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PART I - STANDARD CONDITIONS

I.A. EFFECT OF PERMIT

Compliance with this RCRA permit constitutes compliance, for purposes of enforcement, with Subtitle C of RCRA except for those requirements not included in the permit which become effective by statute, are promulgated under 40 CFR Part 268 restricting placement of hazardous waste in or on the land or are promulgated under 40 CFR Part 264 of this chapter regarding leak detection systems for new and replacement surface impoundment, waste pile, and landfill units, and lateral expansions of surface impoundment, waste pile, and landfill units, as specified in 40 CFR §270.4. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of state or local law or regulations. Compliance with the terms of this permit does not constitute a defense to any order issued or any action brought under Sections 3008(a), 3008(h), 3004(v), 3008(c), 3007, 3013 or Section 7003 of RCRA, Sections 104, 106(a), 106(e), or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq., commonly known as CERCLA), or any other law providing for protection of public health or the environment.

I.B. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated for cause as specified in 40 CFR §§270.41, 270.42, and 270.43. The filing of a request for a permit modification, revocation and reissuance, or termination, or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition.

Upon the State of _____ becoming authorized for the RCRA Organic Air Standards for Surface Impoundments, Tanks and Container, which this permit addresses, the Permittee shall request a Class 1 permit modification as per §270.42 for termination of this permit.

I.C. SEVERABILITY

The provisions of this permit are severable, as specified in 40 CFR §124.16 and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

I.D. DUTIES AND REQUIREMENTS

I.D.1. Duty to Comply

The Permittee shall comply with all conditions of this permit, except to the extent and for the duration such noncompliance is authorized by an emergency permit. Any permit noncompliance, other than noncompliance authorized by an emergency permit, constitutes a violation of RCRA and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or denial of a permit renewal application.

I.D.2. Duty to Reapply

If the Permittee will continue an activity allowed or required by this permit after the expiration date of this permit, the Permittee shall submit a complete application for a new permit at least one hundred eighty (180) calendar days before this permit expires, unless permission for a later date has been granted by the Regional Administrator.

I.D.3. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

I.D.4. Duty to Mitigate

In the event of noncompliance with the permit, the Permittee shall take all reasonable steps to minimize releases of hazardous waste or hazardous constituents to the environment, and shall carry out such measures as are reasonable to prevent significant adverse effects on human health or the environment.

I.D.5. Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

I.D.6. Duty to Provide Information

The Permittee shall furnish to the Regional Administrator, within a reasonable time, any relevant information which the Regional Administrator may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee shall also furnish to the Regional Administrator, upon request, copies of records required to be kept by this permit.

I.D.7. Inspection and Entry

The Permittee shall allow the Regional Administrator, or an authorized representative, upon the presentation of credentials and other documents as may be required by law to:

- a. Enter at reasonable times upon the Permittee's premises where a regulated activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated, or required under this permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by RCRA, any substances or parameters at any location.

I.D.8. Monitoring and Records

I.D.8.a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

I.D.8.b. The Permittee shall retain at the facility, as provided for under 40 CFR Part 264, or other appropriate location as approved by the Regional Administrator, records of all monitoring information required under the terms of this permit, including all calibration and maintenance records, records of all data used to prepare documents required by this permit, copies of all reports and records required by this permit, the certification required by 40 CFR §264.73(b)(9), and records of all data used to complete the application for this permit for a period of at least three years from the date of the sample, measurement, report, certification or application, or until corrective action is completed, whichever date is later.

I.D.8.c. Records of monitoring information shall specify:

- i. The dates, exact place, and times of sampling, or measurements;
- ii. The individuals who performed the sampling or measurements;
- iii. The dates analyses were performed;
- iv. The name of the laboratory which performed the analyses;
- v. The analytical techniques or methods used; and
- vi. The results of such analyses.

I.D.9. Reporting Planned Changes

The Permittee shall give written notice to the Regional Administrator as soon as possible of any planned physical alterations or additions to the tanks and containers subject to the requirements of this permit. The notice shall include at a minimum, a summary of the planned change, the reason for the planned change, a discussion of the impact(s) the planned change will have on the ability to comply with the organic air emissions standards for tanks and containers and this permit.

I.D.10. Anticipated Noncompliance

The Permittee shall give advance notice to the Regional Administrator of any planned changes in the permitted facility or activity which may result in noncompliance with the requirements of this permit.

