such an extent that the fixed capital cost of the [new](#) components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable new source.

Refrigerated condenser means a vapor recovery system into which an air-perchloroethylene gas-vapor stream is routed and the perchloroethylene is condensed by cooling the gas-vapor stream.

Refrigerated condenser coil means the coil containing the chilled liquid used to cool and condense the perchloroethylene.

Residence means any dwelling or housing in which people reside excluding short-term housing that is occupied by the same person for a period of less than 180 days (such as a hotel room).

Responsible official means one of the following:

- (1) For a corporation: A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more dry cleaning facilities;
- (2) For a partnership: A general partner;
- (3) For a sole proprietorship: The owner; or
- (4) For a municipality, State, Federal, or other public agency: Either a principal executive officer or ranking official.

Room enclosure means a stationary structure that encloses a [transfer machine system](#), and is vented to a [carbon adsorber](#) or an equivalent control device during operation of the [transfer machine system](#).

Source, for purposes of this subpart, means each [dry cleaning system](#).

Still means any device used to volatilize and recover perchloroethylene from contaminated perchloroethylene.

Temperature sensor means a thermometer or thermocouple used to measure temperature.

Transfer machine system means a multiple-machine dry cleaning operation in which washing and drying are performed in different machines. Examples include, but are not limited to:

- (1) A [washer](#) and [dryer](#)(s);
- (2) A [washer](#) and [reclaimer](#)(s); or
- (3) A [dry-to-dry machine](#) and [reclaimer](#)(s).

Vapor barrier enclosure means a room that encloses a [dry cleaning system](#) and is constructed of vapor barrier material that is impermeable to perchloroethylene. The enclosure shall be equipped with a ventilation system that exhausts outside the building and is completely separate from the ventilation system for any other area of the building. The exhaust system shall be designed and operated to maintain negative pressure and a ventilation rate of at least one air change per five minutes. The vapor barrier enclosure shall be constructed of glass, plexiglass, polyvinyl chloride, PVC sheet 22 mil thick (0.022 in.), sheet metal, metal foil face composite board, or other materials that are impermeable to perchloroethylene vapor. The enclosure shall be constructed so that all joints and seams are sealed except for inlet make-up air and exhaust openings and the entry door.

Vapor leak means a PCE vapor concentration exceeding 25 parts per million by volume (50 parts per million by volume as methane) as indicated by a [halogenated hydrocarbon detector](#) or [PCE gas analyzer](#).

Washer means a machine used to clean [articles](#) by immersing them in perchloroethylene. This includes a [dry-to-dry machine](#) when used with a [reclaimer](#).

Water separator means any device used to recover perchloroethylene from a water-perchloroethylene mixture.

Year or *Yearly* means any consecutive 12-month period of time.

[58 FR 49376, Sept. 22, 1993, as amended at 71 FR 42744, July 27, 2006]

§ 63.322 Standards.

(a) The owner or operator of each [existing dry cleaning system](#) and of each [new transfer machine system](#) and its [ancillary equipment](#) installed between December 9, 1991 and September 22, 1993 shall comply with either paragraph [\(a\)\(1\)](#) or [\(a\)\(2\)](#) of this section and shall comply with paragraph [\(a\)\(3\)](#) of this section if applicable.

(1) Route the air-perchloroethylene gas-vapor stream contained within each [dry cleaning machine](#) through a [refrigerated condenser](#) or an equivalent control device.

(2) Route the air-perchloroethylene gas-vapor stream contained within each [dry cleaning machine](#) through a [carbon adsorber](#) installed on the [dry cleaning machine](#) prior to September 22, 1993.

(3) Contain the [dry cleaning machine](#) inside a [room enclosure](#) if the [dry cleaning machine](#) is a [transfer machine system](#) located at a [major source](#). Each [room enclosure](#) shall be:

(i) Constructed of materials impermeable to perchloroethylene; and

(ii) Designed and operated to maintain a negative pressure at each opening at all times that the machine is operating.

(b) The owner or operator of each [new dry-to-dry machine](#) and its [ancillary equipment](#) and of each [new transfer machine system](#) and its [ancillary equipment](#) installed after September 22, 1993:

(1) Shall route the air-perchloroethylene gas-vapor stream contained within each [dry cleaning machine](#) through a [refrigerated condenser](#) or an equivalent control device;

(2) Shall eliminate any emission of perchloroethylene during the transfer of [articles](#) between the [washer](#) and [dryer\(s\)](#); and

(3) Shall pass the air-perchloroethylene gas-vapor stream from inside the [dry cleaning machine drum](#) through a [carbon adsorber](#) or equivalent control device immediately before or as the door of the [dry cleaning machine](#) is opened if the [dry cleaning machine](#) is located at a [major source](#).

(c) The owner or operator shall close the door of each [dry cleaning machine](#) immediately after transferring [articles](#) to or from the machine, and shall keep the door closed at all other times.

(d) The owner or operator of each [dry cleaning system](#) shall operate and maintain the system according to the manufacturers' specifications and recommendations.

