Title 40: Protection of Environment

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

Subpart R—National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)

SOURCE: 59 FR 64318, Dec. 14, 1994, unless otherwise noted.

§63.420 Applicability.

(a) The affected source to which the provisions of this subpart apply is each bulk gasoline terminal, except those bulk gasoline terminals:

(1) For which the owner or operator has documented and recorded to the Administrator's satisfaction that the result, E_T, of the following equation is less than 1, and complies with requirements in paragraphs (c), (d), (e), and (f) of this section:

E_T = CF[0.59(T_F)(1-CE)+0.17 (T_E)+0.08(T_{ES})+0.038(T_I)+8.5×10-6(C)+KQ]+0.04(OE)

where:

E_T = emissions screening factor for bulk gasoline terminals;

CF=0.161 for bulk gasoline terminals and pipeline breakout stations that do not handle any reformulated or oxygenated gasoline containing 7.6 percent by volume or greater methyl tert-butyl ether (MTBE), OR

CF=1.0 for bulk gasoline terminals and pipeline breakout stations that handle reformulated or oxygenated gasoline containing 7.6 percent by volume or greater MTBE;

CE=control efficiency limitation on potential to emit for the vapor processing system used to control emissions from fixed-roof gasoline storage vessels [value should be added in decimal form (percent divided by 100)];

T_F = total number of fixed-roof gasoline storage vessels without an internal floating roof;

T_E = total number of external floating roof gasoline storage vessels with only primary seals;

T_{ES} = total number of external floating roof gasoline storage vessels with primary and secondary seals;

T_I = total number of fixed-roof gasoline storage vessels with an internal floating roof;

C = number of valves, pumps, connectors, loading arm valves, and open-ended lines in gasoline service;

Q=gasoline throughput limitation on potential to emit or gasoline throughput limit in compliance with paragraphs (c), (d), and (f) of this section (liters/day);

K = 4.52×10^{-6} for bulk gasoline terminals with uncontrolled loading racks (no vapor collection and processing systems), *OR*

K = (4.5×10^{-9})(EF + L) for bulk gasoline terminals with controlled loading racks (loading racks that have vapor collection and processing systems installed on the emission stream);

EF=emission rate limitation on potential to emit for the gasoline cargo tank loading rack vapor processor outlet emissions (mg of total organic compounds per liter of gasoline loaded);

OE=other HAP emissions screening factor for bulk gasoline terminals or pipeline breakout stations (tons per year). OE equals the total HAP from other emission sources not specified in parameters in the

equations for E_T or E_P. If the value of 0.04(OE) is greater than 5 percent of either E_T or E_P, then paragraphs (a)(1) and (b)(1) of this section shall not be used to determine applicability;

L = 13 mg/l for gasoline cargo tanks meeting the requirement to satisfy the test criteria for a vapor-tight gasoline tank truck in §60.501 of this chapter, *OR*

L = 304 mg/l for gasoline cargo tanks not meeting the requirement to satisfy the test criteria for a vapor-tight gasoline tank truck in §60.501 of this chapter; or

(2) For which the owner or operator has documented and recorded to the Administrator's satisfaction that the facility is not a major source, or is not located within a contiguous area and under common control of a facility that is a major source, as defined in §63.2 of subpart A of this part.

(b) The affected source to which the provisions of this subpart apply is each pipeline breakout station, except those pipeline breakout stations:

(1) For which the owner or operator has documented and recorded to the Administrator's satisfaction that the result, E_P, of the following equation is less than 1, and complies with requirements in paragraphs (c), (d), (e), and (f) of this section:

$E_P = CF\ [6.7(T_F)(1\text{-}CE) + 0.21(T_E) + 0.093(T_{ES}) + 0.1(T_I) + 5.31\times10^{-6}(C)) + 0.04(OE)$;

where:

EP=emissions screening factor for pipeline breakout stations,

and the definitions for CF, T_F, CE, T_E, T_{ES}, TI, C, and OE are the same as provided in paragraph (a)(1) of this section; or

(2) For which the owner or operator has documented and recorded to the Administrator's satisfaction that the facility is not a major source, or is not located within a contiguous area and under common control of a facility that is a major source, as defined in §63.2 of subpart A of this part.

(c) A facility for which the results, E_T or E_P, of the calculation in paragraph (a)(1) or (b)(1) of this section has been documented and is less than 1.0 but greater than or equal to 0.50, is exempt from the requirements of this subpart, except that the owner or operator shall:

(1) Operate the facility such that none of the facility parameters used to calculate results under paragraph (a)(1) or (b)(1) of this section, and approved by the Administrator, is exceeded in any rolling 30-day period; and

(2) Maintain records and provide reports in accordance with the provisions of §63.428(i).

