Title 40: Protection of Environment
PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

Subpart Y—National Emission Standards for Marine Tank Vessel Loading Operations

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SOURCE: 61 FR 48399, Sept. 19, 1995, unless otherwise noted.

§63.560 Applicability and designation of affected source.

(a) *Maximum achievable control technology (MACT) standards.* (1) The provisions of this subpart pertaining to the MACT standards in §63.562(b) and (d) of this subpart are applicable to existing and new sources with emissions of 10 or 25 tons, as that term is defined in §63.561, except as specified in paragraph (d) of this section, and are applicable to new sources with emissions less than 10 and 25 tons, as that term is defined in §63.561, except as specified in paragraph (d) of this section.

(2) Existing sources with emissions less than 10 and 25 tons are not subject to the emissions standards in §63.562(b) and (d).

(3) The recordkeeping requirements of §63.567(j)(4) and the emission estimation requirements of §63.565(l) apply to existing sources with emissions less than 10 and 25 tons.

(4) Existing sources with emissions less than 10 and 25 tons must meet the submerged fill standards of 46 CFR 153.282. This submerged fill requirement does not apply to petroleum refineries.

(b) *Reasonably available control technology (RACT) standards.* (1) The provisions of this subpart pertaining to RACT standards in §63.562(c) and (d) of this subpart are applicable to sources with throughput of 10 M barrels or 200 M barrels, as that term is defined in §63.561, except as specified in paragraph (d) of this section.

(2) Sources with throughput less than 10 M barrels and 200 M barrels, as that term is defined in §63.561, are not subject to the emissions standards in §63.562(c) and (d).

(c) *General Provisions applicability.* Owners or operators of affected sources, as that term is defined in §63.561, of this subpart must comply with the requirements of subpart A of this part in accordance with the provisions for applicability of subpart A to this subpart in Table 1 of this section.

(d) *Exemptions from MACT and RACT standards.* (1) This subpart does not apply to emissions resulting from marine tank vessel loading operations, as that term is defined in §63.561, of commodities with vapor pressures less than 10.3 kilopascals (kPa) (1.5 pounds per square inch, absolute) (psia) at standard conditions, 20 °C and 760 millimeters Hg (mm Hg).

(2) The provisions of this subpart pertaining to the MACT standards in §63.562(b)(2), (3) and (4) and to the RACT standards in §63.562(c)(3) and (4) do not apply to marine tank vessel loading operations where emissions are reduced by using a vapor balancing system, as that term is defined in §63.561. The provisions pertaining to the vapor collection system, ship-to-shore compatibility, and vapor tightness of marine tank vessels in §63.562(b)(1) and (c)(2) do apply.

(3) The provisions of this subpart pertaining to the MACT standards in §63.562(b)(2), (3), and (4) do not apply to marine tank vessel loading operations that are contiguous with refinery operations at sources subject to and complying with subpart CC of this part, National Emissions Standards for Organic Hazardous Air Pollutants from Petroleum Refineries, except to the extent that any such provisions of this subpart are made applicable by subpart CC of this part.

(4) The provisions of this subpart pertaining to the MACT standards in §63.562(b) and (d) do not apply to benzene emissions from marine tank vessel loading operations that are subject to and complying with 40 CFR part 61, subpart BB, National Emissions Standards for Benzene Emissions from Benzene Transfer Operations, except that benzene emissions or other HAP emissions (i.e., nonbenzene HAP emissions) from marine tank vessel loading operations that are not subject to subpart BB are subject to the provisions of this subpart.

(5) The provisions of this subpart pertaining to the MACT standards in §63.562(b) and (d) do not apply to marine tank vessel loading operations at loading berths that only transfer liquids containing organic HAP as impurities, as that term is defined in §63.561.

(6) The provisions of this subpart do not apply to marine tank vessel loading operations at existing offshore loading terminals, as that term is defined in §63.561, however existing offshore loading terminals must meet the submerged fill standards of 46 CFR 153.282.

(7) The provisions of this subpart do not apply to ballasting operations, as that term is defined in §63.561.

(e) *Compliance dates—(1) MACT standards compliance dates, except the Valdez Marine Terminal (VMT) source.* (i) A new or existing source with emissions of 10 or 25 tons, except the VMT source, and a new source with emissions less than 10 and 25 tons, except the VMT source, that has an initial startup date on or before September 20, 1999 shall comply with the provisions of this subpart pertaining to the MACT standards in §63.562(b) no later than 4 years after the effective date.

(ii) A new source with emissions of 10 or 25 tons, except the VMT source, and a new source with emissions less than 10 and 25 tons, except the VMT source, that has an initial startup date after September 20, 1999 shall comply with provisions of this subpart pertaining to the MACT standards in §63.562(b) immediately upon startup.

(iii) A source with emissions less than 10 and 25 tons that increases its emissions subsequent to September 20, 1999 such that it becomes a source with emissions of 10 or 25 tons shall comply with the provisions of this subpart pertaining to the MACT standards in §63.562(b) within 3 years following the exceedance of the threshold level.

(iv) Existing sources with emissions less than 10 and 25 tons, and existing offshore loading terminals, shall comply with the submerged fill requirements in paragraph (a)(4) and (d)(6) of this section by April 23, 2012.

(2) *RACT standards compliance dates, except the VMT source.* (i) A source with throughput of 10 M barrels or 200 M barrels, except the VMT source, with an initial startup date on or before September 21, 1998 shall comply with §63.562(c)(1) no later than 2 years after the effective date.

(ii) A source with throughput of 10 M barrels or 200 M barrels, except the VMT source, with an initial startup date on or before September 21, 1998 shall comply with the provisions of this subpart pertaining to the RACT standards in §63.562(c) other than §63.562(c)(1), no later than 3 years after the effective date.

(iii) A source with throughput of 10 M barrels or 200 M barrels, except the VMT source, with an initial startup date after September 21, 1998 shall comply with the provisions of this subpart pertaining to the RACT standards in §63.562(c) immediately upon startup.

(iv) A source with throughput less than 10 M barrels and 200 M barrels that increases its throughput subsequent to September 21, 1998 such that it becomes a source with throughput of 10 M barrels or 200 M barrels shall comply with the provisions of this subpart pertaining to the RACT standards in §63.562(c) within 3 years following the exceedance of the threshold levels.

(v) A source with throughput of 10 M barrels or 200 M barrels may apply for approval from the Administrator for an extension of the compliance date of up to 1 year if it can demonstrate that the additional time is necessary for installation of the control device.

(3) *MACT and RACT compliance dates for the VMT source.* The VMT source, as that term is defined in §63.561, shall comply with the provisions of this subpart pertaining to the MACT and RACT standards in §63.562(d) no later than 30 months after the effective date.

TABLE 1 TO §63.560—GENERAL PROVISIONS APPLICABILITY TO SUBPART Y

Reference	Applies to affected sources in subpart Y	Comment
63.1(a)(1)	Yes	Additional terms are defined in §63.561; when overlap between subparts A and Y occurs, subpart Y takes precedence.
63.1(a)(2)	Yes	
63.1(a)(3)	Yes	
63.1(a)(4)	Yes	Subpart Y clarifies the applicability of each paragraph in subpart A to sources subject to subpart Y in this table.
.63.1(a)(5)	No	Reserved.
63.1(a)(6)	Yes	
63.1(a)(7)	Yes	
63.1(a)(8)	Yes	
63.1(a)(9)	No	Reserved.
63.1(a)(10)	Yes	
63.1(a)(11)	Yes	§63.567(a) also allows report submissions via facsimile and on electronic media.
63.1(a)(12)	Yes	
63.1(a)(13)	Yes	
63.1(a)(14)	Yes	
63.1(b)(1)	Yes	
63.1(b)(2)	Yes	
63.1(b)(3)	No	§63.560 specifies applicability.
63.1(c)(1)	Yes	Subpart Y clarifies the applicability of each paragraph in subpart A to sources subject to subpart Y in this table.
63.1(c)(2)	Yes	Subpart Y is not applicable to area sources.
63.1(c)(3)	No	Reserved.
63.1(c)(4)	Yes	
63.1(c)(5)	No	§63.560 specifies applicability.

63.1(d)	No	Reserved.
63.1(e)	Yes	
63.2	Yes	Additional terms are defined in §63.561; when overlap between subparts A and Y occurs, subpart Y takes precedence.
63.3	Yes	Other units used in subpart Y are defined in the text of subpart Y.
63.4(a)(1)	Yes	
63.4(a)(2)	Yes	
63.4(a)(3)	Yes	
63.4(a)(4)	No	Reserved.
63.4(a)(5)	Yes	
63.4(b)	Yes	
63.4(c)	Yes	
63.5(a)	Yes	
63.5(b)(1)(i)	Yes	
63.5(b)(1)(ii)	No	
63.5(b)(2)	No	Reserved.
63.5(b)(3)	Yes	
63.5(b)(4)-(5)	No	
63.5(b)(6)	Yes	
63.5(c)	No	Reserved.
63.5(d)(1)(i)	No	See §63.566(b)(2).
63.5(d)(1)(ii)(A)(H)	Yes	
63.5(d)(1)(ii)(I)	No	Reserved.
63.5(d)(1)(ii)(J)	Yes	
63.5(d)(1)(iii)	Yes	
63.5(d)(2)-(4)	Yes	
63.5(e)	Yes	
63.5(f)(1)(i) and (ii)	Yes	
63.5(f)(1)(iii) and (iv)	No	
63.5(f)(2)	No	See §63.566(c).

63.6(a)(1)	Yes	
63.6(a)(2)	No	§63.560 specifies applicability.
63.6(b)(1)-(5)	No	§63.560(e) specifies compliance dates for sources.
63.6(b)(6)	No	Reserved.
63.6(b)(7)	No	§63.560(e) specifies compliance dates for sources.
63.6(c)(1)	No	§63.560(e) specifies compliance dates for sources.
63.6(c)(2)	No	
63.6(c)(3)-(4)	No	Reserved.
63.6(c)(5)	No	§63.560(e) specifies compliance dates for sources.
63.6(d)	No	Reserved.
63.6(e)	No	See §63.562(e).
63.6(f)(1)	No.	
63.6(f)(2)(i)	Yes	
63.6(f)(2)(ii)	No	
63.6(f)(2)(iii)	Yes	
63.6(f)(2)(iv)	Yes	
63.6(f)(2)(v)	No	See §63.562(e)(1).
63.6(f)(3)	Yes	
63.6(g)	Yes	
63.6(h)	No	No opacity monitoring is required under subpart Y.
63.6(i)(1)-(3)	Yes	
63.6(i)(4)(i)(A)	No	
63.6(i)(4)(i)(B)	Yes	
63.6(i)(4)(ii)	No	
63.6(i)(5)-(12)	Yes	
63.6(i)(13)	No	
63.6(i)(14)	Yes	
63.6(i)(15)	No	Reserved.
63.6(i)(16)	Yes	
63.6(j)	Yes	
63.7(a)(1)	Yes	
63.7(a)(2)(i)-(iv)	No	See §63.563(b)(1).

63.7(a)(2)(v)	Yes	
63.7(a)(2)(vi)	No	
63.7(a)(2)(vii)-(viii)	No	Reserved.
63.7(a)(2)(ix)	No	
63.7(a)(3)	Yes	
63.7(b)	Yes	
63.7(c)(1)-(2)	Yes	The site-specific test plan must be submitted only if requested by the Administrator.
63.7(c)(3)(i)-(ii)(A)	Yes	
63.7(c)(3)(ii)(B)	No	See §63.565(m)(2).
63.7(c)(3)(iii)	Yes	
63.7(c)(4)	Yes	
63.7(d)	Yes	
63.7(e)(1)	No	See 63.563(b)(1). Any cross reference to 63.7(e)(1) in any other general provision incorporated by reference shall be treated as a cross-reference to 63.563(b)(1).
63.7(e)(2)-(4)	Yes.	
63.7(f)	Yes	
63.7(g)(1)	Yes	
63.7(g)(2)	No	Reserved.
63.7(g)(3)	Yes	
63.7(h)	Yes	
63.8(a)(1)-(2)	Yes	
63.8(a)(3)	No	Reserved.
63.8(a)(4)	Yes	
63.8(b)(1)	Yes	
63.8(b)(2)	No	
63.8(b)(3)	Yes	
63.8(c)(1)	No.	
63.8(c)(2)	Yes	
63.8(c)(3)	Yes	
63.8(c)(4)	No	See §63.564(a)(3).
63.8(c)(5)	No	

