

NOTICE OF INTENT TO COMPLY (NIC) – EXISTING SOURCES

Note: The HWC MACT Phase I Replacement Standards and Phase II Rule was published in the October 12, 2005 Federal Register. The effective date of the Rule is December 12, 2005.

- **NIC Purpose:**
 - Planning and communications tool in the early implementation stages
 - Compensate for lost public participation opportunities when using the RCRA streamlined permit modification procedure to make upgrades for MACT compliance
 - Shares information and provides public participation opportunities that would be lost when new units are not required to comply with certain RCRA permit requirements and performance standards

- **NIC Applicability:**
 - Phase II sources
 - Phase I sources that must make a technology change requiring a Class 1 permit modification to meet the replacement standards

- **Draft NIC:**
 - Implementation plan that identifies each source's intent to comply and strategy for complying; serves as an initial notice to stakeholders
 - Draft NIC must be made available to the public by September 12, 2006 and at least one month prior to the public meeting
 - Must include:
 - General information:
 - Name and address of source and the owner/operator
 - Whether source is an area or major source
 - Waste minimization and emissions control techniques being considered, including:
 - Effectiveness of such techniques
 - A description of the evaluation criteria used to select these techniques
 - Emission monitoring techniques being considered
 - A general description of how the source intends to comply with the emissions standards
 - Information on key activities to bring the source into compliance with the emission control requirements. Includes dates by which:
 - Engineering designs for emission control systems or process changes for emissions will be developed
 - Source will commit internal or external resources (or date purchase orders will be issued) for installing emission control systems or making process changes for emission control

- Construction applications will be submitted
 - On-site construction, installation of emission control equipment, or process change will be initiated and completed
 - Final compliance will be achieved
 - If the source intends to cease burning hazardous waste prior to or on the compliance date, a schedule of key dates for the steps to be taken to stop hazardous waste activity at the combustion unit, including the dates for submittal of RCRA closure documents. (This is in lieu of the above key dates to bring the source into compliance.)
- **Public Meeting (not required if shutting down):**
 - Purpose: To discuss the anticipated activities for achieving compliance described in the draft NIC and allow the general public and other stakeholder to comment and raise concerns
 - Must provide a voluntary opportunity for attendees to provide their names and addresses
 - Informal public meeting by October 12, 2006 and prior to submittal of Final NIC
 - Provide public notice of the NIC meeting at least 30 days prior to the meeting, and maintain, and provide to the Administrator upon request, documentation of the notice
 - Public notice must be in all of these forms:
 - Newspaper advertisement
 - In a newspaper of general circulation in the parish
 - And in newspapers of general circulation in adjacent parishes where such publication would be necessary to inform the affected public
 - Publish as a display advertisement
 - Visible and accessible sign
 - Clearly marked sign at or near the source
 - Large enough to be readable from the nearest spot where the public would pass by the site
 - Broadcast media announcement
 - At least once
 - At least one local radio station or television station
 - Notice to the facility mailing list
 - Notices must include:
 - The date, time, and location of the public meeting
 - A brief description of the purpose of the meeting
 - A brief description of the source and proposed operations, including the address or a map of the source location
 - A statement encouraging people to contact the source at least 72 hours before the meeting if they need special access to participate in the meeting
 - A statement describing how the draft NIC (and final NIC, if requested) can be obtained
 - The name, address, and telephone number of a contact person

- **Final NIC:**

- Formal submission certifying the source's intentions to comply or not comply and identifying milestone (unenforceable) dates that measure progress towards achieving compliance
- Submit by December 12, 2006
- Modification of the draft NIC based on public comments
- Contains a summary of the public meeting, including:
 - A list of attendees and their addresses
 - Copies of any written comments or materials submitted at the meeting
- Includes "Certification of Intent to Comply"
 - "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."
 - Must be signed and dated by an authorized representative of the source:
 - A responsible corporate officer for a corporation
 - A general partner for a partnership
 - The proprietor of a sole proprietorship
 - A principal executive officer or ranking elected official for a municipality, State, Federal, or other public agency