(e) Each [refrigerated condenser](#) used for the purposes of complying with paragraph (a) or (b) of this section and installed on a [dry-to-dry machine](#), [dryer](#), or [reclaimer](#):

(1) Shall be operated to not vent or release the air-perchloroethylene gas-vapor stream contained within the [dry cleaning machine](#) to the atmosphere while the [dry cleaning machine drum](#) is rotating;

(2) Shall be monitored according to [§63.323\(a\)\(1\)](#); and

(3) Shall prevent air drawn into the [dry cleaning machine](#) when the door of the machine is open from passing through the [refrigerated condenser](#).

(f) Each [refrigerated condenser](#) used for the purpose of complying with paragraph (a) of this section and installed on a [washer](#):

(1) Shall be operated to not vent the air-perchloroethylene gas-vapor contained within the [washer](#) to the atmosphere until the [washer](#) door is opened;

(2) Shall be monitored according to [§63.323\(a\)\(2\)](#); and

(3) Shall not use the same [refrigerated condenser coil](#) for the [washer](#) that is used by a [dry-to-dry machine](#), [dryer](#), or [reclaimer](#).

(g) Each [carbon adsorber](#) used for the purposes of complying with paragraph (a) or (b) of this section:

(1) Shall not be bypassed to vent or release any air-perchloroethylene gas-vapor stream to the atmosphere at any time; and

(2) Shall be monitored according to the applicable requirements in [§63.323 \(b\)](#) or [\(c\)](#).

(h) Each [room enclosure](#) used for the purposes of complying with paragraph (a)(3) of this section:

(1) Shall be operated to vent all air from the [room enclosure](#) through a [carbon adsorber](#) or an equivalent control device; and

(2) Shall be equipped with a [carbon adsorber](#) that is not the same carbon adsorber used to comply with paragraph [\(a\)\(2\)](#) or [\(b\)\(3\)](#) of this section.

(i) The owner or operator of an affected facility shall drain all cartridge [filters](#) in their housing, or other sealed container, for a minimum of 24 hours, or shall treat such [filters](#) in an equivalent manner, before removal from the [dry cleaning facility](#).

(j) The owner or operator of an affected facility shall store all PCE and wastes that contain PCE in solvent tanks or solvent containers with no [perceptible leaks](#). The exception to this requirement is that containers for separator water may be uncovered, as necessary, for proper operation of the machine and [still](#).

(k) The owner or operator of a [dry cleaning system](#) shall inspect the system weekly for [perceptible leaks](#) while the [dry cleaning system](#) is operating. Inspection with a [halogenated hydrocarbon detector](#) or [PCE gas analyzer](#) also fulfills the requirement for inspection for [perceptible leaks](#). The following components shall be inspected:

(1) Hose and pipe connections, fittings, couplings, and valves;

(2) Door gaskets and seatings;

(3) [Filter](#) gaskets and seatings;

(4) Pumps;

(5) Solvent tanks and containers;

(6) [Water separators](#);

(7) [Muck cookers](#);

(8) [Stills](#);

(9) [Exhaust dampers](#);

(10) [Diverter valves](#); and

(11) All [Filter](#) housings.

(l) The owner or operator of a [dry cleaning facility](#) with a total facility consumption below the applicable consumption levels of [§63.320\(d\)](#) or [\(e\)](#) shall inspect the components listed in paragraph [\(k\)](#) of this section [biweekly](#) for [perceptible leaks](#) while the [dry cleaning system](#) is operating.

(m) The owner or operator of a [dry cleaning system](#) shall repair all leaks detected under paragraph [\(k\)](#) or [\(o\)\(1\)](#) of this section within 24 hours. If repair parts must be ordered, either a

written or verbal order for those parts shall be initiated within 2 working days of detecting such a leak. Such repair parts shall be installed within 5 working days after receipt.

(n) If parameter values monitored under paragraphs (e), (f), or (g) of this section do not meet the values specified in §63.323(a), (b), or (c), adjustments or repairs shall be made to the [dry cleaning system](#) or control device to meet those values. If repair parts must be ordered, either a written or verbal order for such parts shall be initiated within 2 working days of detecting such a parameter value. Such repair parts shall be installed within 5 working days after receipt.

(o) Additional requirements:

(1) The owner or operator of a [dry cleaning system](#) shall inspect the components listed in paragraph (k) of this section for [vapor leaks](#) monthly while the component is in operation.

(i) [Area sources](#) shall conduct the inspections using a [halogenated hydrocarbon detector](#) or [PCE gas analyzer](#) that is operated according to the manufacturer's instructions. The operator shall place the probe inlet at the surface of each component interface where leakage could occur and move it slowly along the interface periphery.

(ii) [Major sources](#) shall conduct the inspections using a [PCE gas analyzer](#) operated according to EPA Method 21.

(iii) Any inspection conducted according to this paragraph shall satisfy the requirements to conduct an inspection for [perceptible leaks](#) under §63.322(k) or (l) of this subpart.