63.8(c)(6)	Yes	See also performance specifications for continuous monitoring systems §63.564(a)(4).
63.8(c)(7)(i)(A)-(B)	Yes	See also §63.564(a)(5).
63.8(c)(7)(i)(C)	No	
63.8(c)(7)(ii)	Yes	
63.8(c)(8)	No	See §63.564(a)(5).
63.8(d)	No	See §63.562(e)(2)(iv).
63.8(e)(1)-(4)	Yes	
63.8(e)(5)(i)	Yes	
63.8(e)(5)(ii)	No	
63.8(f)(1)	Yes	
63.8(f)(2)(i)-(vii)	Yes	
63.8(f)(2)(viii)	No	
63.8(f)(2)(ix)	Yes	
63.8(f)(3)-(6)	Yes	
63.8(g)	Yes	
63.9(a)(1)	Yes	
63.9(a)(2)	Yes	
63.9(a)(3)	Yes	
63.9(a)(4)	Yes	
63.9(b)(1)(i)	Yes	
63.9(b)(1)(ii)	No	See §63.567(b)(1)
63.9(b)(1)(iii)	Yes	
63.9(b)(2)	No	See §63.567(b)(2).
63.9(b)(3)	No	See §63.567(b)(3).
63.9(b)(4)	No	See §63.567(b)(4).
63.9(b)(5)	No	See §63.567(b)(4).
63.9(c)	No	See §63.567(c).
63.9(d)	No	
63.9(e)	Yes	
63.9(f)	No	
63.9(g)(1)	Yes	

63.9(g)(2)	No	
63.9(g)(3)	Yes	
63.9(h)(1)-(3)	Yes	
63.9(h)(4)	No	Reserved.
63.9(h)(5)-(6)	Yes	
63.9(i)	Yes	
63.9(j)	Yes	
63.10(a)	Yes	
63.10(b)(1)	Yes	
63.10(b)(2)(i)-(ii)	No	See 63.567(m).
63.10(b)(2)(iii)	Yes.	
63.10(b)(2)(iv)	No	
63.10(b)(2)(v)	No	
63.10(b)(2)(vi)-(xiv)	Yes	
63.10(b)(3)	No	See §63.567(j)(4).
63.10(c)(1)	Yes	
63.10(c)(2)-(4)	No	Reserved.
63.10(c)(5)	Yes	
63.10(c)(6)	No	See §63.564(a)(5).
63.10(c)(7)	No	
63.10(c)(8)	Yes	
63.10(c)(9)	No	Reserved.
63.10(c)(10)-(11)	No	See 63.567(m) for reporting malfunctions. Any cross-reference to 63.10(c)(10) or 63.10(c)(11) in any other general provision incorporated by reference shall be treated as a cross-reference to 63.567(m).
63.10(c)(12)-(13)	Yes.	
63.10(c)(14)	No	See §63.562(d)(2)(iv).
63.10(c)(15)	No	
63.10(d)(1)-(2)	Yes	
63.10(d)(3)	No	See §63.567(d).
63.10(d)(4)	Yes	

63.10(d)(5)	No	
63.(10)(e)(1)	Yes	
63.10(e)(2)(i)	Yes	
63.10(e)(2)(ii)	No	
63.10(e)(3)(i)-(v)	No	See §63.567(e)
63.10(e)(3)(vi).	Yes	
63.10(e)(3)(vii)-(viii)	No	See §63.567(e)
63.10(e)(4)	No	
63.10(f)	Yes	
63.11	Yes	
63.12-63.15	Yes	

[61 FR 48399, Sept. 19, 1995, as amended at 76 FR 22595, Apr. 21, 2011]

§63.561 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Clean Air Act or in subpart A of this part.

Affected source means a source with emissions of 10 or 25 tons, a new source with emissions less than 10 and 25 tons, a new major source offshore loading terminal, a source with throughput of 10 M barrels or 200 M barrels, or the VMT source, that is subject to the emissions standards in §63.562.

Affirmative defense means, in the context of an enforcement proceeding, a response or a defense put forward by a defendant, regarding which the defendant has the burden of proof, and the merits of which are independently and objectively evaluated in a judicial or administrative proceeding.

Air pollution control device or *control device* means a combustion device or vapor recovery device.

Ballasting operations means the introduction of ballast water into a cargo tank of a tankship or oceangoing barge.

Baseline operating parameter means a minimum or maximum value of a process parameter, established for a control device during a performance test where the control device is meeting the required emissions reduction or established as the manufacturer recommended operating parameter, that, if achieved by itself or in combination with one or more other operating parameters, determines if a control device is operating properly.

Boiler means a device that combusts any fuel and produces steam or heats water or any other heat transfer medium. This term includes any duct burner that combusts fuel and is part of a combined cycle system.

Car-seal means a seal that is placed on a device used to change the position of a valve (e.g., from open to closed) in such a way that the position of the valve cannot be changed without breaking the seal.

Combustion device means all equipment, including, but not limited to, thermal incinerators, catalytic incinerators, flares, boilers, and process heaters used for combustion or destruction of organic vapors.

Commenced means, with respect to construction of an air pollution control device, that an owner or operator has undertaken a continuous program of construction or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction.

Commodity means a distinct product that a source loads onto marine tank vessels.

Continuous means, with respect to monitoring, reading and recording (either in hard copy or computer readable form) of data values measured at least once every 15 minutes.

Crude oil means a naturally occurring mixture consisting predominantly of hydrocarbons and/or sulfur, nitrogen, and oxygen derivatives of hydrocarbons that is removed from the earth in a liquid state or is capable of being so removed.

Exceedance or *Variance* means, with respect to parametric monitoring, the operating parameter of the air pollution control device that is monitored as an indication of proper operation of the control device is outside the acceptable range or limits for the baseline parameter given in §63.563(b)(4) through (9).

Excess emissions means, with respect to emissions monitoring, the concentration of the outlet stream of the air pollution control device is outside the acceptable range or limits for the baseline concentration given in §63.563(b)(4) through (9).

Flow indicator means a device that indicates whether gas flow is present in a line or vent system.

Gasoline means any petroleum distillate or petroleum distillate/alcohol blend having a Reid vapor pressure of 27.6 kPa (4.0 psia) or greater, that is used as a fuel for internal combustion engines.

Impurity means HAP substances that are present in a commodity or that are produced in a process coincidentally with the primary product or commodity and that are 0.5 percent total HAP by weight or less. An impurity does not serve a useful purpose in the production or use of the primary product or commodity and is not isolated.

Leak means a reading of 10,000 parts per million volume (ppmv) or greater as methane that is determined using the test methods in Method 21, appendix A of part 60 of this chapter.

Lightering or *Lightering operation* means the offshore transfer of a bulk liquid cargo from one marine tank vessel to another vessel.

Loading berth means the loading arms, pumps, meters, shutoff valves, relief valves, and other piping and valves necessary to fill marine tank vessels. The loading berth includes those items necessary for an offshore loading terminal.

Loading cycle means the time period from the beginning of filling a single marine tank vessel until commodity flow to the marine tank vessel ceases.

Maintenance allowance means a period of time that an affected source is allowed to perform maintenance on the loading berth without controlling emissions from marine tank vessel loading operations.

Marine tank vessel loading operation means any operation under which a commodity is bulk loaded onto a marine tank vessel from a terminal, which may include the loading of multiple marine tank vessels during one loading operation. Marine tank vessel loading operations do not include refueling of marine tank vessels.

Marine vessel or *Marine tank vessel* means any tank ship or tank barge that transports liquid product such as gasoline or crude oil in bulk.

Nonvapor-tight means any marine tank vessel that does not pass the required vapor-tightness test.

Offshore loading terminal means a location that has at least one loading berth that is 0.81 km (0.5 miles) or more from the shore that is used for mooring a marine tank vessel and loading liquids from shore.

Primary fuel means the fuel that provides the principal heat input to the device. To be considered primary, the fuel must be able to sustain operation of the device without the addition of other fuels.

Process heater means a device that transfers heat liberated by burning fuel to fluids contained in tubes, including all fluids except water that are heated to produce steam.

Recovery device means an individual unit of equipment, including, but not limited to, a carbon adsorber, condenser/refrigeration unit, or absorber that is capable of and used for the purpose of removing vapors and recovering liquids or chemicals.

Routine loading means, with respect to the VMT source, marine tank vessel loading operations that occur as part of normal facility operation over a loading berth when no loading berths are inoperable due to maintenance.

Secondary fuel means any fuel other than the primary fuel. The secondary fuel provides supplementary heat in addition to the heat provided by the primary fuel and is generally fired through a burner other than the primary burner.

Source(s) means any location where at least one dock or loading berth is bulk loading onto marine tank vessels, except offshore drilling platforms and lightering operations.

Source(s) with emissions less than 10 and 25 tons means major source(s) having aggregate actual HAP emissions from marine tank vessel loading operations at all loading berths as follows:

(1) Prior to the compliance date, of less than 9.1 Mg (10 tons) of each individual HAP calculated on a 24-month annual average basis after September 19, 1997 and less than 22.7 Mg (25 tons) of all HAP combined calculated on a 24-month annual average basis after September 19, 1997, as determined by emission estimation in §63.565(l) of this subpart; and

(2) After the compliance date, of less than 9.1 Mg (10 tons) of each individual HAP calculated annually after September 20, 1999 and less than 22.7 Mg (25 tons) of all HAP combined calculated annually after September 20, 1999, as determined by emission estimation in §63.565(l) of this subpart.

Source(s) with emissions of 10 or 25 tons means major source(s) having aggregate actual HAP emissions from marine tank vessels loading operations at all loading berths as follows:

(1) Prior to the compliance date, emissions of 9.1 Mg (10 tons) or more of each individual HAP calculated on a 24-month annual average basis after September 19, 1997 or of 22.7 Mg (25 tons) or more of all HAP combined calculated on a 24-month annual average basis after September 19, 1997, as determined by emission estimation in §63.565(l); or

(2) After the compliance date, emissions of 9.1 Mg (10 tons) or more of each individual HAP calculated annually after September 20, 1999 or of 22.7 Mg (25 tons) or more of all HAP combined calculated annually after September 20, 1999, as determined by emission estimation in §63.565(l).

Source(s) with throughput less than 10 M barrels and 200 M barrels means source(s) having aggregate loading from marine tank vessel loading operations at all loading berths as follows:

(1) Prior to the compliance date, of less than 1.6 billion liters (10 million (M) barrels) of gasoline on a 24-month annual average basis and of less than 32 billion liters (200 M barrels) of crude oil on a 24-month annual average basis after September 19, 1996; and

(2) After the compliance date, of less than 1.6 billion liters (10 M barrels) of gasoline annually and of less than 32 billion liters (200 M barrels) of crude oil annually after September 21, 1998.

Source(s) with throughput of 10 M barrels or 200 M barrels means source(s) having aggregate loading from marine tank vessel loading operations at all loading berths as follows:

(1) Prior to the compliance date, of 1.6 billion liters (10 M barrels) or more of gasoline on a 24-month annual average basis or of 32 billion liters (200 M barrels) or more of crude oil on a 24-month annual average basis after September 19, 1996; or

(2) After the compliance date, of 1.6 billion liters (10 M barrels) or more of gasoline annually or of 32 billion liters (200 M barrels) or more of crude oil annually after September 21, 1998.

Terminal means all loading berths at any land or sea based structure(s) that loads liquids in bulk onto marine tank vessels.

Twenty-four-month (24-month) annual average basis means annual HAP emissions, with respect to MACT standards, or annual loading throughput, with respect to RACT standards, from marine tank vessel loading operations averaged over a 24-month period.

Valdez Marine Terminal (VMT) source means the major source that is permitted under the Trans-Alaska Pipeline Authorization Act (TAPAA) (43 U.S.C. §1651 *et seq.*). The source is located in Valdez, Alaska in Prince William Sound.

Vapor balancing system means a vapor collection system or piping system that is designed to collect organic HAP vapors displaced from marine tank vessels during marine tank vessel loading operations and that is designed to route the collected organic HAP vapors to the storage vessel from which the liquid being loaded originated or to compress collected organic HAP vapors and commingle with the raw feed of a process unit.

Vapor collection system means any equipment located at the source, i.e., at the terminal, that is not open to the atmosphere, that is composed of piping, connections, and flow inducing devices, and that is used for containing and transporting vapors displaced during the loading of marine tank vessels to a control device or for vapor balancing. This does not include the vapor collection system that is part of any marine vessel vapor collection manifold system.

Vapor-tight marine vessel means a marine tank vessel that has demonstrated within the preceding 12 months to have no leaks. A marine tank vessel loaded at less than atmospheric pressure is assumed to be vapor tight for the purpose of this standard.

Volatile organic compounds or *VOC* is as defined in 40 CFR 51.100(s) of this chapter.

[61 FR 48399, Sept. 19, 1995, as amended at 76 FR 22596, Apr. 21, 2011]

§63.562 Standards.

(a) The emissions limitations in paragraphs (b), (c), and (d) of this section apply during marine tank vessel loading operations.

(b) *MACT standards, except for the VMT source*—(1)(i) *Vapor collection system of the terminal.* The owner or operator of a new source with emissions less than 10 and 25 tons and an existing or new source with emissions of 10 or 25 tons shall equip each terminal with a vapor collection system that is designed to collect HAP vapors displaced from marine tank vessels during marine tank vessel loading operations and to prevent HAP vapors collected at one loading berth from passing through another loading berth to the atmosphere, except for those commodities exempted under §63.560(d).

(ii) *Ship-to-shore compatibility.* The owner or operator of a new source with emissions less than 10 and 25 tons and an existing or new source with emissions of 10 or 25 tons shall limit marine tank vessel loading operations to those vessels that are equipped with vapor collection equipment that is compatible with the terminal's vapor collection system, except for those commodities exempted under §63.560(d).