(d) A facility for which the results, E_T or E_P, of the calculation in paragraph (a)(1) or (b)(1) of this section has been documented and is less than 0.50, is exempt from the requirements of this subpart, except that the owner or operator shall:

(1) Operate the facility such that none of the facility parameters used to calculate results under paragraph (a)(1) or (b)(1) of this section is exceeded in any rolling 30-day period; and

(2) Maintain records and provide reports in accordance with the provisions of §63.428(j).

(e) The provisions of paragraphs (a)(1) and (b)(1) of this section shall not be used to determine applicability to bulk gasoline terminals or pipeline breakout stations that are either:

(1) Located within a contiguous area and under common control with another bulk gasoline terminal or pipeline breakout station, or

(2) Located within a contiguous area and under common control with other sources not specified in paragraphs (a)(1) or (b)(1) of this section, that emit or have the potential to emit a hazardous air pollutant.

(f) Upon request by the Administrator, the owner or operator of a bulk gasoline terminal or pipeline breakout station subject to the provisions of any paragraphs in this section including, but not limited to, the parameters and assumptions used in the applicable equation in paragraph (a)(1) or (b)(1) of this section, shall demonstrate compliance with those paragraphs.

(g) Each owner or operator of a bulk gasoline terminal or pipeline breakout station subject to the provisions of this subpart that is also subject to applicable provisions of 40 CFR part 60, subpart Kb or XX of this chapter shall comply only with the provisions in each subpart that contain the most stringent control requirements for that facility.

(h) Each owner or operator of an affected source bulk gasoline terminal or pipeline breakout station is subject to the provisions of 40 CFR part 63, subpart A—General Provisions, as indicated in Table 1.

(i) A bulk gasoline terminal or pipeline breakout station with a Standard Industrial Classification code 2911 located within a contiguous area and under common control with a refinery complying with subpart CC, §§63.646, 63.648, 63.649, and 63.650 is not subject to subpart R standards, except as specified in subpart CC, §63.650.

(j) *Rules stayed for reconsideration.* Notwithstanding any other provision of this subpart, the December 14, 1995 compliance date for existing facilities in §63.424(e) and §63.428(a), (i)(1), and (j)(1) of this subpart is stayed from December 8, 1995, to March 7, 1996.

[59 FR 64318, Dec. 14, 1994, as amended at 60 FR 43260, Aug. 18, 1995; 60 FR 62992, Dec. 8, 1995; 62 FR 9092, Feb. 28, 1997]

§63.421 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act; in subparts A, K, Ka, Kb, and XX of part 60 of this chapter; or in subpart A of this part. All terms defined in both subpart A of part 60 of this chapter and subpart A of this part shall have the meaning given in subpart A of this part. For purposes of this subpart, definitions in this section supersede definitions in other parts or subparts.

Bulk gasoline terminal means any gasoline facility which receives gasoline by pipeline, ship or barge, and has a gasoline throughput greater than 75,700 liters per day. Gasoline throughput shall be the maximum calculated design throughput as may be limited by compliance with an enforceable condition under Federal, State or local law and discoverable by the Administrator and any other person.

Controlled loading rack, for the purposes of §63.420, means a loading rack equipped with vapor collection and processing systems that reduce displaced vapor emissions to no more than 80 milligrams of total organic compounds per liter of gasoline loaded, as measured using the test methods and procedures in §60.503 (a) through (c) of this chapter.

Equipment means each valve, pump, pressure relief device, sampling connection system, open-ended valve or line, and flange or other connector in the gasoline liquid transfer and vapor collection systems. This definition also includes the entire vapor processing system except the exhaust port(s) or stack(s).

Flare means a thermal oxidation system using an open (without enclosure) flame.

Gasoline cargo tank means a delivery tank truck or railcar which is loading gasoline or which has loaded gasoline on the immediately previous load.

In gasoline service means that a piece of equipment is used in a system that transfers gasoline or gasoline vapors.

Limitation(s) on potential to emit means limitation(s) limiting a source's potential to emit as defined in §63.2 of subpart A of this part.

Operating parameter value means a value for an operating or emission parameter of the vapor processing system (e.g., temperature) which, if maintained continuously by itself or in combination with one or more other

operating parameter values, determines that an owner or operator has complied with the applicable emission standard. The operating parameter value is determined using the procedures outlined in §63.425(b).

Oxygenated gasoline means the same as defined in 40 CFR 80.2(rr).

Pipeline breakout station means a facility along a pipeline containing storage vessels used to relieve surges or receive and store gasoline from the pipeline for reinjection and continued transportation by pipeline or to other facilities.