(2) The owner or operator of each [dry cleaning system](#) installed after December 21, 2005, at an [area source](#) shall route the air-PCE gas-vapor stream contained within each [dry cleaning machine](#) through a [refrigerated condenser](#) and pass the air-PCE gas-vapor stream from inside the [dry cleaning machine drum](#) through a non-vented [carbon adsorber](#) or equivalent control device immediately before the door of the [dry cleaning machine](#) is opened. The [carbon adsorber](#) must be desorbed in accordance with manufacturer's instructions.

(3) The owner or operator of any [dry cleaning system](#) shall eliminate any emission of PCE during the transfer of [articles](#) between the [washer](#) and the [dryer\(s\)](#) or [reclaimer\(s\)](#).

(4) The owner or operator shall eliminate any emission of PCE from any [dry cleaning system](#) that is installed (including relocation of a used machine) after December 21, 2005, and that is located in a building with a [residence](#).

(5)(i) After December 21, 2020, the owner or operator shall eliminate any emission of PCE from any [dry cleaning system](#) that is located in a building with a [residence](#).

(ii) [Sources](#) demonstrating compliance under Section 63.320(b)(2)(ii) shall comply with paragraph (o)(5)(ii)(A) through (C), in addition to the other applicable requirements of this section:

(A) Operate the [dry cleaning system](#) inside a [vapor barrier enclosure](#). The exhaust system for the enclosure shall be operated at all times that the [dry cleaning system](#) is in operation and during maintenance. The entry door to the enclosure may be open only when a person is entering or exiting the enclosure.

(B) Route the air-perchloroethylene gas-vapor stream contained within each [dry cleaning machine](#) through a [refrigerated condenser](#) and pass the air-perchloroethylene gas-vapor stream from inside the [dry cleaning drum](#) through a [carbon adsorber](#) or equivalent control device immediately before the door of the [dry cleaning machine](#) is opened. The [carbon adsorber](#) must be desorbed in accordance with manufacturer's instructions.

(C) Inspect the machine components listed in paragraph (k) of this section for [vapor leaks](#) weekly while the component is in operation. These inspections shall be conducted using a [halogenated hydrocarbon detector](#) or [PCE gas analyzer](#) that is operated according to the manufacturer's instructions. The operator shall place the probe inlet at the surface of each component interface where leakage could occur and move it slowly along the interface periphery.

[58 FR 49376, Sept. 22, 1993, as amended at 61 FR 49265, Sept. 19, 1996; 71 FR 42744, July 27, 2006]

§ 63.323 Test methods and monitoring.

(a) When a [refrigerated condenser](#) is used to comply with [§63.322\(a\)\(1\)](#) or [\(b\)\(1\)](#):

(1) The owner or operator shall monitor the following parameters, as applicable, on a weekly basis:

(i) The refrigeration system high pressure and low pressure during the drying phase to determine if they are in the range specified in the manufacturer's operating instructions.

(ii) If the machine is not equipped with refrigeration system pressure gauges, the temperature of the air-perchloroethylene gas-vapor stream on the outlet side of the [refrigerated condenser](#) on a [dry-to-dry machine](#), [dryer](#), or [reclaimer](#) with a [temperature sensor](#) to determine if it is equal to or less than 7.2 °C (45 °F) before the end of the cool-down or drying cycle while the gas-vapor stream is flowing through the condenser. The [temperature sensor](#) shall be used according to the manufacturer's instructions and shall be designed to measure a temperature of 7.2 °C (45 °F) to an accuracy of ±1.1 °C (±2 °F).

(2) The owner or operator shall calculate the difference between the temperature of the air-perchloroethylene gas-vapor stream entering the [refrigerated condenser](#) on a [washer](#) and the temperature of the air-perchloroethylene gas-vapor stream exiting the [refrigerated condenser](#) on the [washer](#) weekly to determine that the difference is greater than or equal to 11.1 °C (20 °F).

(i) Measurements of the inlet and outlet streams shall be made with a [temperature sensor](#). Each [temperature sensor](#) shall be used according to the manufacturer's instructions, and designed to

measure at least a temperature range from 0 °C (32 °F) to 48.9 °C (120 °F) to an accuracy of ±1.1 °C (±2 °F).

(ii) The difference between the inlet and outlet temperatures shall be calculated weekly from the measured values.

(b) When a [carbon adsorber](#) is used to comply with [§63.322\(a\)\(2\)](#) or exhaust is passed through a [carbon adsorber](#) immediately upon machine door opening to comply with [§63.322\(b\)\(3\)](#) or [§63.322\(o\)\(2\)](#), the owner or operator shall measure the concentration of PCE in the exhaust of the [carbon adsorber](#) weekly with a [colorimetric detector tube](#) or [PCE gas analyzer](#). The measurement shall be taken while the [dry cleaning machine](#) is venting to that [carbon adsorber](#) at the end of the last [dry cleaning cycle](#) prior to [desorption](#) of that [carbon adsorber](#) or removal of the activated carbon to determine that the PCE concentration in the exhaust is equal to or less than 100 parts per million by volume. The owner or operator shall:

(1) Use a [colorimetric detector tube](#) or [PCE gas analyzer](#) designed to measure a concentration of 100 parts per million by volume of PCE in air to an accuracy of 25 parts per million by volume; and

(2) Use the [colorimetric detector tube](#) or [PCE gas analyzer](#) according to the manufacturer's instructions; and

(3) Provide a sampling port for monitoring within the exhaust outlet of the [carbon adsorber](#) that is easily accessible and located at least 8 stack or duct diameters downstream from any flow disturbance such as a bend, expansion, contraction, or outlet; downstream from no other inlet; and 2 stack or duct diameters upstream from any flow disturbance such as a bend, expansion, contraction, inlet, or outlet.