I.D.11. Transfer of Permit

This permit may be transferred to a new owner or operator only after notice to the Regional Administrator and only if it is modified or revoked and reissued pursuant to 40 CFR §270.40(b) or §270.41(b)(2) to identify the new permittee and incorporate such other requirements as may be necessary under the appropriate Act. Before transferring ownership or operation of the facility during its operating life, the Permittee shall notify the new owner or operator in writing of the requirements of 40 CFR Parts 264 and 270, HSWA and this permit.

I.D.12. Compliance Schedules

Written notification of compliance or noncompliance with any item identified in the compliance schedule of this permit shall be submitted no later than fourteen (14) calendar days of its compliance or noncompliance with the schedule.

I.D.13. Other Noncompliance

The Permittee shall report all other instances of noncompliance not otherwise required to be reported above, at the time written reports as required by this permit are submitted.

I.D.14. Other Information

Whenever the Permittee becomes aware that it failed to submit any relevant facts or submitted incorrect information in any document(s) submitted to the Regional Administrator, the Permittee shall promptly submit such facts or information.

I.E. SIGNATORY REQUIREMENT

All applications, reports, or information submitted to the Regional Administrator shall be signed and certified in accordance with 40 CFR §270.11.

I.F. CONFIDENTIAL INFORMATION

The Permittee may claim confidential any information required to be submitted by this permit in accordance with 40 CFR §270.12.

I.G. DEFINITIONS

For purposes of this permit, terms used herein shall have the same meaning as those in RCRA and 40 CFR Parts 124, 260, 261, 264, 268 and 270. Where terms are not defined in the regulation, the permit, or EPA guidelines or publications, the meaning associated with such terms shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

PART II - RCRA ORGANIC AIR EMISSION REQUIREMENTS

II.A. APPLICABILITY

- II.A.1. Subpart CC applies to all tanks, surface impoundments, containers and miscellaneous units, identified in the State RCRA permit, except as provided for in 40 CFR § 264.1 and § 264.1080(b).
- II.A.2. The Conditions of this Part apply to hazardous waste management units identified in Appendix F, for which required control equipment has been installed and is operational.
- II.A.3. The hazardous waste management units identified in the table below are exempt from the RCRA Subpart CC standards as specifically cited.

RCRA Subpart CC Exempted Hazardous Waste Management Units	
Hazardous Waste Management Unit	RCRA Subpart CC Regulation Cited

II.B. EMISSION CONTROL TECHNOLOGY

The Permittee shall install and maintain all regulated units and associated emission control technology in accordance with the detailed plans, schedules, information and reports as contained in the (cite Part B permit application) .

II.C. GENERAL STANDARDS

The Permittee shall comply with the applicable requirements of 40 CFR Part 264, Subpart CC.

II.D. REPORTING REQUIREMENTS

- II.D.1. For each tank, container, surface impoundment or miscellaneous unit which manages hazardous waste that is exempted from using air emission controls, a written report shall be submitted to the Regional Administrator within fifteen (15) days of each occurrence when hazardous waste is placed in the waste management unit in noncompliance with the Conditions of 40 CFR §§ 264.1082(c)(1) or (c)(2), as applicable. The written report shall contain the EPA identification number, facility name and address, a description of the noncompliance event and the cause, the dates of the noncompliance, and the actions taken to correct the noncompliance and prevent reoccurrence of the noncompliance.
- II.D.2. For tanks listed in Conditions II.A.2., which use air emission controls in accordance with the requirements 40 CFR § 264.1084(c), a written report shall be submitted to the Regional Administrator within fifteen (15) days of each occurrence when hazardous waste is managed in the tank in noncompliance with the Conditions specified in 40 CFR § 264.1084(c)(1) through (c)(4). The written report shall contain the EPA identification number, facility name and address, a description of the noncompliance event and the cause, the dates of the

noncompliance, and the actions taken to correct the noncompliance and prevent reoccurrence of the noncompliance.

