

(v) A condition that the subpart will again apply on the date that the major or area source begins to emit a hazardous air pollutant from the source of emissions to which the approval applies, and that the owner or operator of a major or area source must comply with the subpart on that date.

4. Section 63.18 is added to read as follows:

§ 63.18 Pollution prevention alternative requirements.

Consistent with EPA's commitment to promote and encourage pollution prevention, this section provides a mechanism for a major or area source to replace particular requirements of a subpart of this part with pollution prevention alternative requirements if the owner or operator has implemented pollution prevention measures that reduce hazardous air pollutant emissions to at least the level required by the emission limitation(s) in that subpart after the initial compliance date specified in that subpart.

(a) *Applicability of pollution prevention alternative requirements.* The owner or operator of an affected source subject to emission limitation(s) in a subpart of this part may submit a written request to the Administrator for approval of pollution prevention alternative requirements, including (as desired) alternative compliance demonstration procedures, monitoring, recordkeeping, and reporting. This mechanism may not be used to request alternative test methods or emission limits. The owner or operator of an affected source that is currently exempt from a subpart of this part pursuant to § 63.17 may also apply for alternative requirements. The request for approval of pollution prevention alternative requirements may be for a portion of an affected source (for example, where the emission limitation applies to a source of emissions within the affected source rather than to the entire affected source), for an affected source, or for multiple affected sources (for example, where the subpart includes several affected sources with different emission limitations for each affected source). To apply for pollution prevention alternative requirements, the owner or operator of an affected source must meet the requirements in paragraphs (a)(1) and (2) of this section for each affected source.

(1) The affected source was subject to the subpart on the first applicable compliance date specified in the subpart.

(2) The owner or operator has implemented pollution prevention measures (as defined in § 63.2) to reduce

hazardous air pollutant emissions to at least the level that is required by the applicable emission limitation(s), and maintained hazardous air pollutant emissions at that level. If the owner or operator is applying for pollution prevention alternative requirements for an affected source subject to an emission limitation, the hazardous air pollutant emissions must be reduced at least to the level required by the emission limitation that applies to that affected source.

(b) *General requirements for pollution prevention alternative requirements.* (1) Until the owner or operator receives written notification that the Administrator has approved pollution prevention alternative requirements according to this section, the affected source is subject to all applicable requirements in the subpart. For an affected source that is currently exempt from a subpart pursuant to § 63.17, the affected source is subject to all requirements contained in the written approval document for the exemption until the owner or operator receives written notification that the Administrator has approved pollution prevention alternative requirements.

(2) Upon receipt by the owner or operator of the written notification of approval from the Administrator, the approved pollution prevention alternative requirements become the applicable requirements for the source of emissions. Accordingly, the source of emissions is no longer subject to the compliance requirements in the subpart that the alternative requirements specifically replace.

(3) The approved pollution prevention alternative requirements apply only as long as the owner or operator continues to use the approved pollution prevention measures and to reduce hazardous air pollutant emissions to at least the level specified in the approved request. The owner or operator must notify the Administrator at least 30 days prior to discontinuing the approved pollution prevention measures or failing to maintain the hazardous air pollutant reductions. If the owner or operator discontinues the approved pollution prevention measures and/or fails to maintain the hazardous air pollutant reductions specified in the approved request, all applicable requirements of the subpart again apply, and the owner or operator must comply with the applicable requirements as of that date.

(4) At all times after the first applicable compliance date identified in the subpart, the affected source must comply with each applicable requirement in the subpart, unless the

Administrator has provided written notification according to paragraph (d)(4) of this section that an applicable requirement under the subpart does not apply.

(c) *Request for pollution prevention alternative requirements.* (1) The owner or operator may submit a written request to the Administrator at any time after the first applicable compliance date for use of pollution prevention alternative requirements. For a source at a Performance Track member facility, the owner or operator must submit the request to the Administrator and is encouraged to submit it to the designated performance track contact within EPA. (The Administrator will designate a central contact within the EPA to facilitate and expedite the review of a Performance Track member facility's request for pollution prevention alternative requirements.)

(2) The written request may include any information that the owner or operator considers useful to demonstrate that pollution prevention alternative requirements are justified. At a minimum, the written request must include the information in paragraphs (c)(2)(i) through (c)(2)(ix) of this section.

(i) A statement identifying the subpart and each source of emissions that is currently subject to the subpart, and indicating that the owner or operator is applying for the use of pollution prevention alternative requirements. (Indicate if the affected source is currently exempt from the subpart pursuant to § 63.17.)

(ii) A description of each source of emissions for which pollution prevention alternative requirements are requested.

(iii) A description of the pollution prevention measures used to reduce hazardous air pollutant emissions from each source of emissions, and a demonstration that the measures qualify as pollution prevention as defined in § 63.2.

(iv) A demonstration that the pollution prevention measures have reduced hazardous air pollutant emissions from each identified source of emissions at least to the level that is required by the applicable emission limitation.

(v) Proposed specific pollution prevention alternative requirements, including (as needed) procedures for demonstrating continuous compliance, monitoring (which may include tracking of material purchases and composition), recordkeeping, and reporting to assure compliance with the commitment to continue using the pollution prevention measures and to maintain the described hazardous air pollutant reductions.