(c) If the air-PCE gas vapor stream is passed through a [carbon adsorber](#) prior to machine door opening to comply with [§63.322\(b\)\(3\)](#) or [§63.322\(o\)\(2\)](#), the owner or operator of an affected facility shall measure the concentration of PCE in the [dry cleaning machine drum](#) at the end of the [dry cleaning cycle](#) weekly with a [colorimetric detector tube](#) or [PCE gas analyzer](#) to determine that the PCE concentration is equal to or less than 300 parts per million by volume. The owner or operator shall:

(1) Use a [colorimetric detector tube](#) or [PCE gas analyzer](#) designed to measure a concentration of 300 parts per million by volume of PCE in air to an accuracy of ±75 parts per million by volume; and

(2) Use the [colorimetric detector tube](#) or [PCE gas analyzer](#) according to the manufacturer's instructions; and

(3) Conduct the weekly monitoring by inserting the colorimetric detector or [PCE gas analyzer](#) tube into the open space above the [articles](#) at the rear of the [dry cleaning machine drum](#) immediately upon opening the [dry cleaning machine](#) door.

(d) When calculating [yearly perchloroethylene consumption](#) for the purpose of demonstrating applicability according to [§63.320](#), the owner or operator shall perform the following calculation on the first day of every month:

(1) Sum the volume of all perchloroethylene purchases made in each of the previous 12 months, as recorded in the log described in [§63.324\(d\)\(1\)](#).

(2) If no perchloroethylene purchases were made in a given month, then the [perchloroethylene consumption](#) for that month is zero gallons.

(3) The total sum calculated in paragraph (d) of this section is the [yearly perchloroethylene consumption](#) at the facility.

[58 FR 49376, Sept. 22, 1993, as amended at 71 FR 42745, July 27, 2006]

§ 63.324 Reporting and recordkeeping requirements.

(a) Each owner or operator of a [dry cleaning facility](#) shall notify the [Administrator](#) or delegated State authority in writing within 270 calendar days after September 23, 1993 (i.e., June 18, 1994) and provide the following information:

(1) The name and address of the owner or operator;

(2) The address (that is, physical location) of the [dry cleaning facility](#);

(3) A brief description of the type of each [dry cleaning machine](#) at the [dry cleaning facility](#);

(4) Documentation as described in [§63.323\(d\)](#) of the [yearly perchloroethylene consumption](#) at the [dry cleaning facility](#) for the previous [year](#) to demonstrate applicability according to [§63.320](#); or an estimation of [perchloroethylene consumption](#) for the previous [year](#) to estimate applicability with [§63.320](#); and

(5) A description of the type of control device(s) that will be used to achieve compliance with [§63.322 \(a\)](#) or [\(b\)](#) and whether the control device(s) is currently in use or will be purchased.

(6) Documentation to demonstrate to the [Administrator](#)'s satisfaction that each [room enclosure](#) used to meet the requirements of [§63.322\(a\)\(3\)](#) meets the requirements of [§63.322\(a\)\(3\) \(i\)](#) and [\(ii\)](#).

(b) Each owner or operator of a [dry cleaning facility](#) shall submit to the [Administrator](#) or delegated State authority by registered mail on or before the 30th day following the compliance dates specified in [§63.320 \(b\)](#) or [\(c\)](#) or June 18, 1994, whichever is later, a notification of compliance status providing the following information and signed by a [responsible official](#) who shall certify its accuracy:

(1) The [yearly](#) perchloroethylene solvent consumption limit based upon the [yearly](#) solvent consumption calculated according to [§63.323\(d\)](#);

(2) Whether or not they are in compliance with each applicable requirement of [§63.322](#); and

(3) All information contained in the statement is accurate and true.

(c) Each owner or operator of an [area source dry cleaning facility](#) that exceeds the solvent consumption limit reported in paragraph (b) of this section shall submit to the [Administrator](#) or a delegated State authority by registered mail on or before the dates specified in [§63.320 \(f\)](#) or [\(i\)](#), a notification of compliance status providing the following information and signed by a [responsible official](#) who shall certify its accuracy:

(1) The new [yearly](#) perchloroethylene solvent consumption limit based upon the [yearly](#) solvent consumption calculated according to [§63.323\(d\)](#);

(2) Whether or not they are in compliance with each applicable requirement of [§63.322](#); and

(3) All information contained in the statement is accurate and true.