(iii) *Vapor tightness of marine vessels.* The owner or operator of a new source with emissions less than 10 and 25 tons and an existing or new source with emissions of 10 or 25 tons shall limit marine tank vessel loading operations to those vessels that are vapor tight and to those vessels that are connected to the vapor collection system, except for those commodities exempted under §63.560(d).

(2) *MACT standards for existing sources with emissions of 10 or 25 tons.* The owner or operator of an existing source with emissions of 10 or 25 tons, except offshore loading terminals and the VMT source, shall reduce captured HAP emissions from marine tank vessel loading operations by 97 weight-percent, as determined using methods in §63.565 (d) and (l).

(3) *MACT standards for new sources.* The owner or operator of a new source with emissions less than 10 and 25 tons or a new source with emissions of 10 or 25 tons, except offshore loading terminals and the VMT source, shall reduce HAP emissions from marine tank vessel loading operations by 98 weight-percent, as determined using methods in §63.565 (d) and (l).

(4) *MACT standards for new major source offshore loading terminals.* The owner or operator of a new major source offshore loading terminal shall reduce HAP emissions from marine tank vessel loading operations by 95 weight-percent, as determined using methods in §63.565 (d) and (l).

(5) *Prevention of carbon adsorber emissions during regeneration.* The owner or operator of a source subject to paragraph (b)(2), (3), or (4) shall prevent HAP emissions from escaping to the atmosphere from the regeneration of the carbon bed when using a carbon adsorber to control HAP emissions from marine tank vessel loading operations.

(6) *Maintenance allowance for loading berths.* The owner or operator of a source subject to paragraph (b)(2), (3) or (4), may apply for approval to the Administrator for a maintenance allowance for loading berths based on a percent of annual throughput or annual marine tank vessel loading operation time for commodities not exempted in §63.560(d). The owner or operator shall maintain records for all maintenance performed on the air pollution control equipment. The Administrator will consider the following in approving the maintenance allowance:

(i) The owner or operator expects to be in violation of the emissions standards due to maintenance;

(ii) Due to conditions beyond the reasonable control of the owner or operator, compliance with the emissions standards during maintenance would result in unreasonable economic hardship;

(iii) The economic hardship cannot be justified by the resulting air quality benefit;

(iv) The owner or operator has given due consideration to curtailing marine vessel loading operations during maintenance;

(v) During the maintenance allowance, the owner or operator will endeavor to reduce emissions from other loading berths that are controlled as well as from the loading berth the owner or operator is seeking the maintenance allowance; and

(vi) During the maintenance allowance, the owner or operator will monitor and report emissions from the loading berth to which the maintenance allowance applies.

(c) *RACT standards, except the VMT source*—(1) *Commencement of construction.* The owner or operator of a source with throughput of 10 M barrels or 200 M barrels, except the VMT source, with an initial startup date on or before September 21, 1998 shall provide the Agency no later than 2 years after the effective date with proof that it has commenced construction of its vapor collection system and air pollution control device.

(2)(i) *Vapor collection system of the terminal.* The owner or operator of a source with throughput of 10 M barrels or 200 M barrels shall equip each terminal with a vapor collection system that is designed to collect VOC vapors displaced from marine tank vessels during loading and to prevent VOC vapors collected at one loading berth from passing through another loading berth to the atmosphere, except for those commodities exempted under §63.560(d).

(ii) *Ship-to-shore compatibility.* The owner or operator of a source with throughput of 10 M barrels or 200 M barrels shall limit marine tank vessel loading operations to those vessels that are equipped with vapor collection equipment that is compatible with the terminal's vapor collection system, except for those commodities exempted under §63.560(d).

(iii) *Vapor tightness of marine vessels.* The owner or operator of a source with throughput of 10 M barrels or 200 M barrels shall limit marine tank vessel loading operations to those vessels that are vapor-tight and to those vessels that are connected to the vapor collection system, except for those commodities exempted under §63.560(d).

(3) *RACT standard for sources with throughput of 10 M or 200 M barrels, except the VMT source.* The owner or operator of a source with throughput of 10 M barrels or 200 M barrels, except the VMT source, shall reduce captured VOC emissions from marine tank vessel loading operations by 98 weight-percent when using a combustion device or reduce captured VOC emissions by 95 weight-percent when using a recovery device, as determined using methods in §63.565(d) and (l).

(4) The owner or operator of a source with throughput of 10 M barrels or 200 M barrels, except the VMT source, may meet the requirements of paragraph (c)(3) by reducing gasoline loading emissions to, at most, 1,000 ppmv outlet VOC concentration.

(5) *Prevention of carbon adsorber emissions during regeneration.* The owner or operator of a source with throughput of 10 M barrels or 200 M barrels shall prevent HAP emissions from escaping to the atmosphere from the regeneration of the carbon bed when using a carbon adsorber to control HAP emissions from marine tank vessel loading operations.

(6) *Maintenance allowance for loading berths.* The owner or operator of a source with throughput of 10 M barrels or 200 M barrels may apply for approval to the Administrator for a maintenance allowance for loading berths based on a percent of annual throughput or annual marine tank vessel loading operation time for commodities not exempted in §63.560(d). The owner or operator shall maintain records for all maintenance performed on the air pollution control equipment. The Administrator will consider the following in approving the maintenance allowance:

(i) The owner or operator expects to be in violation of the emissions standards due to maintenance;

(ii) Due to conditions beyond the reasonable control of the owner or operator, compliance with the emissions standards during maintenance would result in unreasonable economic hardship;

(iii) The economic hardship cannot be justified by the resulting air quality benefit;

(iv) The owner or operator has given due consideration to curtailing marine vessel loading operations during maintenance;

(v) During the maintenance allowance, the owner or operator will endeavor to reduce emissions from other loading berths that are controlled as well as from the loading berth the owner or operator is seeking the maintenance allowance; and

(vi) During the maintenance allowance, the owner or operator will monitor and report emissions from the loading berth to which the maintenance allowance applies.

(d) *MACT and RACT standards for the VMT source*—(1)(i) *Vapor collection system of the terminal.* The owner or operator of the VMT source shall equip each terminal subject under paragraph (d)(2) with a vapor collection system that is designed to collect HAP vapors displaced from marine tank vessels during marine tank vessel loading operations and to prevent HAP vapors collected at one loading berth from passing through another loading berth to the atmosphere, except for those commodities exempted under §63.560(d).

(ii) *Ship-to-shore compatibility.* The owner or operator of the VMT source shall limit marine tank vessel loading operations at berths subject under paragraph (d)(2) of this section to those vessels that are equipped with vapor collection equipment that is compatible with the terminal's vapor collection system, except for those commodities exempted under §63.560(d).

(iii) *Vapor tightness of marine vessels.* The owner or operator of the VMT source shall limit marine tank vessel loading operations at berths subject under paragraph (d)(2) of this section to those vessels that are vapor-tight and to those vessels that are connected to the vapor collection system, except for those commodities exempted under §63.560(d).

(2) The owner or operator of the VMT source shall reduce captured HAP and VOC emissions by 98 weight-percent, as determined using methods in §63.565(d) and (l) for loading berths subject under this paragraph according to paragraphs (d)(2)(i), (ii), (iii), and (iv):

(i) The owner or operator of the VMT source shall equip at least two loading berths and any additional berths indicated pursuant to paragraph (d)(2)(iii) with a vapor collection system and air pollution control device and shall load marine tank vessels over loading berths equipped with a vapor collection system and control device to the maximum extent practicable. The owner or operator shall equip all loading berths that will be used for routine loading after March 19, 1998 with a vapor collection system and control device if the annual average daily loading rate for all loading berths exceeds the limits in paragraphs (d)(2)(i)(A), (B), and (C) of this section.

(A) For 1995, 1,630,000 barrels per day; and

(B) For 1996, 1,546,000 barrels per day; and

(C) For 1997, 1,445,000 barrels per day.

(ii) Maximum extent practicable means that the total annual average daily loading over all loading berths not equipped with a vapor collection system and control device shall not exceed the totals in paragraphs (d)(2)(ii)(A) and (B):

(A) *Loading allowances for marine tank vessel loading operations at loading berths not equipped with control devices.* The following maximum annual average daily loading rate for routine loading at loading berths not equipped with control devices in any of the following years shall not exceed:

(*1*) For 1998, 275,000 barrels per day;

(*2*) For 1999, 205,000 barrels per day;

(*3*) For 2000, 118,000 barrels per day;

(*4*) For 2001, 39,000 barrels per day; and

(*5*) For 2002 and subsequent years, no marine tank vessel loading operations shall be performed at berths not equipped with a vapor collection system and control device, except as allowed for maintenance under paragraph (B).

(B) *Maintenance allowances for loading berths subject under paragraph (d)(2)(i).* Beginning in the year 2000, the owner or operator of the VMT source may have a maximum of 40 calendar days per calendar year use of loading berths not equipped with a vapor collection system and control device, in accordance with the limits in paragraph (d)(2)(ii)(B)(*a*), (*b*), or (*c*), to allow for maintenance of loading berths subject to paragraph (d)(2)(i). Beginning in the year 2002, the total annual average daily loading of crude oil over all loading berths not equipped with a vapor collection system and control device shall not exceed the amount stated in paragraph (d)(2)(ii)(B)(*b*). The 40 days allowed for maintenance shall be converted into a compliance measure of annual average daily loading over the loading berths not equipped with a vapor collection system and control device as follows:

(*1*) If the total annual average daily volume of crude oil loaded at the facility was greater than or equal to 1,100,000 barrels per day in the prior calendar year, the maintenance allowance shall not exceed an annual average daily loading of 60,000 barrels per day.

(*2*) If the total annual average daily volume of crude oil loaded at the facility was less than 1,100,000 barrels per day and greater than or equal to 550,000 barrels per day in the prior calendar year, the maintenance allowance for the calendar year shall not exceed Q_m:

$$Q_m = \frac{(P - 550,000) \times 40}{365}$$

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Where:

Q_m = maintenance allowance, barrels per day

P = prior calendar year's average daily volume of crude oil loaded at the facility, barrels per day.

(*3*) If the total annual average daily volume of crude oil loaded at the facility was less than 550,000 barrels per day in the prior calendar year, there shall be no maintenance allowance.

(iii) If the average daily loading rate for the loading berths not equipped with a vapor collection system and control device is greater than the combined amounts in any year listed in paragraphs (d)(2)(i)(A), (B), and (C) and (d)(2)(ii)(A) and (B), then the owner or operator of the VMT source shall equip all loading berths used for routine loading with a vapor collection system and control device within 2 years of the exceedance except that in an emergency situation the Administrator may, instead of requiring controls, approve an alternative plan to reduce loading over the unequipped berth(s) to a level which will ensure compliance with the applicable limit. Beginning in the year 2002, the owner or operator of the VMT source shall equip all uncontrolled loading berths used for marine tank vessel loading operations beyond the maintenance allowance in paragraph (d)(2)(ii)(B) with a vapor collection system and control device.

(iv) The owner or operator of the VMT source shall develop a program to communicate to relevant facility operations and marine transportation personnel and engage their active and consistent participation in honoring the intent and goal of minimizing loaded volumes over the unequipped berths and maximizing the loaded volumes at the berths equipped with a vapor collection system and control device to prevent exceedance of the load volume limits in paragraphs (d)(2)(ii)(A) and (B). This program is to be presented semi-annually during the first year of compliance and annually thereafter until the use of unequipped berths for routine loading is no longer required.

(e) Operation and maintenance requirements for air pollution control equipment and monitoring equipment for affected sources. At all times, owners or operators of affected sources shall operate and maintain a source, including associated air pollution control equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether acceptable operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

(1) The Administrator will determine compliance with design, equipment, work practice, or operational emission standards by evaluating an owner or operator's conformance with operation and maintenance requirements.

(2) The owner or operator of an affected source shall develop a written operation and maintenance plan that describes in detail a program of corrective action for varying (i.e., exceeding baseline parameters) air pollution control equipment and monitoring equipment, based on monitoring requirements in §63.564, used to comply with these emissions standards. The plan shall also identify all routine or otherwise predictable continuous monitoring system (thermocouples, pressure transducers, continuous emissions monitors (CEMS), etc.) variances.

(i) The plan shall specify procedures (preventive maintenance) to be followed to ensure that pollution control equipment and monitoring equipment functions properly and variances of the control equipment and monitoring equipment are minimal.

(ii) The plan shall identify all operating parameters to be monitored and recorded for the air pollution control device as indicators of proper operation and shall establish the frequency at which the parameters will be monitored (see §63.564).

(iii) Owners or operators of affected sources shall incorporate a standardized inspection schedule for each component of the control device used to comply with the emissions standards in §63.562(b), (c), and (d). To satisfy the requirements of this paragraph, the owner or operator may use the inspection schedule recommended by the vendor of the control system or any other technical publication regarding the operation of the control system.

(iv) Owners or operators shall develop and implement a continuous monitoring system (CMS) quality control program. The owner or operator shall develop and submit to the Administrator for approval upon request a site-specific performance evaluation test plan for the CMS performance evaluation required in §63.8(e) of subpart A of this part. Each quality control program shall include, at a minimum, a written protocol that describes procedures for initial and any subsequent calibration of the CMS; determination and adjustment of the calibration drift of the CMS; preventive maintenance of the CMS, including spare parts inventory; data recording, calculations, and reporting; and accuracy audit procedures, including sampling and analysis methods. The owner or operation shall maintain records of the procedures that are part of the quality control program developed and implemented for CMS.