Reformulated gasoline means the same as defined in 40 CFR 80.2(ee).

Thermal oxidation system means a combustion device used to mix and ignite fuel, air pollutants, and air to provide a flame to heat and oxidize hazardous air pollutants. Auxiliary fuel may be used to heat air pollutants to combustion temperatures.

Uncontrolled loading rack means a loading rack used to load gasoline cargo tanks that is not a controlled loading rack.

Vapor-tight gasoline cargo tank means a gasoline cargo tank which has demonstrated within the 12 preceding months that it meets the annual certification test requirements in §63.425(e), and which is subject at all times to the test requirements in §63.425 (f), (g), and (h).

Volatile organic liquid (VOL) means, for the purposes of this subpart, gasoline.

[59 FR 64318, Dec. 14, 1994, as amended at 62 FR 9093, Feb. 28, 1997; 68 FR 70965, Dec. 19, 2003]

§63.422 Standards: Loading racks.

(a) Each owner or operator of loading racks at a bulk gasoline terminal subject to the provisions of this subpart shall comply with the requirements in §60.502 of this chapter except for paragraphs (b), (c), and (j) of that section. For purposes of this section, the term “affected facility” used in §60.502 of this chapter means the loading racks that load gasoline cargo tanks at the bulk gasoline terminals subject to the provisions of this subpart.

(b) Emissions to the atmosphere from the vapor collection and processing systems due to the loading of gasoline cargo tanks shall not exceed 10 milligrams of total organic compounds per liter of gasoline loaded.

(c) Each owner or operator of a bulk gasoline terminal subject to the provisions of this subpart shall comply with §60.502(e) of this chapter as follows:

(1) For the purposes of this section, the term “tank truck” as used in §60.502(e) of this chapter means “cargo tank.”

(2) Section 60.502(e)(5) of this chapter is changed to read: The terminal owner or operator shall take steps assuring that the nonvapor-tight gasoline cargo tank will not be reloaded at the facility until vapor tightness documentation for that gasoline cargo tank is obtained which documents that:

(i) The tank truck or railcar gasoline cargo tank meets the test requirements in §63.425(e), or the railcar gasoline cargo tank meets applicable test requirements in §63.425(i);

(ii) For each gasoline cargo tank failing the test in §63.425 (f) or (g) at the facility, the cargo tank either:

(A) Before repair work is performed on the cargo tank, meets the test requirements in §63.425 (g) or (h), or

(B) After repair work is performed on the cargo tank before or during the tests in §63.425 (g) or (h), subsequently passes the annual certification test described in §63.425(e).

(d) Each owner or operator shall meet the requirements in all paragraphs of this section as expeditiously as practicable, but no later than December 15, 1997, at existing facilities and upon startup for new facilities.

(e) As an alternative to 40 CFR 60.502(h) and (i) as specified in paragraph (a) of this section, the owner or operator may comply with paragraphs (e)(1) and (2) of this section.

(1) The owner or operator shall design and operate the vapor processing system, vapor collection system, and liquid loading equipment to prevent gauge pressure in the railcar gasoline cargo tank from exceeding the applicable test limits in §63.425(e) and (i) during product loading. This level is not to be exceeded when measured by the procedures specified in 40 CFR 60.503(d) of this chapter.

(2) No pressure-vacuum vent in the bulk gasoline terminal's vapor processing system or vapor collection system may begin to open at a system pressure less than the applicable test limits in §63.425(e) or (i).

[59 FR 64318, Dec. 14, 1994; 60 FR 32913, June 26, 1995, as amended at 68 FR 70965, Dec. 19, 2003]

§63.423 Standards: Storage vessels.

(a) Each owner or operator of a bulk gasoline terminal or pipeline breakout station subject to the provisions of this subpart shall equip each gasoline storage vessel with a design capacity greater than or equal to 75 m^3 according to the requirements in §60.112b(a) (1) through (4) of this chapter, except for the requirements in §§60.112b(a)(1) (iv) through (ix) and 60.112b(a)(2)(ii) of this chapter.

(b) Each owner or operator shall equip each gasoline external floating roof storage vessel with a design capacity greater than or equal to 75 m^3 according to the requirements in §60.112b(a)(2)(ii) of this chapter if such storage vessel does not currently meet the requirements in paragraph (a) of this section.

(c) Each gasoline storage vessel at existing bulk gasoline terminals and pipeline breakout stations shall be in compliance with the requirements in paragraphs (a) and (b) of this section as expeditiously as practicable, but no later than December 15, 1997. At new bulk gasoline terminals and pipeline breakout stations, compliance shall be achieved upon startup.

§63.424 Standards: Equipment leaks.