(d) Each owner or operator of a [dry cleaning facility](#) shall keep receipts of perchloroethylene purchases and a log of the following information and maintain such information on site and show it upon request for a period of 5 [years](#):

(1) The volume of perchloroethylene purchased each month by the [dry cleaning facility](#) as recorded from perchloroethylene purchases; if no perchloroethylene is purchased during a given month then the owner or operator would enter zero gallons into the log;

(2) The calculation and result of the [yearly perchloroethylene consumption](#) determined on the first day of each month as specified in [§63.323\(d\)](#);

(3) The dates when the [dry cleaning system](#) components are inspected for leaks, as specified in [§63.322\(k\)](#), [\(l\)](#), or [\(o\)\(1\)](#), and the name or location of [dry cleaning system](#) components where leaks are detected;

(4) The dates of repair and records of written or verbal orders for repair parts to demonstrate compliance with [§63.322\(m\)](#) and [\(n\)](#);

(5) The date and [temperature sensor](#) monitoring results, as specified in [§63.323](#) if a [refrigerated condenser](#) is used to comply with [§63.322\(a\)](#), [\(b\)](#), or [\(o\)](#); and

(6) The date and monitoring results, as specified in [§63.323](#), if a [carbon adsorber](#) is used to comply with [§63.322\(a\)\(2\)](#), [\(b\)\(3\)](#), or [\(o\)\(2\)](#).

(e) Each owner or operator of a [dry cleaning facility](#) shall retain onsite a copy of the design specifications and the operating manuals for each [dry cleaning system](#) and each emission control device located at the [dry cleaning facility](#).

(f) Each owner or operator of a [dry cleaning facility](#) shall submit to the [Administrator](#) or delegated State authority by registered mail on or before July 28, 2008 a notification of compliance status providing the following information and signed by a [responsible official](#) who shall certify its accuracy:

(1) The name and address of the owner or operator;

(2) The address (that is, physical location) of the [dry cleaning facility](#);

(3) If they are located in a building with a [residence\(s\)](#), even if the [residence](#) is vacant at the time of this notification;

(4) If they are located in a building with no other tenants, leased space, or owner occupants;

(5) Whether they are a major or [area source](#);

(6) The [yearly](#) PCE solvent consumption based upon the [yearly](#) solvent consumption calculated according to [§63.323\(d\)](#);

(7) Whether or not they are in compliance with each applicable requirement of [§63.322](#); and

(8) All information contained in the statement is accurate and true.

[58 FR 49376, Sept. 22, 1993, as amended at 58 FR 66289, Dec. 20, 1993; 71 FR 42745, July 27, 2006]

§ 63.325 Determination of equivalent emission control technology.

(a) Any person requesting that the use of certain equipment or procedures be considered equivalent to the requirements under [§63.322](#) shall collect, verify, and submit to the [Administrator](#) the following information to show that the alternative achieves equivalent emission reductions:

(1) Diagrams, as appropriate, illustrating the emission control technology, its operation and integration into or function with [dry-to-dry machine\(s\)](#) or [transfer machine system\(s\)](#) and their [ancillary equipment](#) during each portion of the normal [dry cleaning cycle](#);

(2) Information quantifying vented perchloroethylene emissions from the [dry-to-dry machine\(s\)](#) or [transfer machine system\(s\)](#) during each portion of the [dry cleaning cycle](#) with and without the use of the candidate emission control technology;

- (3) Information on solvent mileage achieved with and without the candidate emission control technology. Solvent mileage is the average weight of [articles](#) cleaned per volume of perchloroethylene used. Solvent mileage data must be of continuous duration for at least 1 [year](#) under the conditions of a typical dry cleaning operation. This information on solvent mileage must be accompanied by information on the design, configuration, operation, and maintenance of the specific [dry cleaning system](#) from which the solvent mileage information was obtained;
- (4) Identification of maintenance requirements and parameters to monitor to ensure proper operation and maintenance of the candidate emission control technology;
- (5) Explanation of why this information is considered accurate and representative of both the short-term and the long-term performance of the candidate emission control technology on the specific [dry cleaning system](#) examined;
- (6) Explanation of why this information can or cannot be extrapolated to [dry cleaning systems](#) other than the specific system(s) examined; and
- (7) Information on the cross-media impacts (to water and solid waste) of the candidate emission control technology and demonstration that the cross-media impacts are less than or equal to the cross-media impacts of a [refrigerated condenser](#).
- (b) For the purpose of determining equivalency to control equipment required under [§63.322](#), the [Administrator](#) will evaluate the petition to determine whether equivalent control of perchloroethylene emissions has been adequately demonstrated.
- (c) Where the [Administrator](#) determines that certain equipment and procedures may be equivalent, the [Administrator](#) will publish a notice in the Federal Register proposing to consider this equipment or these procedures as equivalent. After notice and opportunity for public hearing, the [Administrator](#) will publish the final determination of equivalency in the Federal Register.