(3) Based on the results of the determination made under paragraph (e)(2), the Administrator may require that an owner or operator of an affected source make changes to the operation and maintenance plan for that source. Revisions may be required if the plan:

(i) Does not address a variance of the air pollution control equipment or monitoring equipment that has occurred that increases emissions;

(ii) Fails to provide for operation during a variance of the air pollution control equipment or the monitoring equipment in a manner consistent with safety and good air pollution control practices; or

(iii) Does not provide adequate procedures for correcting a variance of the air pollution control equipment or monitoring equipment as soon as reasonable.

(4) If the operation and maintenance plan fails to address or inadequately addresses a variance event at the time the plan was initially developed, the owner or operator shall revise the operation and maintenance plan within 45 working days after such an event occurs. The revised plan shall include procedures for operating and maintaining the air pollution control equipment or monitoring equipment during similar variance events and a program for corrective action for such events.

(5) The operation and maintenance plan shall be developed by the source's compliance date. The owner or operator shall keep the written operation and maintenance plan on record to be made available for inspection, upon request, by the Administrator for the life of the source. In addition, if the operation and maintenance plan is revised, the owner or operator shall keep previous (i.e., superseded) versions of the plan on record to be made available for inspection upon request by the Administrator for a period of 5 years after each revision to the plan.

(6) To satisfy the requirements of the operation and maintenance plan, the owner or operator may use the source's standard operating procedures (SOP) manual, an Occupational Safety and Health Administration (OSHA) plan, or other existing plans provided the alternative plans meet the requirements of this section and are made available for inspection when requested by the Administrator.

(7) In response to an action to enforce the standards set forth in this subpart, you may assert an affirmative defense to a claim for civil penalties for exceedances of such standards that are caused by a malfunction, as defined in §63.2. Appropriate penalties may be assessed, however, if the respondent fails to meet its burden of proving all the requirements in the affirmative defense. The affirmative defense shall not be available for claims for injunctive relief.

(i) To establish the affirmative defense in any action to enforce such a limit, the owners or operators of a facility must timely meet the notification requirements of paragraph (e)(7)(ii) of this section, and must prove by a preponderance of evidence that:

(A) The excess emissions were caused by a sudden, infrequent, and unavoidable failure of air pollution control and monitoring equipment, or a process to operate in a normal and usual manner; and could not have been prevented through careful planning, proper design or better operation and maintenance practices; and did not stem from any activity or event that could have been foreseen and avoided, or planned for; and were not part of a recurring pattern indicative of inadequate design, operation, or maintenance;

(B) Repairs were made as expeditiously as possible when the applicable emission limitations were being exceeded. Off-shift and overtime labor were used, to the extent practicable to make these repairs;

(C) The frequency, amount and duration of the excess emissions (including any bypass) were minimized to the maximum extent practicable during periods of such emissions;

(D) If the excess emissions resulted from a bypass of control equipment or a process, then the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(E) All possible steps were taken to minimize the impact of the excess emissions on ambient air quality, the environment, and human health;

(F) All emissions monitoring and control systems were kept in operation if at all possible, consistent with safety and good air pollution control practices;

(G) All of the actions in response to the excess emissions were documented by properly signed, contemporaneous operating logs;

(H) At all times, the affected facility was operated in a manner consistent with good practices for minimizing emissions; and

(I) The owner or operator has prepared a written root cause analysis, the purpose of which is to determine, correct, and eliminate the primary causes of the malfunction and the excess emissions resulting from the malfunction event at issue. The analysis shall also specify, using the best monitoring methods and engineering judgment, the amount of excess emissions that were the result of the malfunction.

(ii) *Notification.* The owner or operator of the facility experiencing an exceedance of its emission limit(s) during a malfunction shall notify the Administrator by telephone or facsimile (FAX) transmission as soon as possible, but no later than 2 business days after the initial occurrence of the malfunction, if it wishes to avail itself of an affirmative defense to civil penalties for that malfunction. The owner or operator seeking to assert an affirmative defense shall also submit a written report to the Administrator within 45 days of the initial occurrence of the exceedance of the standard in this subpart to demonstrate, with all necessary supporting documentation, that it has met the requirements set forth in paragraph (e)(7)(i) of this section. The owner or operator may seek an extension of this deadline for up to 30 additional days by submitting a written request to the Administrator before the expiration of the 45 day period. Until a request for an extension has been approved by the Administrator, the owner or operator is subject to the requirement to submit such report within 45 days of the initial occurrence of the exceedance.

[61 FR 48399, Sept. 19, 1995, as amended at 68 FR 37350, June 23, 2003; 71 FR 20457, Apr. 20, 2006; 76 FR 22596, Apr. 21, 2011]

§63.563 Compliance and performance testing.

(a) The following procedures shall be used to determine compliance with the emissions limits under §63.562(b)(1), (c)(2), and (d)(1):

(1) *Vent stream by-pass requirements for the terminal's vapor collection system.* (i) In accordance with §63.562(b)(1)(i), (c)(2)(i), and (d)(1)(i), each valve in the terminal's vapor collection system that would route displaced vapors to the atmosphere, either directly or indirectly, shall be secured closed during marine tank vessel loading operations either by using a car-seal or a lock-and-key type configuration, or the by-pass line from the valve shall be equipped with a flow indicator, except for those valves used for pressure/vacuum relief, analyzers, instrumentation devices, sampling, and venting for maintenance. Marine tank vessel loading operations shall not be performed with open by-pass lines.

(ii) Repairs shall be made to valves, car-seals, or closure mechanisms no later than 15 days after a change in the position of the valve or a break in the car-seal or closure mechanism is detected or no later than prior to the next marine tank vessel loading operation, whichever is later.

(2) *Ship-to-shore compatibility of vapor collection systems.* Following the date on which the initial performance test is completed, marine tank vessel loading operations must be performed only if the marine tank vessel's vapor collection equipment is compatible to the terminal's vapor collection system; marine tank vessel loading operations must be performed only when the marine tank vessel's vapor collection equipment is connected to the terminal's vapor collection system, as required in §63.562(b)(1)(ii), (c)(2)(ii), and (d)(1)(ii).

(3) *Pressure/vacuum settings for the marine tank vessel's vapor collection equipment.* During the initial performance test required in paragraph (b)(1) of this section, the owner or operator of an affected source shall demonstrate compliance with operating pressure requirements of 33 CFR 154.814 using the procedures in §63.565(b).

(4) *Vapor-tightness requirements of the marine vessel.* The owner or operator of an affected source shall use the procedures in paragraph (a)(4)(i), (ii), (iii), or (iv) of this section to ensure that marine tank vessels are vapor tight, as required in §63.562(b)(1)(iii), (c)(2)(iii), and (d)(1)(iii).

(i) *Pressure test documentation for determining vapor tightness of the marine vessel.* The owner or operator of a marine tank vessel, who loads commodities containing HAP not determined to be exempt under §63.560(d) at an affected source, shall provide a copy of the vapor-tightness pressure test documentation described in §63.567(i) for each marine tank vessel prior to loading. The date of the test listed in the documentation must be within the preceding 12 months, and the test must be conducted in accordance with the procedures in §63.565(c)(1). Following the date on which the initial performance test is completed, the affected source must check vapor-tightness pressure test documentation for marine tank vessels loaded at positive pressure.

(ii) *Leak test documentation for determining vapor tightness of the marine vessel.* If no documentation of the vapor tightness pressure test as described in paragraph (a)(4)(i) of this section is available, the owner or operator of a marine tank vessel, who loads commodities containing HAP not determined to be exempt under §63.560(d) at an affected source, shall provide the leak test documentation described in §63.567(i) for each marine tank vessel prior to loading. The date of the test listed in the documentation must be within the preceding 12 months, and the test must be conducted in accordance with the procedures in §63.565(c)(2). If the marine tank vessel has failed its most recent vapor-tightness leak test at that terminal, the owner or operator of the non-vapor-tight marine tank vessel shall provide documentation that the leaks detected during the previous vapor-tightness test have been repaired and documented with a successful vapor-tightness leak test described in §63.565(c)(2) conducted during loading. If the owner or operator of the marine tank vessel can document that repair is technically infeasible without cleaning and gas freeing or dry-docking the vessel, the owner or operator of the affected source may load the marine tank vessel. Following the date on which the initial performance test is completed, an affected source must check the vapor-tightness leak test documentation for marine tank vessels loaded at positive pressure.

(iii) *Leak test performed during loading using Method 21 for determining vapor tightness of the marine vessel.* If no documentation of vapor tightness as described in paragraphs (a)(4)(i) or (ii) of this section is available, the owner or operator of a marine tank vessel, who loads commodities containing HAP not determined to be exempt under §63.560(d) at an affected source, shall perform a leak test of the marine tank vessel during marine tank vessel loading operation using the procedures described in §63.565(c)(2).

(A) If no leak is detected, the owner or operator of a marine tank vessel shall complete the documentation described in §63.567(i) prior to departure of the vessel.

(B) If a leak is detected, the owner or operator of the marine tank vessel shall document the vapor-tightness failure for the marine tank vessel prior to departure of the vessel. The leaking component shall be repaired prior to the next marine tank vessel loading operation at a controlled terminal unless the repair is technically infeasible without cleaning and gas freeing or dry-docking the vessel. If the owner or operator of the vessel provides documentation that repair of such equipment is technically infeasible without cleaning and gas freeing or dry-docking the vessel, the equipment responsible for the leak will be excluded from future Method 21 tests until repairs are effected. A copy of this documentation shall be maintained by the owner or operator of the affected source. Repair of the equipment responsible for the leak shall occur the next time the vessel is cleaned and gas freed or dry-docked. For repairs that are technically feasible without dry-docking the vessel, the owner or operator of the affected source shall not load the vessel again unless the marine tank vessel owner or operator can document that the equipment responsible for the leak has been repaired.

(iv) *Negative pressure loading.* The owner or operator of an affected source shall ensure that a marine tank vessel is loaded with the product tank below atmospheric pressure (i.e., at negative gauge pressure). The pressure shall be measured between the facility's vapor connection and its manual isolation valve, and the measured pressure must be below atmospheric pressure. Following the date on which the initial performance test is completed, marine tank vessel loading operations for nonvapor-tight vessels must be performed below atmospheric pressure (i.e., at negative gauge pressure) in the product tank.

(b) *Compliance determination for affected sources.* The following procedures shall be used to determine compliance with the emissions limits under §63.562(b), (c), and (d).

(1) *Initial performance test.* An initial performance test shall be conducted using the procedures listed in §63.7 of subpart A of this part according to the applicability in Table 1 of §63.560, the procedures listed in this section, and the test methods listed in §63.565. The initial performance test shall be conducted within 180 days after the compliance date for the specific affected source. During this performance test, sources subject to MACT standards under §63.562(b)(2), (3), (4), and (5), and (d)(2) shall determine the reduction of HAP emissions, as VOC, for all combustion or recovery devices other than flares. Performance tests shall be conducted under such conditions as the Administrator specifies to the owner or operator based on representative performance of the affected source for the period being tested. Upon request, the owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of performance tests. Sources subject to RACT standards under §63.562(c)(3), (4), and (5), and (d)(2) shall determine the reduction of VOC emissions for all combustion or recovery devices other than flares.

(2) *Performance test exemptions.* An initial performance test required in this section and in §63.565(d) and the continuous monitoring in §63.564(e) is not required in the following cases:

(i) When a boiler or process heater with a design heat input capacity of 44 Megawatts or less is used to comply with §63.562(b)(2), (3), or (4), (c)(3) or (4), or (d)(2) and the vent stream is used as the primary fuel or with the primary fuel;

(ii) When a boiler or process heater with a design heat input capacity of 44 Megawatts or greater is used to comply with §63.562(b)(2), (3) or (4), (c)(3) or (4), or (d)(2); or

(iii) When a boiler subject to 40 CFR part 266, subpart H, “Hazardous Waste Burned in Industrial Furnaces,” that has demonstrated 99.99 percent destruction or recovery efficiency is used to comply with §63.562(b)(2), (3), or (4), (c)(3) or (4), or (d)(2).

(3) *Operation and maintenance inspections.* If the 3-hour or 3-cycle block average operating parameters in paragraphs (b)(4) through (9) of this section, outside the acceptable operating ranges, are measured and recorded, i.e., variances of the pollution control device or monitoring equipment, the owner or operator of the affected source shall perform an unscheduled inspection of the control device and monitoring equipment and review of the parameter monitoring data. The owner or operator of the affected source shall perform an inspection and review when total parameter variance time for the control device is greater than 10 percent of the operating time for marine tank vessel loading operations on a 30-day, rolling-average basis. The inspection and review shall be conducted within 24 hours after passing the allowable variance time of 10 percent. The inspection checklist from the requirements of §63.562(e)(2)(iii) and the monitoring data from requirements in §§63.562(e)(2)(ii) and 63.564 should be used to identify any maintenance problems that may be associated with the variance. The unscheduled inspection should encompass all components of the control device and monitoring equipment that can be inspected while in operation. If any maintenance problem is identified during the inspection, the owner or operator of the affected source must take corrective action (e.g., adjustments to operating controls, etc.) as soon as practicable. If no immediate maintenance problems are identified from the inspection performed while the equipment is operating, a complete inspection in accordance with §63.562(e)(2) must be conducted prior to the next marine tank vessel loading operation and corrective action (e.g., replacement of defective parts) must be taken as soon as practicable for any maintenance problem identified during the complete inspection.