- II.D.3. For control devices used in accordance with the requirements of 40 CFR § 264.1087, a semiannual written report shall be submitted to the Regional Administrator except as provided for in Condition II.D.4. of this Part. The report shall describe each occurrence during the previous 6-month period when a control device is operated continuously for 24 hours or longer in noncompliance with the applicable operating values defined in 40 CFR § 264.1035(c)(4) or when a flare is operated with visible emissions for 5 minutes or longer in a two-hour period, as defined in 40 CFR § 264.1033(d). The written report shall include the EPA identification number, facility name and address, and an explanation why the control device could not be returned to compliance within 24 hours, and actions taken to correct the noncompliance.
- II.D.4. A report to the Regional Administrator in accordance with the requirements of Condition IV.D.3. of this Part is not required for a 6-month period during which all control devices subject to 40 CFR Part 264, Subpart CC, are operated such that during no period of 24 hours or longer, did a control device operate continuously in noncompliance with the applicable operating values defined in 40 CFR § 264.1035(c)(4) of this part and no flare operated with visible emissions for 5 minutes or longer in a two-hour period, as defined in 40 CFR § 264.1033(d).
- II.D.5. All reports shall be signed and dated by an authorized representative of the Permittee as per 40 CFR § 270.11(b).

II.E. NOTIFICATION OF NEW UNITS

Prior to installing any tank, container, surface impoundment or miscellaneous unit subject to 40 CFR Part 264, Subpart CC, or modifying an existing process, waste handling or tank or container such that the unit(s) will become subject to 40 CFR Part 264 Subpart CC, the Permittee shall apply for a permit modification under § 270.42, and provide specific Part B application information required under 40 CFR §§ 270.14-17 and § 270.27, as applicable, with the modification request.

Appendix A

Summary of Organic Air Emission Standards Controls

TABLE A-1
SUMMARY OF TANK MANAGEMENT UNITS SUBJECT TO SUBPART CC
(FACILITY NAME & LOCATION)
EPA I.D. No. -----

HAZARDOUS WASTE MANAGEMENT UNIT	LOCATION OF HAZARDOUS WASTE MANAGEMENT UNIT	EPA HAZARDOUS WASTE CODES MANAGED	BRIEF WASTE DESCRIPTION	AVERAGE VOLATILE ORGANIC CONCENTRATION of the HAZARDOUS WASTE	SUBPART CC STATUS	CONTROL OPTION (See Table A-3)
Example: Organic Storage and Blending Unit 202	See Drawing No. 100-3-01	All waste codes as described in Note 1.	Organic solvents and fuels that are liquids, pumpable sludges, semi-solids, or solids.	Greater than or equal to 500 ppmw	Subject to Tank Level 2 Controls per 264.1084(d)(3)	4

Notes:

1. All wastes approved through the procedures provided in the Waste Analysis Plan, Section (Section Subpart CC information is found in Part B Application) of the (Date of Part B Application), Part B Permit Application, and permit Conditions (Correlating Conditions found in State's Portion of Permit) of the State of _____'s Hazardous Waste Management Permit.

TABLE A-2
SUMMARY OF CONTAINER MANAGEMENT UNITS SUBJECT TO SUBPART CC
(FACILITY NAME & LOCATION)
EPA I.D. Number _____

	LOCATION OF HAZARDOUS WASTE MANAGEMENT UNIT	EPA HAZARDOUS WASTE CODES MANAGED	BRIEF WASTE DESCRIPTION	AVERAGE VOLATILE ORGANIC CONCENTRATION of the HAZARDOUS WASTE	If DOT-Compliant claim, DOT Performance Packaging Std ID Code used for each waste managed	CONTAINER TYPE (See Note 2)	SUBPART CC STATUS	CONTROL OPTION (See Table A-3)
Example: Existing Drum Storage and Process Unit - Unit 101	See Drawing No. 100-3-01	All wastes codes as described in Note 1.	Organic and inorganic liquids, pumpable sludges, semi-solids, or solids.	Greater than or equal to 500 ppmw	1H1	Type A	Container Level 1 Controls per 264.1086(c).	12
		ex. U002	Acetone	>500 ppmw	1H1, 1H2, 1A1, 1B2	Type C	Container Level 2 Controls per 264.1086(d).	17
						Type C	Container Level 2 Controls per 264.1086(d).	19 (See Note 3)

Notes:

- All wastes approved through the procedures provided in the Waste Analysis Plan, Section (Correct Section for Waste Analysis Plan in Part B Application) of the (Date of Part B Application), Part B Permit Application, and, as listed in Permit Conditions (Correlating State Permit Conditions) of the State of _____ RCRA Operating Permit
- Container Type A: All containers subject to Subpart CC which have a design capacity greater than 0.1m³ and less than or equal to 0.46 m³.
- Container Type B: All containers subject to Subpart CC which have a design capacity greater than 0.46 m³ that are not in light material service.
- Container Type C: All containers subject to Subpart CC which have a design capacity greater than 0.46 m³ that are in light material service.
- If the generator or transporter does not provide the appropriate documentation to demonstrate compliance via Control Option 19, then the Facility will utilize Control Option 18 to demonstrate compliance with 264.1086(d).