§ 63.326 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 implementation and enforcement of 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 the requirements in [§§63.320](#) and [63.322\(a\)](#) through (j). Follow the requirements in [§63.325](#) to demonstrate that alternative equipment or procedures are equivalent to the requirements of [§63.322](#).

(2) Approval of major alternatives to test methods under [§63.7\(e\)\(2\)\(ii\) and \(f\)](#), as defined in [§63.90](#), and as required in this subpart.

(3) Approval of major alternatives to monitoring under [§63.8\(f\)](#), as defined in [§63.90](#), and as required in this subpart.

(4) Approval of major alternatives to recordkeeping and reporting under [§63.10\(f\)](#), as defined in [§63.90](#), and as required in this subpart.

[68 FR 37347, June 23, 2003]

Clean Air Act 112(i)(2) Special rule.- Notwithstanding the requirements of paragraph (1), a new source which commences [construction](#) or [reconstruction](#) after a standard, limitation or regulation applicable to such source is proposed and before such standard, limitation or regulation is promulgated shall not be required to comply with such promulgated standard until the date 3 years after the date of promulgation if - (A) the promulgated standard, limitation or regulation is more stringent than the standard, limitation or regulation proposed; and (B) the source complies with the standard, limitation, or regulation as proposed during the 3-year period immediately after promulgation.

63.6(b)(4) The owner or operator of an affected source for which [construction](#) or [reconstruction](#) is commenced after the proposal date of a relevant standard established pursuant to section 112(d) of the Act but before the proposal date of a relevant standard established pursuant to section 112(f) shall not be required to comply with the section 112(f) emission standard until the date 10 years after the date [construction](#) or [reconstruction](#) is commenced, except that, if the section 112(f) standard is promulgated more than 10 years after [construction](#) or [reconstruction](#) is commenced, the owner or operator must comply with the standard as provided in paragraphs (b)(1) and (2) of this section.

40 CFR 70.3(a) *Part 70 sources.* A State program with whole or partial approval under this part must provide for permitting of the following sources:

(1) Any [major source](#);

(2) Any source, including an [area source](#), subject to a standard, limitation, or other requirement under section 111 of the Act;

(3) Any source, including an [area source](#), subject to a standard or other requirement under section 112 of the Act, except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under section 112(r) of this Act;

(4) Any affected source; and

(5) Any source in a source category designated by the [Administrator](#) pursuant to this section.

40 CFR 71.3(a) *Part 71 sources*. The following sources are subject to the permitting requirements under this part:

(1) Any [major source](#);

(2) Any source, including an [area source](#), subject to a standard, limitation, or other requirement under section 111 of the Act;

(3) Any source, including an [area source](#), subject to a standard or other requirement under section 112 of the Act, except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under section 112(r) of the Act;

(4) Any affected source; and

(5) Any source in a source category designated by the [Administrator](#) pursuant to this section.

63.7 (e)(2)(ii) Approves the use of an intermediate or major change or alternative to a test method (see definitions in §63.90(a)), the results of which the [Administrator](#) has determined to be adequate for indicating whether a specific affected source is in compliance; or

63.7 (f) *Use of an alternative test method—(1)General*. Until authorized to use an intermediate or major change or alternative to a test method, the owner or operator of an affected source remains subject to the requirements of this section and the relevant standard.

(2) The owner or operator of an affected source required to do performance testing by a relevant standard may use an alternative test method from that specified in the standard provided that the owner or operator—

(i) Notifies the [Administrator](#) of his or her intention to use an alternative test method at least 60 days before the performance test is scheduled to begin;

(ii) Uses Method 301 in appendix A of this part to validate the alternative test method. This may include the use of specific procedures of Method 301 if use of such procedures are sufficient to validate the alternative test method; and

(iii) Submits the results of the Method 301 validation process along with thnotification of intention and the justification for not using the specified test method. The owner or operator may submit the information required in this paragraph well in advance of the deadline specified in

paragraph (f)(2)(i) of this section to ensure a timely review by the [Administrator](#) in order to meet the performance test date specified in this section or the relevant standard.

(3) The [Administrator](#) will determine whether the owner or operator's validation of the proposed alternative test method is adequate and issue an approval or disapproval of the alternative test method. If the owner or operator intends to demonstrate compliance by using an alternative to any test method specified in the relevant standard, the owner or operator is authorized to conduct the performance test using an alternative test method after the [Administrator](#) approves the use of the alternative method. However, the owner or operator is authorized to conduct the performance test using an alternative method in the absence of notification of approval/disapproval 45 days after submission of the request to use an alternative method and the request satisfies the requirements in paragraph (f)(2) of this section. The owner or operator is authorized to conduct the performance test within 60 calendar days after he/she is authorized to demonstrate compliance using an alternative test method. Notwithstanding the requirements in the preceding three sentences, the owner or operator may proceed to conduct the performance test as required in this section (without the [Administrator](#)'s prior approval of the site-specific test plan) if he/she subsequently chooses to use the specified testing and monitoring methods instead of an alternative.

