**Section 229.164 Optional Performance Testing to Address Actual or Potential Violations**

The owner or operator of an HMIWI may conduct another performance test within 30 days after exceeding an applicable operating parameter value in order to demonstrate that an HMIWI is not in violation of the applicable emission limits. In addition to the applicable performance testing provisions under this Part, any performance test conducted pursuant to this Section shall meet the following conditions:

a) All tests shall use the same operating parameter values that indicated a violation under Section 229.154, 229.156, 229.158 or 229.160 of this Subpart;

b) The owner or operator of an HMIWI shall notify the Agency in writing at least 21 days before the date of any optional performance test;

c) The owner or operator of an HMIWI shall notify the Agency in writing of its intent to proceed with the optional performance test 5 days prior to conducting the test; and

d) The owner or operator of an HMIWI shall conduct the optional performance test using the same approved performance test plan that was used for the performance test in which the violated operating parameter values were established.