TABLE A-3

METHODS OF COMPLIANCE WITH SUBPART CC STANDARDS

Tanks

1. These tanks shall comply with Level 1 controls which require tanks to have a fixed roof with no visible cracks, holes, gaps, or other spaces in accordance with 264.1084(c). The tank shall be visually inspected for defects initially prior to the tank becoming subject to the requirements and at least once every year thereafter. [40 C.F.R. 264.1084(c)].
2. These tanks are fixed-roof tanks equipped with an internal floating roof and shall comply with Tank Level 2 controls in accordance with 264.1084(e). The internal floating roof shall be visually inspected for defects at least once every 12 months after initial fill unless complying with the alternative inspection procedures in 40 C.F.R. 264.1084(e)(3)(iii). [40 C.F.R. 264.1084(d)(1)]
3. These tanks are equipped with an external floating roof and shall comply with Tank Level 2 controls in accordance with 264.1084(f). The external floating roof seal gaps shall be measured in accordance with the procedures contained in 264.1084(f)(3)(I) within 60 days and at least once every 5 years thereafter. The external floating roof shall be visually inspected for defects at least once every 12 months after initial fill. [40 C.F.R. 264.1084(d)(2)]
4. These tanks are vented through a closed-vent system to a control device and shall comply with Tank Level 2 controls in accordance with 264.1084(g). The tank shall be equipped with a fixed roof and closure devices which shall be visually inspected for defects initially and at least once every year. The closed-vent system and control device shall be inspected and monitored in accordance with 264.1087. [40 C.F.R. 264.1084(d)(3)]
5. These tanks are pressure tanks which shall comply with Tank Level 2 controls in accordance with 264.1084(h). [40 C.F.R. 264.1084(d)(4)]
6. These tanks are located inside an enclosure that is vented through a closed-vent system to an enclosed combustion control device and shall comply with Tank Level 2 controls in accordance with 264.1084(l). The closed-vent system and control device shall be inspected and monitored in accordance with 264.1087. [40 C.F.R. 264.1084(d)(5)]
7. These tanks have covers which have been specified as “unsafe to inspect and monitor” and shall comply with the requirements of 264.1084(l)(1). [40 C.F.R. 264.1084(f) & (g)]

Surface Impoundments

8. These surface impoundments shall have a floating membrane cover in accordance with 264.1085(c). The floating membrane cover shall be visually inspected for defects initially and at least once each year. [40 C.F.R. 264.1085(b)(1)]
9. These surface impoundments shall have a cover that is vented through a closed-vent system to a control device in accordance with 264.1085(d). The surface impoundment cover and its closure devices shall be visually inspected for defects initially and at least once each year. The closed-

vent system and control device shall be inspected and monitored in accordance with 264.1087. [40 C.F.R. 264.1085(b)(2)]

10. These surface impoundments have covers which have been designated as “unsafe to inspect and monitor” and shall comply with the requirements of 264.1085(g). [40 C.F.R. 264.1085(c) & (d)]

