Preconstruction Review Flow Diagram
(40 CFR 63.5 and 63.9)

START:
Is affected source subject to a standard under sections 112(d), (f), or (h)?

Is affected source a new source? (Note A)

Will changes to affected source meet definition of "reconstruction"? (Note B)

Is affected source being reconstructed such that it will become an affected source (not necessarily major) subject to sections 112(d), (f), or (h)?

Is construction/reconstruction commencing after promulgation of relevant standard?

Is affected source being reconstructed such that it will, after relevant standard’s effective date, become a major-emitting affected source subject to the standard? (Note C)

Section 63.5 (Preconstruction Review and Notification Requirements) does not apply to this affected source

Section 63.9 (Preconstruction Review and Notification Requirements) does not apply to this affected source

Must apply for Administrator's approval of construction/reconstruction in accordance with sections 63.5(d), (e)

Must notify Administrator of intended construction/reconstruction in accordance with section 63.9(b)

Notes:
A. New source means an affected source for which construction or reconstruction commences after the Administrator first proposes a relevant emission standard under Part 63 [Full definition at §63.2]. After the effective date of any relevant standard, equipment added (or a process change) to an affected source that is within the scope of the definition of affected source under the relevant standard shall be considered part of the affected source and subject to all provisions established for that affected source. [Full definition at §63.5(b)(6)]

B. Reconstruction means replacement of components of an affected source such that (1) fixed capital cost exceeds 50% of that which would be required to construct a comparable new source, and (2) it is technologically and economically feasible for the reconstructed source to meet the relevant standard. [Full definition at §63.2].

C. Affected source (defined at §63.2) means the collection of equipment/activities subject to the relevant standard. If it is major-emitting, the affected source has the potential to emit of a major source (defined at §63.2), typically 10 tons per year (tpy) of any HAP or 25 tpy of any combination of HAP.