(4) If the [Administrator](#) finds reasonable grounds to dispute the results obtained by an alternative test method for the purposes of demonstrating compliance with a relevant standard, the [Administrator](#) may require the use of a test method specified in a relevant standard.

(5) If the owner or operator uses an alternative test method for an affected source during a required performance test, the owner or operator of such source shall continue to use the alternative test method for subsequent performance tests at that affected source until he or she receives approval from the [Administrator](#) to use another test method as allowed under §63.7(f).

(6) Neither the validation and approval process nor the failure to validate an alternative test method shall abrogate the owner or operator's responsibility to comply with the requirements of this part.

63.8(f) (f) *Use of an alternative monitoring method.*—(1) *General.* Until permission to use an alternative monitoring procedure (minor, intermediate, or major changes; see definition in §63.90(a)) has been granted by the [Administrator](#) under this paragraph (f)(1), the owner or operator of an affected source remains subject to the requirements of this section and the relevant standard.

(2) After receipt and consideration of written application, the [Administrator](#) may approve alternatives to any monitoring methods or procedures of this part including, but not limited to, the following:

(i) Alternative monitoring requirements when installation of a CMS specified by a relevant standard would not provide accurate measurements due to liquid water or other interferences caused by substances within the effluent gases;

- (ii) Alternative monitoring requirements when the affected source is infrequently operated;
 - (iii) Alternative monitoring requirements to accommodate CEMS that require additional measurements to correct for stack moisture conditions;
 - (iv) Alternative locations for installing CMS when the owner or operator can demonstrate that installation at alternate locations will enable accurate and representative measurements;
 - (v) Alternate methods for converting pollutant concentration measurements to units of the relevant standard;
 - (vi) Alternate procedures for performing daily checks of zero (low-level) and high-level drift that do not involve use of high-level gases or test cells;
 - (vii) Alternatives to the American Society for Testing and Materials (ASTM) test methods or sampling procedures specified by any relevant standard;
 - (viii) Alternative CMS that do not meet the design or performance requirements in this part, but adequately demonstrate a definite and consistent relationship between their measurements and the measurements of opacity by a system complying with the requirements as specified in the relevant standard. The [Administrator](#) may require that such demonstration be performed for each affected source; or
 - (ix) Alternative monitoring requirements when the effluent from a single affected source or the combined effluent from two or more affected sources is released to the atmosphere through more than one point.
- (3) If the [Administrator](#) finds reasonable grounds to dispute the results obtained by an alternative monitoring method, requirement, or procedure, the [Administrator](#) may require the use of a method, requirement, or procedure specified in this section or in the relevant standard. If the results of the specified and alternative method, requirement, or procedure do not agree, the results obtained by the specified method, requirement, or procedure shall prevail.
- (4)(i) *Request to use alternative monitoring procedure.* An owner or operator who wishes to use an alternative monitoring procedure must submit an application to the [Administrator](#) as described in paragraph (f)(4)(ii) of this section. The application may be submitted at any time provided that the monitoring procedure is not the performance test method used to demonstrate compliance with a relevant standard or other requirement. If the alternative monitoring procedure will serve as the performance test method that is to be used to demonstrate compliance with a relevant standard, the application must be submitted at least 60 days before the performance evaluation is scheduled to begin and must meet the requirements for an alternative test method under §63.7(f).
- (ii) The application must contain a description of the proposed alternative monitoring system which addresses the four elements contained in the definition of monitoring in §63.2 and a performance evaluation test plan, if required, as specified in paragraph (e)(3) of this section. In addition, the application must include information justifying the owner or operator's request for

an alternative monitoring method, such as the technical or economic infeasibility, or the impracticality, of the affected source using the required method.

(iii) The owner or operator may submit the information required in this paragraph well in advance of the submittal dates specified in paragraph (f)(4)(i) above to ensure a timely review by the [Administrator](#) in order to meet the compliance demonstration date specified in this section or the relevant standard.

(iv) Application for minor changes to monitoring procedures, as specified in paragraph (b)(1) of this section, may be made in the site-specific performance evaluation plan.

(5) *Approval of request to use alternative monitoring procedure.* (i) The [Administrator](#) will notify the owner or operator of approval or intention to deny approval of the request to use an alternative monitoring method within 30 calendar days after receipt of the original request and within 30 calendar days after receipt of any supplementary information that is submitted. If a request for a minor change is made in conjunction with site-specific performance evaluation plan, then approval of the plan will constitute approval of the minor change. Before disapproving any request to use an alternative monitoring method, the [Administrator](#) will notify the applicant of the [Administrator](#)'s intention to disapprove the request together with—

(A) Notice of the information and findings on which the intended disapproval is based; and

(B) Notice of opportunity for the owner or operator to present additional information to the [Administrator](#) before final action on the request. At the time the [Administrator](#) notifies the applicant of his or her intention to disapprove the request, the [Administrator](#) will specify how much time the owner or operator will have after being notified of the intended disapproval to submit the additional information.