Containers

11. These containers have a design capacity greater than 0.1 m³ and less than or equal to 0.46 m³ and meet the applicable U.S. DOT regulations under the Container Level 1 standards. The container shall be visually inspected for defects at the time the container first manages hazardous waste or is accepted at a facility. If a container remains at a facility for 1 year or more, it shall be visually inspected for defects at least once every 12 months. [40 C.F.R. 264.1086(b)(1)(i) & (c)(1)(i)]
12. These containers have a design capacity greater than 0.1 m³ and less than or equal to 0.46 m³ and are equipped with a cover and closure devices which form a continuous barrier over container openings. The container and its cover and closure devices shall be visually inspected for defects at the time the container first manages hazardous waste or is accepted at a facility. If a container remains at a facility for 1 year or more, it shall be visually inspected for defects at least once every 12 months. [40 C.F.R. 264.1086(b)(1)(i) & (c)(1)(ii)]
13. These containers have a design capacity greater than 0.1 m³ and less than or equal to 0.46 m³ and are open-top containers in which an organic-vapor suppressing barrier is placed on or over the hazardous waste in the container. The container and its cover and closure devices shall be visually inspected for defects at the time the container first manages hazardous waste or is accepted at a facility. If a container remains at a facility for 1 year or more, it shall be visually inspected for defects at least once every 12 months. [40 C.F.R. 264.1086(b)(1)(i) & (c)(1)(iii)]
14. These containers have a design capacity greater than 0.46 m³, are not in light material service and meet the applicable U.S. DOT regulations under the Container Level 1 standards. The container shall be visually inspected for defects at the time the container first manages hazardous waste or is accepted at a facility. If a container remains at a facility for 1 year or more, it shall be visually inspected for defects at least once every 12 months. [40 C.F.R. 264.1086(b)(1)(ii) & (c)(1)(i)]
15. These containers have a design capacity greater than 0.46 m³, are not in light material service and are equipped with a cover and closure devices which form a continuous barrier over container openings. The container and its cover and closure devices shall be visually inspected for defects at the time the container first manages hazardous waste or is accepted at a facility. If a container remains at a facility for 1 year or more, it shall be visually inspected for defects at least once every 12 months. [40 C.F.R. 264.1086(b)(1)(ii) & (c)(1)(ii)]
16. These containers have a design capacity greater than 0.46 m³, are not in light material service and are open-top containers in which an organic-vapor suppressing barrier is placed on or over the hazardous waste in the container. The container and its cover and closure devices shall be visually inspected for defects at the time the container first manages hazardous waste or is accepted at a facility. If a container remains at a facility for 1 year or more, it shall be visually inspected for defects at least once every 12 months. [40 C.F.R. 264.1086(b)(1)(ii) & (c)(1)(iii)]
17. These containers have a design capacity greater than 0.46 m³, are in light material service and meet the applicable U.S. DOT regulations under the Container Level 2 standards. The container

shall be visually inspected for defects at the time the container first manages hazardous waste or is accepted at a facility. If a container remains at a facility for 1 year or more, it shall be visually inspected for defects at least once every 12 months. [40 C.F.R. 264.1086(b)(1)(iii) & (d)(1)(i)]

18. These containers have a design capacity greater than 0.46 m³, are in light material service and operate with no detectable organic emissions as defined in 40 C.F.R. 265.1081. The container and its cover and closure devices shall be visually inspected for defects at the time the container first manages hazardous waste or is accepted at a facility. If a container remains at a facility for 1 year or more, it shall be visually inspected for defects at least once every 12 months. [40 C.F.R. 264.1086(b)(1)(iii) & (d)(1)(ii)]
19. These containers have a design capacity greater than 0.46 m³, are in light material service and that have been demonstrated within the preceding 12 months to be vapor-tight using 40 C.F.R. Part 60, Appendix A, Method 27. The container and its cover and closure devices shall be visually inspected for defects at the time the container first manages hazardous waste or is accepted at a facility. If a container remains at a facility for 1 year or more, it shall be visually inspected for defects at least once every 12 months. [40 C.F.R. 264.1086(b)(1)(iii) & (d)(1)(iii)]
20. These containers have a design capacity greater than 0.1 m³ that are used for treatment of a hazardous waste by a waste stabilization process and are vented directly through a closed-vent system to a control device in accordance with 264.1086(e)(2)(ii). The closed-vent system and control devices shall be inspected and monitored as specified in 264.1087. [40 C.F.R. 264.1086(b)(2) & (e)(1)(i)]
21. These containers have a design capacity greater than 0.1 m³ that are used for treatment of a hazardous waste by a waste stabilization process and are vented inside an enclosure which is exhausted through a closed-vent system to a control device in accordance with 264.1086(e)(2)(i) & (ii). The closed-vent system and control devices shall be inspected and monitored as specified in 264.1087. [40 C.F.R. 264.1086(b)(2) & (e)(1)(ii)]

Appendix B

Schedule of Compliance

Schedule of Compliance	Due Date
Written report of noncompliance of tanks, surface impoundments or containers with 40 CFR §§ 264.1082(c)(1) or (c)(2) Condition II.D.1.	Within fifteen (15) calendar days of becoming aware of noncompliance
Written report of noncompliance of tanks with 40 CFR §§ 264.1084(c)(1) or (c)(2) Condition II.D.2.	Within fifteen (15) calendar days of becoming aware of noncompliance
Semi-Annual Report for Use of Control Devices 40 CFR § 264.1090(c) Condition II.D.3	Semi-annually, beginning six (6) months from the effective date of the permit*

* Semi-annual report is not required if provisions of Condition II.D.4. are met.