(4) *Combustion device, except flare.* During the initial performance test required in paragraph (b)(1) of this section, the owner or operator shall determine the efficiency of and/or the outlet VOC concentration from the combustion device used to comply with §63.562(b)(2), (3), and (4), (c)(3) and (4), and (d)(2) using the test methods in §63.565(d). The owner or operator shall comply with paragraph (b)(4)(i) or (ii) of this section.

(i) *Outlet VOC concentration limit for required percent combustion efficiency.* The owner or operator shall establish as an operating parameter the baseline VOC concentration using the procedures described in §63.565(g). Following the date on which the initial performance test is completed, the facility shall be operated with a block average outlet VOC concentration as determined in §63.564(e)(1) no more than 20 percent above the baseline VOC concentration.

(ii) *Baseline temperature for required percent combustion efficiency.* The owner or operator shall establish as an operating parameter the baseline temperature using the procedures described in §63.565(f). Following the date on which the initial performance test is completed, the facility shall be operated with the block average temperature as determined in §63.564(e)(2) or (3) no more than 28 °C (50 °F) below the baseline temperature.

(5) *Flare.* During the initial performance test required in paragraph (b)(1) of this section, the owner or operator shall establish that the flare used to comply with the emissions standards in §63.562(b)(2), (3), and (4), (c)(3) and (4), and (d)(2) is in compliance with the design requirements for flares cited in §63.565(e). Following the date on which the initial determination of compliance is established, the facility shall operate with the presence of a pilot flame in the flare, as determined in §63.564(f).

(6) *Carbon adsorber.* During the initial performance test required in paragraph (b)(1) of this section, the owner or operator shall determine the efficiency of and/or the outlet VOC concentration from the recovery device used to comply with §63.562(b)(2), (3), (4), and (5), (c)(3), (4), and (5), and (d)(2) using the test methods in §63.565(d). The owner or operator shall comply with paragraph (b)(6)(i) as well as either paragraph (b)(6)(ii) or (iii) of this section. The owner or operator of affected sources complying with paragraph (b)(6)(ii)(B) or (C) of this section shall conduct a performance test once each year.

(i) *Compliance determination for carbon bed regeneration.* Desorbed hydrocarbons from regeneration of the off-line carbon bed shall be vented to the on-line carbon bed.

(ii) *Baseline parameters for required percent recovery efficiency.* The owner or operator shall comply with paragraph (b)(6)(ii)(A), (B), or (C) of this section.

(A) *Outlet VOC concentration limit for required percent recovery efficiency.* The owner or operator shall establish as an operating parameter the baseline VOC concentration using the procedures described in §63.565(g). Following the date on which the initial performance test is completed, the facility shall be operated with a block average outlet VOC concentration as determined in §63.564(g)(1) no more than 20 percent above the baseline VOC concentration.

(B) *Carbon adsorbers with vacuum regeneration.* The owner or operator shall establish as operating parameters the baseline regeneration time for the vacuum stage of carbon bed regeneration using the procedures described in §63.565(h) and shall establish the baseline vacuum pressure (negative gauge pressure) using the procedures described in §63.565(i). Following the date on which the initial performance test is completed, the facility shall be operated with block average regeneration time of the vacuum stage of carbon bed regeneration as determined in §63.564(g)(2) no more than 20 percent below the baseline regeneration time, and the facility shall be operated with the block average vacuum pressure (negative gauge pressure) as determined in §63.564(g)(2) no more than 20 percent above the baseline vacuum pressure.

(C) *Carbon adsorbers with steam regeneration.* The owner or operator shall establish as operating parameters the baseline total stream flow using the procedures described in §63.565(j) and a baseline carbon bed temperature after cooling of the bed using the procedures in §63.565(f)(2). Following the date on which the initial performance test is completed, the facility shall be operated with the total stream flow, as determined in §63.564(g)(3), no more than 20 percent below the baseline stream flow and with the carbon bed temperature (measured within 15 minutes after completion of the cooling cycle), as determined in §63.564(g)(3), no more than 10 percent or 5.6 °C (10 °F) above the baseline carbon bed temperature, whichever is less stringent.

(iii) *Outlet VOC concentration of 1,000 ppmv for gasoline loading.* Following the date on which the initial performance test is completed, the facility shall operate with a block average outlet VOC concentration as determined in §63.564(g)(1) of no more than 1,200 ppmv VOC.

(7) *Condenser/refrigeration unit.* During the initial performance test required in paragraph (b)(1) of this section, the owner or operator shall determine the efficiency of and/or the outlet VOC concentration from the recovery device used to comply with §63.562(b)(2), (3), and (4), (c)(3) and (4), and (d)(2) using the test methods in §63.565(d). The owner or operator shall comply with either paragraph (b)(7)(i), (ii), or (iii) of this section.

(i) *VOC outlet concentration limit for required percent recovery efficiency.* The owner or operator shall establish as an operating parameter the baseline VOC concentration using the procedures described in §63.565(g). Following the date on which the initial performance test is completed, the facility shall be operated with a block average outlet VOC concentration as determined in §63.564(h)(2) no more than 20 percent above the baseline VOC concentration.

(ii) *Baseline temperature for required percent recovery efficiency.* The owner or operator shall establish as an operating parameter the baseline temperature using the procedures described in §63.565(f). Following the date on which the initial performance test is completed, the facility shall operate with a block average temperature, as determined in §63.564(h)(1), no more than 28 °C (50 °F) above the baseline temperature.

(iii) *Baseline parameters for 1,000 ppmv VOC concentration limit for gasoline loading.* The owner or operator shall monitor either the outlet VOC concentration or the outlet temperature of the unit. For sources monitoring temperature, the owner or operator shall establish as an operating parameter the baseline temperature using the procedures described in §63.565(f). Following the date on which the initial performance test is completed, the facility shall operate with a block average outlet VOC concentration, as determined in §63.564(h)(2), of no more than 1,200 ppmv VOC or with a block average temperature, as determined in §63.564(h)(1), no more than 28 °C (50 °F) above the baseline temperature.

(8) *Absorber.* During the initial performance test required in paragraph (b)(1) of this section, the owner or operator shall determine the efficiency of the absorber and/or the outlet VOC concentration from the recovery device used to comply with §63.562(b)(2), (3), and (4), (c)(3) and (4), and (d)(2) using the test methods in §63.565(d). The owner or operator shall comply with either paragraph (b)(8)(i) or (ii) of this section.

(i) *VOC outlet concentration limit for required percent recovery efficiency.* The owner or operator shall establish as an operating parameter the baseline VOC concentration using the procedures described in §63.565(g). Following the date on which the initial performance test is completed, the facility shall be operated with a block average outlet VOC concentration as determined in §63.564(i)(1) no more than 20 percent above the baseline VOC concentration.

(ii) *Baseline liquid-to-vapor ratio for required percent recovery efficiency.* The owner or operator shall establish as an operating parameter the baseline liquid flow to vapor flow (L/V) ratio using the procedures described in §63.565(k). Following the date on which the initial performance test is completed, the facility shall operate with a block average L/V ratio, as determined in §63.564(i)(2), no more than 20 percent below the baseline L/V ratio.

(9) *Alternative control devices.* For sources complying with §63.562(b)(2), (3), and (4), (c)(3) and (4), and (d)(2) with the use of a control technology other than the devices discussed in paragraphs (b)(4) through (8) of this section, the owner or operator of an affected source shall provide to the Administrator information describing the design and operation of the air pollution control system, including recommendations for the operating parameter(s) to be monitored to indicate proper operation and maintenance of the air pollution control system. Based on this information, the Administrator shall determine the operating parameter(s) to be established during the performance test. During the initial performance test required in paragraph (b)(1) of this section, the owner or operator shall determine the efficiency of the air pollution control system using the test methods in §63.565(d). The device shall achieve at least the percent destruction efficiency or recovery efficiency required under §63.562(b)(2), (3), and (4), (c)(3) and (4), and (d)(2). The owner or operator shall establish the operating parameter(s) approved by the Administrator. Following the date on which the initial performance test is complete, the facility shall operate either above or below a maximum or minimum operating parameter, as appropriate.

(10) *Emission estimation.* The owner or operator of a source subject to §63.562(b)(2), (3), and (4) shall use the emission estimation procedures in §63.565(l) to calculate HAP emissions.

(c) *Leak detection and repair for vapor collection systems and control devices.* The following procedures are required for all sources subject to §63.562(b), (c), or (d).

(1) *Annual leak detection and repair for vapor collection systems and control devices.* The owner or operator of an affected source shall inspect and monitor all ductwork and piping and connections to vapor collection systems and control devices once each calendar year using Method 21.

(2) *Ongoing leak detection and repair for vapor collection systems and control devices.* If evidence of a potential leak is found by visual, audible, olfactory, or any other detection method, all ductwork and piping and connections to vapor collection systems and control devices shall be inspected to the extent necessary to positively identify the potential leak and any potential leaks shall be monitored within 5 days by Method 21. Each detection of a leak shall be recorded, and the leak shall be tagged until repaired.

(3) When a leak is detected, a first effort to repair the vapor collection system and control device shall be made within 15 days or prior to the next marine tank vessel loading operation, whichever is later.

[61 FR 48399, Sept. 19, 1995, as amended at 76 FR 22597, Apr. 21, 2011]

§63.564 Monitoring requirements.

(a)(1) The owner or operator of an affected source shall comply with the monitoring requirements in §63.8 of subpart A of this part in accordance with the provisions for applicability of subpart A to this subpart in Table 1 of §63.560 and the monitoring requirements in this section.

(2) Each owner or operator of an affected source shall monitor the parameters specified in this section. All monitoring equipment shall be installed such that representative measurements of emissions or process parameters from the source are obtained. For monitoring equipment purchased from a vendor, verification of the operational status of the monitoring equipment shall include completion of the manufacturer's written specifications or recommendations for installation, operation, and calibration of the system.

(3) Except for system breakdowns, out-of-control periods, repairs, maintenance periods, calibration checks, and zero (low-level) and high-level calibration drift adjustments, all continuous parametric monitoring systems (CPMS) and CEMS shall be in continuous operation while marine tank vessel loading operations are occuring and shall meet minimum frequency of operation requirements. Sources monitoring by use of CEMS and CPMS shall complete a minimum of one cycle of operation (sampling, analyzing, and/or data recording) for each successive 15-minute period.

(4) The owner or operator of a CMS installed in accordance with these emissions standards shall comply with the performance specifications either in performance specification (PS) 8 in 40 CFR part 60, appendix B for CEMS or in §63.7(c)(6) of subpart A of this part for CPMS.

(5) A CEMS is out of control when the measured values (i.e., daily calibrations, multipoint calibrations, and performance audits) exceed the limits specified in either PS 8 or in §63.8(c)(7) of subpart A of this part. The owner or operator of a CEMS that is out of control shall submit all information concerning out of control periods, including start and end dates and hours and descriptions of corrective actions taken, in the excess emissions and continuous monitoring system performance report required in §63.567(e).

(b) *Vapor collection system of terminal.* Owners or operators of a source complying with §63.563(a)(1) that uses a vapor collection system that contains valves that could divert a vent stream from a control device used to comply with the provisions of this subpart shall comply with paragraph (b)(1), (2), or (3) of this section.

(1) Measure and record the vent stream flowrate of each by-pass line once every 15 minutes. The owner or operator shall install, calibrate, maintain, and operate a flow indicator and data recorder. The flow indicator shall be installed immediately downstream of any valve (i.e., entrance to by-pass line) that could divert the vent stream from the control device to the atmosphere.

(2) Measure the vent stream flowrate of each by-pass line once every 15 minutes. The owner or operator shall install, calibrate, maintain, and operate a flow indicator with either an audio or visual alarm. The flow indicator and alarm shall be installed immediately downstream of any valve (i.e., entrance to by-pass line) that could divert the vent stream from the control device to the atmosphere. The alarm shall be checked every 6 months to demonstrate that it is functioning properly.

(3) Visually inspect the seal or closure mechanism once during each marine tank vessel loading operation and at least once every month to ensure that the valve is maintained in the closed position and that the vent stream is not diverted through the by-pass line; record all times when the car seals have been broken and the valve position has been changed. Each by-pass line valve shall be secured in the closed position with a car-seal or a lock-and-key type configuration.

(c) *Pressure/vacuum settings for the marine tank vessel's vapor collection equipment.* Owners or operators of a source complying with §63.563(a)(3) shall measure continuously the operating pressure of the marine tank vessel during loading.