(ii) The [Administrator](#) may establish general procedures and criteria in a relevant standard to accomplish the requirements of paragraph (f)(5)(i) of this section.

(iii) If the [Administrator](#) approves the use of an alternative monitoring method for an affected source under paragraph (f)(5)(i) of this section, the owner or operator of such source shall continue to use the alternative monitoring method until he or she receives approval from the [Administrator](#) to use another monitoring method as allowed by §63.8(f).

(6) *Alternative to the relative accuracy test.* An alternative to the relative accuracy test for CEMS specified in a relevant standard may be requested as follows:

(i) *Criteria for approval of alternative procedures.* An alternative to the test method for determining relative accuracy is available for affected sources with emission rates demonstrated to be less than 50 percent of the relevant standard. The owner or operator of an affected source may petition the [Administrator](#) under paragraph (f)(6)(ii) of this section to substitute the relative accuracy test in section 7 of Performance Specification 2 with the procedures in section 10 if the results of a performance test conducted according to the requirements in §63.7, or other tests performed following the criteria in §63.7, demonstrate that the emission rate of the pollutant of

interest in the units of the relevant standard is less than 50 percent of the relevant standard. For affected sources subject to emission limitations expressed as control efficiency levels, the owner or operator may petition the [Administrator](#) to substitute the relative accuracy test with the procedures in section 10 of Performance Specification 2 if the control device exhaust emission rate is less than 50 percent of the level needed to meet the control efficiency requirement. The alternative procedures do not apply if the CEMS is used continuously to determine compliance with the relevant standard.

(ii) *Petition to use alternative to relative accuracy test.* The petition to use an alternative to the relative accuracy test shall include a detailed description of the procedures to be applied, the location and the procedure for conducting the alternative, the concentration or response levels of the alternative relative accuracy materials, and the other equipment checks included in the alternative procedure(s). The [Administrator](#) will review the petition for completeness and applicability. The [Administrator](#)'s determination to approve an alternative will depend on the intended use of the CEMS data and may require specifications more stringent than in Performance Specification 2.

(iii) *Rescission of approval to use alternative to relative accuracy test.* The [Administrator](#) will review the permission to use an alternative to the CEMS relative accuracy test and may rescind such permission if the CEMS data from a successful completion of the alternative relative accuracy procedure indicate that the affected source's emissions are approaching the level of the relevant standard. The criterion for reviewing the permission is that the collection of CEMS data shows that emissions have exceeded 70 percent of the relevant standard for any averaging period, as specified in the relevant standard. For affected sources subject to emission limitations expressed as control efficiency levels, the criterion for reviewing the permission is that the collection of CEMS data shows that exhaust emissions have exceeded 70 percent of the level needed to meet the control efficiency requirement for any averaging period, as specified in the relevant standard. The owner or operator of the affected source shall maintain records and determine the level of emissions relative to the criterion for permission to use an alternative for relative accuracy testing. If this criterion is exceeded, the owner or operator shall notify the [Administrator](#) within 10 days of such occurrence and include a description of the nature and cause of the increased emissions. The [Administrator](#) will review the notification and may rescind permission to use an alternative and require the owner or operator to conduct a relative accuracy test of the CEMS as specified in section 7 of Performance Specification 2.

63.10 (f) Waiver of recordkeeping or reporting requirements. (1) Until a waiver of a recordkeeping or reporting requirement has been granted by the [Administrator](#) under this paragraph, the owner or operator of an affected source remains subject to the requirements of this section.

(2) Recordkeeping or reporting requirements may be waived upon written application to the [Administrator](#) if, in the [Administrator](#)'s judgment, the affected source is achieving the relevant standard(s), or the source is operating under an extension of compliance, or the owner or operator has requested an extension of compliance and the [Administrator](#) is still considering that request.

(3) If an application for a waiver of recordkeeping or reporting is made, the application shall accompany the request for an extension of compliance under §63.6(i), any required compliance progress report or compliance status report required under this part (such as under §63.6(i) and §63.9(h)) or in the source's title V permit, or an excess emissions and continuous monitoring system performance report required under paragraph (e) of this section, whichever is applicable. The application shall include whatever information the owner or operator considers useful to convince the [Administrator](#) that a waiver of recordkeeping or reporting is warranted.

(4) The [Administrator](#) will approve or deny a request for a waiver of recordkeeping or reporting requirements under this paragraph when he/she—

(i) Approves or denies an extension of compliance; or

(ii) Makes a determination of compliance following the submission of a required compliance status report or excess emissions and continuous monitoring systems performance report; or

(iii) Makes a determination of suitable progress towards compliance following the submission of a compliance progress report, whichever is applicable.

(5) A waiver of any recordkeeping or reporting requirement granted under this paragraph may be conditioned on other recordkeeping or reporting requirements deemed necessary by the [Administrator](#).

(6) Approval of any waiver granted under this section shall not abrogate the [Administrator's](#) authority under the Act or in any way prohibit the [Administrator](#) from later canceling the waiver. The cancellation will be made only after notice is given to the owner or operator of the affected source.