(d) *Loading at negative pressure.* Owners or operators of a source complying with §63.563(a)(4)(iv) that load vessels at less than atmospheric pressure (i.e., negative gauge pressure) shall measure and record the loading pressure. The owner or operator shall install, calibrate, maintain, and operate a recording pressure measurement device (magnehelic gauge or equivalent device) and an audible and visible alarm system that is activated when the pressure vacuum specified in §63.563(a)(4)(iv) is not attained. The owner or operator shall place the alarm system so that it can be seen and heard where cargo transfer is controlled. The owner or operator shall verify the accuracy of the pressure device once each calendar year with a reference pressure monitor (traceable to National Institute of Standards and Technology (NIST) standards or an independent pressure measurement device dedicated for this purpose).

(e) *Combustion device, except flare.* For sources complying with §63.563(b)(4), use of a combustion device except a flare, the owner or operator shall comply with paragraph (e)(1), (2), or (3) of this section. Owners or operators complying with paragraphs (e)(2) or (3) shall also comply with paragraph (e)(4) of this section.

(1) *Outlet VOC concentration.* Monitor the VOC concentrations at the exhaust point of the combustion device and record the output from the system. For sources monitoring the outlet VOC concentration established during the performance test, a data acquisition system shall record a concentration every 15 minutes and shall compute and record an average concentration each cycle (same time period or cycle as the performance test) and a 3-cycle block average concentration every third cycle. For sources monitoring the 1,000 ppmv VOC concentration for gasoline loading, a data acquisition system shall record a concentration every 15 minutes and shall compute and record an average concentration each hour and a 3-hour block average concentration every third hour. The owner or operator will install, calibrate, operate, and maintain a CEMS consistent with the requirements of PS 8 to measure the VOC concentration. The daily calibration requirements are required only on days when marine tank vessel loading operations occur.

(2) *Operating temperature determined during performance testing.* If the baseline temperature was established during the performance test, the data acquisition system shall record the temperature every 15 minutes and shall compute and record an average temperature each cycle (same time period or cycle of the performance test) and a 3-cycle block average every third cycle.

(3) *Manufacturer's recommended operating temperature.* If the baseline temperature is based on the manufacturer recommended operating temperature, the data acquisition system shall record the temperature every 15 minutes and shall compute and record an average temperature each hour and a 3-hour block average every third hour.

(4) *Temperature monitor.* The owner or operator shall install, calibrate, operate, and maintain a temperature monitor accurate to within ±5.6 °C (±10 °F) or within 1 percent of the baseline temperature, whichever is less stringent, to measure the temperature. The monitor shall be installed at the exhaust point of the combustion device but not within the combustion zone. The owner or operator shall verify the accuracy of the temperature monitor once each calendar year with a reference temperature monitor (traceable to National Institute of Standards and Technology (NIST) standards or an independent temperature measurement device dedicated for this purpose). During accuracy checking, the probe of the reference device shall be at the same location as that of the temperature monitor being tested.

(f) *Flare.* For sources complying with §63.563(b)(5), use of a flare, the owner or operator shall monitor and record continuously the presence of the flare pilot flame. The owner or operator shall install, calibrate, maintain, and operate a heat sensing device (an ultraviolet beam sensor or thermocouple) at the pilot light to indicate the presence of a flame during the entire loading cycle.

(g) *Carbon adsorber.* For sources complying with §63.563(b)(6), use of a carbon adsorber, the owner or operator shall comply with paragraph (g)(1), (2), or (3) of this section.

(1) *Outlet VOC concentration.* Monitor the VOC concentrations at the exhaust point of each carbon adsorber unit and record the output from the system. For sources monitoring the outlet VOC concentration established during the performance test, a data acquisition system shall record a concentration every 15 minutes and shall compute and record an average concentration each cycle (same time period or cycle as the performance test) and a 3-cycle block average concentration every third cycle. For sources monitoring the 1,000 ppmv VOC concentration for gasoline loading, a data acquisition system shall record a concentration every 15 minutes and shall compute and record an average concentration each hour and a 3-hour block average concentration every third hour. The owner or operator will install, calibrate, operate, and maintain a CEMS consistent with the requirements of PS 8 to measure the VOC concentration. The daily calibration requirements are required only on days when marine tank vessel loading operations occur.

(2) *Carbon adsorbers with vacuum regeneration.* Monitor and record the regeneration time for carbon bed regeneration and monitor and record continuously the vacuum pressure of the carbon bed regeneration cycle. The owner or operator will record the time when the carbon bed regeneration cycle begins and when the cycle ends for a single carbon bed and will calculate a 3-cycle block average every third cycle. The owner or operator shall install, calibrate, maintain, and operate a recording pressure measurement device (magnehelic gauge or equivalent device). A data acquisition system shall record and compute a 3-cycle (carbon bed regeneration cycle) block average vacuum pressure every third cycle. The owner or operator shall verify the accuracy of the pressure device once each calendar year with a reference pressure monitor (traceable to National Institute of Standards and Technology (NIST) standards or an independent pressure measurement device dedicated for this purpose). During accuracy checking, the probe of the reference device shall be at the same location as that of the pressure monitor being tested.

(3) *Carbon adsorbers with steam regeneration.* Monitor and record the total stream mass flow and monitor and record the carbon bed temperature after regeneration (but within 15 minutes of completion of the cooling cycle). The owner or operator will install, calibrate, maintain, and operate an integrating stream flow monitoring device that is accurate within ±10 percent and that is capable of recording the total stream mass flow for each regeneration cycle. The owner or operator will install, calibrate, maintain, and operate a temperature monitor accurate to within ±5.6 °C (10 °F) or within 1 percent of the baseline carbon bed temperature, whichever is less stringent, to measure the carbon bed temperature. The monitor shall be installed at the exhaust point of the carbon bed. The data acquisition system shall record the carbon bed temperature after each cooling cycle (measured within 15 minutes of completion of the cooling cycle). The owner or operator shall verify the accuracy of the temperature monitor once each calendar year with a reference temperature monitor (traceable to National Institute of Standards and Technology (NIST) standards or an independent temperature measurement device dedicated for this purpose). During accuracy checking, the probe of the reference device shall be at the same location as that of the temperature monitor being tested.

(h) *Condenser/refrigeration unit.* For sources complying with §63.563(b)(7), use of a condenser/refrigeration unit, the owner or operator shall comply with either paragraph (h)(1) or (2) of this section.

(1) *Baseline temperature.* Monitor and record the temperature at the outlet of the unit. The owner or operator shall install, calibrate, operate, and maintain a temperature monitor accurate to within ±5.6 °C (±10 °F) or within 1 percent of the baseline temperature, whichever is less stringent, to measure the temperature. The monitor shall be installed at the exhaust point of the condenser/refrigeration unit. For sources monitoring the temperature established during the performance test, the data acquisition system shall record the temperature every 15 minutes and shall compute and record an average temperature each cycle (same time period or cycle of the performance test) and a 3-hour block average every third cycle. For sources monitoring the manufacturer recommended temperature, the data acquisition system shall record the temperature every 15 minutes and shall compute and record an average temperature each hour and a 3-hour block average every third hour. The owner or operator shall verify the accuracy of the temperature monitor once each calendar year with a reference temperature monitor (traceable to National Institute of Standards and Technology (NIST) standards or an independent temperature measurement device dedicated for this purpose). During accuracy checking, the probe of the reference device shall be at the same location as that of the temperature monitor being tested.

(2) *Outlet VOC concentration.* Monitor the VOC concentrations at the outlet of the unit and record the output from the system. For sources monitoring the outlet VOC concentration established during the performance test, a data acquisition system shall record a concentration every 15 minutes and shall compute and record an average concentration each cycle (same time period or cycle as the performance test) and a 3-cycle block average concentration every third cycle. For sources monitoring the 1,000 ppmv VOC concentration for gasoline loading, a data acquisition system shall record a concentration every 15 minutes and shall compute and record an average concentration each hour and a 3-hour block average concentration every third hour. The owner or operator will install, calibrate, operate, and maintain a VOC CEMS consistent with the requirements of PS 8 to measure the VOC concentration. The daily calibration requirements are required only on days when marine tank vessel loading operations occur.

(i) *Absorber.* For sources complying with §63.563(b)(8), use of an absorber, the owner or operator shall comply with either paragraph (i)(1) or (2) of this section.

(1) *Outlet VOC concentration.* Monitor the VOC concentrations at the outlet of the absorber and record the output from the system. For sources monitoring the outlet VOC concentration established during the performance test, a data acquisition system shall record a concentration every 15 minutes and shall compute and record an average concentration each cycle (same time period or cycle as the performance test) and a 3-cycle block average concentration every third cycle. For sources monitoring the 1,000 ppmv VOC concentration for gasoline loading, a data acquisition system shall record a concentration every 15 minutes and shall compute and record an average concentration each hour and a 3-hour block average concentration every third hour. The owner or operator will install, calibrate, operate, and maintain a VOC CEMS consistent with the requirements of PS 8. The daily calibration requirements are required only on days when marine tank vessel loading operations occur.

(2) *L/V ratio.* Monitor and record the inlet liquid flowrate and the inlet gas flowrate to the absorber and record the calculated L/V ratio. The owner or operator shall install, calibrate, maintain, and operate liquid and gas flow indicators. For sources monitoring the L/V ratio established during the performance test, a data acquisition system shall record the flowrates and calculated ratio every 15 minutes and shall compute and record an average ratio each cycle (same time period or cycle as the performance test) and a 3-cycle block average ratio every third cycle. For sources monitoring the manufacturer recommended L/V ratio, a data acquisition system shall record the flowrates and calculated ratio every 15 minutes and shall compute and record an average ratio each hour and a 3-hour average ratio every third hour. The liquid and gas flow indicators shall be installed immediately upstream of the respective inlet lines to the absorber.

(j) *Alternate monitoring procedures.* Alternate procedures to those described in this section may be used upon application to, and approval by, the Administrator. The owner or operator shall comply with the procedures for use of an alternative monitoring method in §63.8(f).

§63.565 Test methods and procedures.

(a) *Performance testing.* The owner or operator of an affected source in §63.562 shall comply with the performance testing requirements in §63.7 of subpart A of this part in accordance with the provisions for applicability of subpart A to this subpart in Table 1 of §63.560 and the performance testing requirements in this section.

(b) *Pressure/vacuum settings of marine tank vessel's vapor collection equipment.* For the purpose of determining compliance with §63.563(a)(3), the following procedures shall be used:

(1) Calibrate and install a pressure measurement device (liquid manometer, magnehelic gauge, or equivalent instrument) capable of measuring up to the maximum relief set pressure of the pressure-vacuum vents;

(2) Connect the pressure measurement device to a pressure tap in the terminal's vapor collection system, located as close as possible to the connection with the marine tank vessel; and

(3) During the performance test required in §63.563(b)(1), record the pressure every 5 minutes while a marine tank vessel is being loaded and record the highest instantaneous pressure and vacuum that occurs during each loading cycle.

(c) *Vapor-tightness test procedures for the marine tank vessel.* When testing a vessel for vapor tightness to comply with the marine vessel vapor-tightness requirements of §63.563(a)(4)(i), the owner or operator of a source shall use the methods in either paragraph (c)(1) or (2) in this section.

(1) *Pressure test for the marine tank vessel.* (i) Each product tank shall be pressurized with dry air or inert gas to no more than the pressure of the lowest pressure relief valve setting.

(ii) Once the pressure is obtained, the dry air or inert gas source shall be shut off.

(iii) At the end of one-half hour, the pressure in the product tank and piping shall be measured. The change in pressure shall be calculated using the following formula:

$$P=P_i-P_f$$

Where:

P=change in pressure, inches of water.

P_i = pressure in tank when air/gas source is shut off, inches of water.

P_f = pressure in tank at the end of one-half hour after air/gas source is shut off, inches of water.

(iv) The change in pressure, P, shall be compared to the pressure drop calculated using the following formula:

$PM=0.861\ P_{ia}\ L/V$

Where:

PM=maximum allowable pressure change, inches of water.

P_{ia} = pressure in tank when air/gas source is shut off, psia.

L=maximum permitted loading rate of vessel, barrels per hour.

V=total volume of product tank, barrels.

(v) If P≤PM, the vessel is vapor tight.

(vi) If P<PM, the vessel is not vapor tight and the source of the leak must be identified and repaired prior to retesting.

(2) *Leak test for the marine tank vessel.* Each owner or operator of a source complying with §§63.563(a)(4)(ii) or (iii) shall use Method 21 as the vapor-tightness leak test for marine tank vessels. The test shall be conducted during the final 20 percent of loading of each product tank of the marine vessel, and it shall be applied to any potential sources of vapor leaks on the vessel.

(d) *Combustion (except flare) and recovery control device performance test procedures.* (1) All testing equipment shall be prepared and installed as specified in the appropriate test methods.

(2) All testing shall be performed during the last 20 percent of loading of a tank or compartment.

(3) All emission testing intervals shall consist of each 5 minute period during the performance test. For each interval, the following shall be performed:

(i) *Readings.* The reading from each measurement instrument shall be recorded.

(ii) *Sampling Sites.* Method 1 or 1A of appendix A of part 60 of this chapter, as appropriate, shall be used for selection of sampling sites. Sampling sites shall be located at the inlet and outlet of the combustion device or recovery device except for owners or operators complying with the 1,000 ppmv VOC emissions limit for gasoline vapors under §63.563(b)(6) or (7), where the sampling site shall be located at the outlet of the recovery device.

(iii) *Volume exhausted.* The volume exhausted shall be determined using Method 2, 2A, 2C, or 2D of appendix A of part 60 of this chapter, as appropriate.

(4) *Combustion devices, except flares.* The average VOC concentration in the vent upstream and downstream of the control device shall be determined using Method 25 of appendix A of part 60 of this chapter for combustion devices, except flares. The average VOC concentration shall correspond to the volume measurement by taking into account the sampling system response time.

(5) *Recovery devices.* The average VOC concentration in the vent upstream and downstream of the control device shall be determined using Method 25A or 25B of appendix A-7 to part 60 of this chapter for recovery devices. The average VOC concentration shall correspond to the volume measurement by taking into account the sampling system response time.

(6) The VOC mass at the inlet and outlet of the combustion or recovery device during each testing interval shall be calculated as follows:

$M_j = FKV_s C_{VOC}$

Where:

M_j = mass of VOC at the inlet and outlet of the combustion or recovery device during testing interval j, kilograms (kg).

$F=10^{-6}$ = conversion factor, (cubic meters VOC/cubic meters air)(1/ppmv) (m^3 VOC/m^3 air)(1/ppmv).

K=density, kilograms per cubic meter (kg/m^3 VOC), standard conditions, 20 °C and 760 mm Hg.

V_s = volume of air-vapor mixture at the inlet and outlet of the combustion or recovery device, cubic meters (m^3) at standard conditions, 20 °C and 760 mm Hg.

C_{VOC} = VOC concentration (as measured) at the inlet and outlet of the combustion or recovery device, ppmv, dry basis.

s=standard conditions, 20 °C and 760 mm Hg.

(7) The VOC mass emission rates at the inlet and outlet of the recovery or combustion device shall be calculated as follows:

$$E_i = \frac{\sum_{j=1}^{n} M_{ij}}{T}$$

$$E_o = \frac{\sum_{j=1}^{n} M_{oj}}{T}$$

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Where:

E_i, E_o = mass flow rate of VOC at the inlet (i) and outlet (o) of the recovery or combustion device, kilogram per hour (kg/hr).

M_{ij}, M_{oj} = mass of VOC at the inlet (i) or outlet (o) during testing interval j, kg.

T=Total time of all testing intervals, hour.

n=number of testing intervals.

(8) Where Method 25, 25A, or 25B is used to measure the percent reduction in VOC, the percent reduction across the combustion or recovery device shall be calculated as follows:

$$R = \frac{E_i - E_o}{E_i}(100\%)$$

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Where:

R = control efficiency of control device, percent.

E_i = mass flow rate of VOC at the inlet to the combustion or recovery device as calculated under paragraph (c)(7) of this section, kg/hr.

E_o = mass flow rate of VOC at the outlet of the combustion or recovery device, as calculated under paragraph (c)(7) of this section, kg/hr.

(9) Repeat the procedures in paragraph (d)(1) through (d)(8) of this section 3 times. The arithmetic average percent efficiency of the three runs shall determine the overall efficiency of the control device.

(10) Use of methods other than Method 25, 25A, or 25B shall be validated pursuant to Method 301 of appendix A to part 63 of this chapter.

(e) *Performance test for flares.* When a flare is used to comply with §63.562(b)(2), (3), and (4), (c)(3) and (4), and (d)(2), the source must demonstrate that the flare meets the requirements of §63.11 of subpart A of this part. In addition, a performance test according to Method 22 of appendix A of part 63 shall be performed to determine visible emissions. The observation period shall be at least 2 hours and shall be conducted according to Method 22. Performance testing shall be conducted during three complete loading cycles with a separate test run for each loading cycle. The observation period for detecting visible emissions shall encompass each loading cycle. Integrated sampling to measure process vent stream flow rate shall be performed continuously during each loading cycle. The owner or operator shall record all visible emission readings, heat content determinations, flow rate measurements, maximum permitted velocity calculations, and exit velocity determinations made during the performance test.

(f) *Baseline temperature.* The procedures in this paragraph shall be used to determine the baseline temperature required in §63.563(b)(4), (6), and (7) for combustion devices, carbon adsorber beds, and condenser/refrigeration units, respectively, and to monitor the temperature as required in §63.564(e), (g), and (h). The owner or operator shall comply with either paragraph (f)(1) or (2) of this section.

(1) *Baseline temperature from performance testing.* The owner or operator shall establish the baseline temperature as the temperature at the outlet point of the unit averaged over three test runs from paragraph (d) of this section. Temperature shall be measured every 15 minutes.

(2) *Baseline temperature from manufacturer.* The owner or operator shall establish the baseline temperature as the manufacturer recommended minimum operating temperature for combustion devices, maximum operating temperature for condenser units, and maximum operating temperature for carbon beds of carbon adsorbers.

(g) *Baseline outlet VOC concentration.* The procedures in this paragraph shall be used to determine the outlet VOC concentration required in §63.563(b)(4), (6), (7), and (8) for combustion devices except flare, carbon adsorbers, condenser/refrigeration units, and absorbers, respectively, and to monitor the VOC concentration as required in §63.564(e), (g), (h), and (i). The owner or operator shall use the procedures outlined in Method 25A or 25B. For the baseline VOC concentration, the arithmetic average of the outlet VOC concentration from three test runs from paragraph (d) of this section shall be calculated for the control device. The VOC concentration shall be measured at least every 15 minutes. Compliance testing of VOC CEMS shall be performed using PS 8.

(h) *Baseline regeneration time for carbon bed regeneration.* The procedures in this paragraph shall be used to demonstrate the baseline regeneration time for the vacuum stage of carbon bed regeneration required in §63.563(b)(6) for a carbon adsorber and to monitor the regeneration time for the vacuum regeneration as required in §63.564(g). The owner or operator shall comply with paragraph (h)(1) or (2).

(1) *Baseline regeneration time from performance testing.* The owner or operator shall establish the baseline regeneration time as the length of time for the vacuum stage of carbon bed regeneration averaged over three test runs from paragraph (d) of this section.

(2) *Baseline regeneration time from manufacturer recommendation.* The owner or operator shall establish the baseline regeneration time as the manufacturer recommended minimum regeneration time for the vacuum stage of carbon bed regeneration.

(i) *Baseline vacuum pressure for carbon bed regeneration.* The procedures in this paragraph shall be used to demonstrate the baseline vacuum pressure for the vacuum stage of carbon bed regeneration required in §63.563(b)(6) for a carbon adsorber and to monitor the vacuum pressure as required in §63.564(g). The owner or operator shall establish the baseline vacuum pressure as the manufacturer recommended minimum vacuum for carbon bed regeneration.

(j) *Baseline total stream flow.* The procedures in this paragraph shall be used to demonstrate the baseline total stream flow for steam regeneration required in §63.563(b)(6) for a carbon adsorber and to monitor the total stream flow as required in §63.564(g). The owner or operator shall establish the baseline stream flow as the manufacturer recommended minimum total stream flow for carbon bed regeneration.

(k) *Baseline L/V ratio.* The procedures in this paragraph shall be used to determine the baseline L/V ratio required in §63.563(b)(8) for an absorber and to monitor the L/V ratio as required in §63.564(i). The owner or operator shall comply with either paragraph (k)(1) or (2) of this section.

(1) *Baseline L/V ratio from performance test.* The owner or operator shall establish the baseline L/V ratio as the calculated value of the inlet liquid flow divided by the inlet gas flow to

the absorber averaged over three test runs using the procedures in paragraph (d) of this section.

(2) *Baseline L/V ratio from manufacturer.* The owner or operator shall establish the baseline L/V ratio as the manufacturer recommended minimum L/V ratio for absorber operation.

(l) *Emission estimation procedures.* For sources with emissions less than 10 or 25 tons and sources with emissions of 10 or 25 tons, the owner or operator shall calculate an annual estimate of HAP emissions, excluding commodities exempted by §63.560(d), from marine tank vessel loading operations. Emission estimates and emission factors shall be based on test data, or if test data is not available, shall be based on measurement or estimating techniques generally accepted in industry practice for operating conditions at the source.

(m) *Alternate test procedures.* (1) Alternate test procedures to those described in this section may be used upon application to, and approval by, the Administrator.

(2) If the owner or operator intends to demonstrate compliance by using an alternative to any test method specified, the owner or operator shall refrain from conducting the performance test until the Administrator approves the use of the alternative method when the Administrator approves the site-specific test plan (if review of the site-specific test plan is requested) or until after the alternative method is approved (see §63.7(f) of subpart A of this part). If the Administrator does not approve the site-specific test plan (if review is requested) or the use of the alternative method within 30 days before the test is scheduled to begin, the performance test dates specified in §63.563(b)(1) shall be extended such that the owner or operator shall conduct the performance test within 60 calendar days after the Administrator approves the site-specific test plan or after use of the alternative method is approved. Notwithstanding the requirements in the preceding two sentences, the owner or operator may proceed to conduct the performance test as required in this section (without the Administrator's prior approval of the site-specific test plan) if he/she subsequently chooses to use the specified testing and monitoring methods instead of an alternative.

[61 FR 48399, Sept. 19, 1995, as amended at 79 FR 11283, Feb. 27, 2014]

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§63.566 Construction and reconstruction.

(a) The owner or operator of an affected source shall fulfill all requirements for construction or reconstruction of a source in §63.5 of subpart A of this part in accordance with the provisions for applicability of subpart A to this subpart in Table 1 of §63.560 and construction or reconstruction requirements in this section.

(b)(1) *Application for approval of construction or reconstruction.* The provisions of this paragraph and §63.5(d)(1)(ii) and (iii), (2), (3), and (4) of subpart A implement section 112(i)(1) of the Act.

(2) *General application requirements.* An owner or operator who is subject to the requirements of §63.5(b)(3) of subpart A shall submit to the Administrator an application for approval of the construction of a new source, the reconstruction of a source, or the reconstruction of a source not subject to the emissions standards in §63.562 such that the

source becomes an affected source. The application shall be submitted as soon as practicable before the construction or reconstruction is planned to commence. The application for approval of construction or reconstruction may be used to fulfill the initial notification requirements of §63.567(b)(3). The owner or operator may submit the application for approval well in advance of the date construction or reconstruction is planned to commence in order to ensure a timely review by the Administrator and that the planned commencement date will not be delayed.

(c) *Approval of construction or reconstruction based on prior State preconstruction review.* The owner or operator shall submit to the Administrator the request for approval of construction or reconstruction under this paragraph and §63.5(f)(1) of subpart A of this part no later than the application deadline specified in paragraph (b)(2) of this section. The owner or operator shall include in the request information sufficient for the Administrator's determination. The Administrator will evaluate the owner or operator's request in accordance with the procedures specified in §63.5(e) of subpart A of this part. The Administrator may request additional relevant information after the submittal of a request for approval of construction or reconstruction.

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§63.567 Recordkeeping and reporting requirements.

(a) The owner or operator of an affected source shall fulfill all reporting and recordkeeping requirements in §§63.9 and 63.10 of subpart A of this part in accordance with the provisions for applicability of subpart A to this subpart in Table 1 of §63.560 and fulfill all reporting and recordkeeping requirements in this section. These reports will be made to the Administrator at the appropriate address identified in §63.13 of subpart A of this part.

(1) Reports required by subpart A and this section may be sent by U.S. mail, facsimile (fax), or by another courier.

(i) Submittals sent by U.S. mail shall be postmarked on or before the specified date.

(ii) Submittals sent by other methods shall be received by the Administrator on or before the specified date.

(2) If acceptable to both the Administrator and the owner or operator of a source, reports may be submitted on electronic media.

(b) *Notification requirements.* The owner or operator of an affected source shall fulfill all notification requirements in §63.9 of subpart A of this part in accordance with the provisions for applicability of that section to this subpart in Table 1 of §63.560 and the notification requirements in this paragraph.

(1) *Applicability.* If a source that otherwise would not be subject to the emissions standards subsequently increases its HAP emissions calculated on a 24-month annual average basis after September 19, 1997 or increases its annual HAP emissions after September 20, 1999 or subsequently increases its gasoline or crude loading throughput calculated on a 24-month annual average basis after September 19, 1996 or increases its gasoline or crude loading annual throughput after September 21, 1998 such that the source becomes subject to the emissions standards, such source shall be subject to the notification requirements of §63.9 of subpart A of this part and the notification requirements of this paragraph.

(2) *Initial notification for sources with startup before the effective date.* The owner or operator of a source with initial startup before the effective date shall notify the Administrator in writing that the source is subject to the relevant standard. The notification shall be submitted not later than 365 days after the effective date of the emissions standards and shall provide the following information:

(i) The name and address of the owner or operator;

(ii) The address (i.e., physical location) of the source;

(iii) An identification of this emissions standard that is the basis of the notification and the source's compliance date;

(iv) A brief description of the nature, size, design, and method of operation of the source;

(v) A statement that the source is a major source.

(3) *Initial notification for sources with startup after the effective date.* The owner or operator of a new or reconstructed source or a source that has been reconstructed such that it is subject to the emissions standards that has an initial startup after the effective date but before the compliance date, and for which an application for approval of construction or reconstruction is not required under §63.5(d) of subpart A of this part and §63.566 of this subpart, shall notify the Administrator in writing that the source is subject to the standard no later than 365 days or 120 days after initial startup, whichever occurs before notification of the initial performance test in §63.9(e) of subpart A of this part. The notification shall provide all the information required in paragraph (b)(2) of this section, delivered or postmarked with the notification required in paragraph (b)(4) of this section.

(4) *Initial notification requirements for constructed/reconstructed sources.* After the effective date of these standards, whether or not an approved permit program is effective in the State in which a source subject to these standards is (or would be) located, an owner or operator subject to the notification requirements of §63.5 of subpart A of this part and §63.566 of this subpart who intends to construct a new source subject to these standards, reconstruct a source subject to these standards, or reconstruct a source such that it becomes subject to these standards, shall comply with paragraphs (b)(4)(i), (ii), (iii), and (iv) of this section.

(i) *Notify the Administrator in writing of the intended construction or reconstruction.* The notification shall be submitted as soon as practicable before the construction or reconstruction is planned to commence. The notification shall include all the information required for an application for approval of construction or reconstruction as specified in §63.5 of subpart A of this part. The application for approval of construction or reconstruction may be used to fulfill the requirements of this paragraph.

(ii) Submit a notification of the date when construction or reconstruction was commenced, delivered or postmarked not later than 30 days after such date, if construction was commenced after the effective date.

(iii) Submit a notification of the anticipated date of startup of the source, delivered or postmarked not more than 60 days nor less than 30 days before such date;

(iv) Submit a notification of the actual date of startup of the source, delivered or postmarked within 15 calendar days after that date.

(5) *Additional initial notification requirements.* (i) The owner or operator of sources subject to §63.562(b)(2), (3), and (4), MACT standards, shall also include in the initial notification report required by paragraph (b)(2) and (3) the 24-month annual average or the annual actual HAP emissions from marine tank vessel loading operations, as appropriate, at all loading berths, as calculated according to the procedures in §63.565(l). Emissions will be reported by commodity and type of marine tank vessel (barge or tanker) loaded.

(ii) As an alternative to reporting the information in paragraph (b)(5)(i) of this section, the source may submit documentation showing that all HAP-containing marine tank vessel loading operations, not exempt by §63.560(d), occurred using vapor tight vessels that comply with the procedures of §63.563(a) and that the emissions were routed to control devices meeting the requirements specified in §63.563(b).

(c) *Request for extension of compliance.* If the owner or operator has installed BACT or technology to meet LAER consistent with §63.6(i)(5) of subpart A of this part, he/she may submit to the Administrator (or State with an approved permit program) a request for an extension of compliance as specified in §63.6(i)(4)(i)(B), (i)(5), and (i)(6) of subpart A of this part.

(d) *Reporting for performance testing of flares.* The owner or operator of a source required to conduct an opacity performance test shall report the opacity results and other information required by §63.565(e) and §63.11 of subpart A of this part with the notification of compliance status.

(e) *Summary reports and excess emissions and monitoring system performance reports—* (1) *Schedule for summary report and excess emissions and monitoring system performance reports.* Excess emissions and parameter monitoring exceedances are defined in §63.563(b). The owner or operator of a source subject to these emissions standards that is required to install a CMS shall submit an excess emissions and continuous monitoring system performance report and/or a summary report to the Administrator once each year, except, when the source experiences excess emissions, the source shall comply with a semi-annual reporting format until a request to reduce reporting frequency under paragraph (e)(2) of this section is approved.

(2) *Request to reduce frequency of excess emissions and continuous monitoring system performance reports.* An owner or operator who is required to submit excess emissions and continuous monitoring system performance and summary reports on a semi-annual basis may reduce the frequency of reporting to annual if the following conditions are met:

(i) For 1 full year the sources's excess emissions and continuous monitoring system performance reports continually demonstrate that the source is in compliance; and

(ii) The owner or operator continues to comply with all recordkeeping and monitoring requirements specified in this subpart and subpart A of this part.

(3) The frequency of reporting of excess emissions and continuous monitoring system performance and summary reports required may be reduced only after the owner or operator notifies the Administrator in writing of his or her intention to make such a change and the

Administrator does not object to the intended change. In deciding whether to approve a reduced frequency of reporting, the Administrator may review information concerning the source's entire previous performance history during the 5-year recordkeeping prior to the intended change, including performance test results, monitoring data, and evaluations of an owner or operator's conformance with operation maintenance requirements. Such information may be used by the Administrator to make a judgement about the source's potential for noncompliance in the future. If the Administrator will notify the owner or operator in writing within 45 days after receiving notice of the owner or operator's intention. The notification from the Administrator to the owner or operator will specify the grounds on which the disapproval is based. In the absence of a notice of disapproval within 45 days, approval is automatically granted.

(4) *Content and submittal dates for excess emissions and monitoring system performance reports.* All excess emissions and monitoring system performance reports and all summary reports, if required per paragraph (e)(5) and (6) of this section, shall be delivered or postmarked within 30 days following the end of each calendar year, or within 30 days following the end of each six month period, if appropriate. Written reports of excess emissions or exceedances of process or control system parameters shall include all information required in §63.10(c)(5) through (13) of subpart A of this part as applicable in Table 1 of §63.560 and information from any calibration tests in which the monitoring equipment is not in compliance with PS 8 or other methods used for accuracy testing of temperature, pressure, or flow monitoring devices. The written report shall also include the name, title, and signature of the responsible official who is certifying the accuracy of the report. When no excess emissions or exceedances have occurred or monitoring equipment has not been inoperative, repaired, or adjusted, such information shall be stated in the report. This information will be kept for a minimum of 5 years and made readily available to the Administrator or delegated State authority upon request.

(5) If the total duration of excess emissions or control system parameter exceedances for the reporting period is less than 5 percent of the total operating time for the reporting period, and CMS downtime for the reporting period is less than 10 percent of the total operating time for the reporting period, only the summary report of §63.10(e)(3)(vi) of subpart A of this part shall be submitted, and the full excess emissions and continuous monitoring system performance report of paragraph (e)(4) of this section need not be submitted unless required by the Administrator.

(6) If the total duration of excess emissions or process or control system parameter exceedances for the reporting period is 5 percent or greater of the total operating time for the reporting period, or the total CMS downtime for the reporting period is 10 percent or greater of the total operating time for the reporting period, both the summary report of §63.10(e)(3)(vi) of subpart A of this part and the excess emissions and continuous monitoring system performance report of paragraph (e)(4) of this section shall be submitted.

(f) *Vapor collection system of the terminal.* Each owner or operator of an affected source shall submit with the initial performance test and maintain in an accessible location on site an engineering report describing in detail the vent system, or vapor collection system, used to vent each vent stream to a control device. This report shall include all valves and vent pipes that could vent the stream to the atmosphere, thereby bypassing the control device, and identify which valves are car-sealed opened and which valves are car-sealed closed.

(g) If a vent system, or vapor collection system, containing valves that could divert the emission stream away from the control device is used, each owner or operator of an affected source shall keep for at least 5 years up-to-date, readily accessible continuous records of:

(1) All periods when flow bypassing the control device is indicated if flow indicators are installed under §63.563(a)(1) and §63.564(b), and

(2) All times when maintenance is performed on car-sealed valves, when the car-seal is broken, and when the valve position is changed (i.e., from open to closed for valves in the vent piping to the control device and from closed to open for valves that vent the stream directly or indirectly to the atmosphere bypassing the control device) if valves are monitored under §63.564(b).

(h) The owner or operator of an affected source shall keep the vapor-tightness documentation required under §63.563(a)(4) on file at the source in a permanent form available for inspection.

(i) *Vapor tightness test documentation for marine tank vessels.* The owner or operator of an affected source shall maintain a documentation file for each marine tank vessel loaded at that source to reflect current test results as determined by the appropriate method in §63.565(c)(1) and (2). Updates to this documentation file shall be made at least once per year. The owner or operator shall include, as a minimum, the following information in this documentation:

(1) Test title;

(2) Marine vessel owner and address;

(3) Marine vessel identification number;

(4) Loading time, according to §63.563(a)(4)(ii) or (iii), if appropriate;

(5) Testing location;

(6) Date of test;

(7) Tester name and signature;

(8) Test results from §63.565(c)(1) or (2), as appropriate;

(9) Documentation provided under §63.563(a)(4)(ii) and (iii)(B) showing that the repair of leaking components attributed to a failure of a vapor-tightness test is technically infeasible without dry-docking the vessel; and

(10) Documentation that a marine tank vessel failing a pressure test or leak test has been repaired.

(j) *Emission estimation reporting and recordkeeping procedures.* The owner or operator of each source complying with the emission limits specified in §63.562(b)(2), (3), and (4) shall comply with the following provisions:

(1) Maintain records of all measurements, calculations, and other documentation used to identify commodities exempted under §63.560(d);

(2) Keep readily accessible records of the emission estimation calculations performed in §63.565(l) for 5 years; and

(3) Submit an annual report of the source's HAP control efficiency calculated using the procedures specified in §63.565(l), based on the source's actual throughput.

(4) Owners or operators of marine tank vessel loading operations specified in §63.560(a)(3) shall retain records of the emissions estimates determined in §65.565(l) and records of their actual throughputs by commodity, for 5 years.

(k) *Leak detection and repair of vapor collection systems and control devices.* When each leak of the vapor collection system, or vapor collection system, and control device is detected and repaired as specified in §63.563(c) the following information required shall be maintained for 5 years:

(1) Date of inspection;

(2) Findings (location, nature, and severity of each leak);

(3) Leak determination method;

(4) Corrective action (date each leak repaired, reasons for repair interval); and

(5) Inspector name and signature.

(l) The owner or operator of the VMT source required by §63.562(d)(2)(iv) to develop a program, shall submit annual reports on or before January 31 of each year to the Administrator certifying the annual average daily loading rate for the previous calendar year. Beginning on January 31, 1996, for the reported year 1995, the annual report shall specify the annual average daily loading rate over all loading berths. Beginning on January 31, 1999, for the reported year 1998, the annual report shall specify the annual average daily loading rate over all loading berths, over each loading berth equipped with a vapor collection system and control device, and over each loading berth not equipped with a vapor collection system and control device. The annual average daily loading rate under this section is calculated as the total amount of crude oil loaded during the calendar year divided by 365 days or 366 days, as appropriate.

(m) The number, duration, and a brief description for each type of malfunction which occurred during the reporting period and which caused or may have caused any applicable emission limitation to be exceeded shall be stated in a semiannual report. The report must also include a description of actions taken by an owner or operator during a malfunction of an affected source to minimize emissions in accordance with §63.562(e), including actions taken to correct a malfunction. The report, to be certified by the owner or operator or other responsible official, shall be submitted semiannually and delivered or postmarked by the 30th day following the end of each calendar half.

(n)(1) As of January 1, 2012 and within 60 days after the date of completing each performance test, as defined in §63.2, and as required in this subpart, you must submit performance test data, except opacity data, electronically to EPA's Central Data Exchange by using the ERT (see *http://www.epa.gov/ttn/chief/ert/ert tool.html/*) or other compatible electronic spreadsheet. Only data collected using test methods compatible with ERT are subject to this requirement to be submitted electronically into EPA's WebFIRE database.

(2) All reports required by this subpart not subject to the requirements in paragraph (n)(1) of this section must be sent to the Administrator at the appropriate address listed in §63.13. If acceptable to both the Administrator and the owner or operator of a source, these reports may be submitted on electronic media. The Administrator retains the right to require submittal of reports subject to paragraph (n)(1) of this section in paper format.

[61 FR 48399, Sept. 19, 1995, as amended at 68 FR 37350, June 23, 2003; 76 FR 22597, Apr. 21, 2011]

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§63.568 Implementation and enforcement.

(a) This subpart can be implemented and enforced by the U.S. EPA, or a delegated authority such as the applicable State, local, or Tribal agency. If the U.S. EPA Administrator has delegated authority to a State, local, or Tribal agency, then that agency, in addition to the U.S. EPA, has the authority to implement and enforce this subpart. Contact the applicable U.S. EPA Regional Office to find out if implementation and enforcement of this subpart is delegated to a State, local, or Tribal agency.

(b) In delegating implementation and enforcement authority of this subpart to a State, local, or Tribal agency under subpart E of this part, the authorities contained in paragraph (c) of this section are retained by the Administrator of U.S. EPA and cannot be transferred to the State, local, or Tribal agency.

(c) The authorities that cannot be delegated to State, local, or Tribal agencies are as specified in paragraphs (c)(1) through (4) of this section.

(1) Approval of alternatives to the requirements in §§63.560 and 63.562(a) through (d).

(2) Approval of major alternatives to test methods for under §63.7(e)(2)(ii) and (f), as defined in §63.90, and as required in this subpart.

(3) Approval of major alternatives to monitoring under §63.8(f), as defined in §63.90, and as required in this subpart.

(4) Approval of major alternatives to recordkeeping and reporting under §63.10(f), as defined in §63.90, and as required in this subpart.

[68 FR 37350, June 23, 2003]