(a) Each owner or operator of a bulk gasoline terminal or pipeline breakout station subject to the provisions of this subpart shall perform a monthly leak inspection of all equipment in gasoline service. For this inspection, detection methods incorporating sight, sound, and smell are acceptable. Each piece of equipment shall be inspected during the loading of a gasoline cargo tank.

(b) A log book shall be used and shall be signed by the owner or operator at the completion of each inspection. A section of the log shall contain a list, summary description, or diagram(s) showing the location of all equipment in gasoline service at the facility.

(c) Each detection of a liquid or vapor leak shall be recorded in the log book. When a leak is detected, an initial attempt at repair shall be made as soon as practicable, but no later than 5 calendar days after the leak is detected. Repair or replacement of leaking equipment shall be completed within 15 calendar days after detection of each leak, except as provided in paragraph (d) of this section.

(d) Delay of repair of leaking equipment will be allowed upon a demonstration to the Administrator that repair within 15 days is not feasible. The owner or operator shall provide the reason(s) a delay is needed and the date by which each repair is expected to be completed.

(e) Initial compliance with the requirements in paragraphs (a) through (d) of this section shall be achieved by existing sources as expeditiously as practicable, but no later than December 15, 1997. For new sources, initial compliance shall be achieved upon startup.

(f) As an alternative to compliance with the provisions in paragraphs (a) through (d) of this section, owners or operators may implement an instrument leak monitoring program that has been demonstrated to the Administrator as at least equivalent.

(g) Owners and operators shall not allow gasoline to be handled in a manner that would result in vapor releases to the atmosphere for extended periods of time. Measures to be taken include, but are not limited to, the following:

(1) Minimize gasoline spills;

(2) Clean up spills as expeditiously as practicable;

(3) Cover all open gasoline containers with a gasketed seal when not in use;

(4) Minimize gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators.

[59 FR 64318, Dec. 14, 1994, as amended at 61 FR 7723, Feb. 29, 1996]

§63.425 Test methods and procedures.

(a) Each owner or operator subject to the emission standard in §63.422(b) or 40 CFR 60.112b(a)(3)(ii) shall comply with the requirements in paragraphs (a)(1) and (2) of this section.

(1) Conduct a performance test on the vapor processing and collection systems according to either paragraph (a)(1)(i) or (ii) of this section.

(i) Use the test methods and procedures in 40 CFR 60.503 of this chapter, except a reading of 500 ppm shall be used to determine the level of leaks to be repaired under 40 CFR 60.503(b), or

(ii) Use alternative test methods and procedures in accordance with the alternative test method requirements in §63.7(f).

(2) The performance test requirements of 40 CFR 60.503(c) do not apply to flares defined in §63.421 and meeting the flare requirements in §63.11(b). The owner or operator shall demonstrate that the flare and associated vapor collection system is in compliance with the requirements in §63.11(b) and 40 CFR 60.503(a), (b), and (d), respectively.

(b) For each performance test conducted under paragraph (a) of this section, the owner or operator shall determine a monitored operating parameter value for the vapor processing system using the following procedure:

(1) During the performance test, continuously record the operating parameter under §63.427(a);

(2) Determine an operating parameter value based on the parameter data monitored during the performance test, supplemented by engineering assessments and the manufacturer's recommendations; and

(3) Provide for the Administrator's approval the rationale for the selected operating parameter value, and monitoring frequency and averaging time, including data and calculations used to develop the value and a description of why the value, monitoring frequency, and averaging time demonstrate continuous compliance with the emission standard in §63.422(b) or §60.112b(a)(3)(ii) of this chapter.

(c) For performance tests performed after the initial test, the owner or operator shall document the reasons for any change in the operating parameter value since the previous performance test.

(d) The owner or operator of each gasoline storage vessel subject to the provisions of §63.423 shall comply with §60.113b of this chapter. If a closed vent system and control device are used, as specified in §60.112b(a)(3) of this chapter, to comply with the requirements in §63.423, the owner or operator shall also comply with the requirements in paragraph (b) of this section.

(e) *Annual certification test.* The annual certification test for gasoline cargo tanks shall consist of the following test methods and procedures:

(1) Method 27, appendix A, 40 CFR part 60. Conduct the test using a time period (t) for the pressure and vacuum tests of 5 minutes. The initial pressure (P_i) for the pressure test shall be 460 mm H_2O (18 in. H_2O),

gauge. The initial vacuum (V_i) for the vacuum test shall be 150 mm H_2O (6 in. H_2O), gauge. The maximum allowable pressure and vacuum changes (Δp, Δv) are as shown in the second column of Table 2 of this paragraph.

TABLE 2—ALLOWABLE CARGO TANK TEST PRESSURE OR VACUUM CHANGE

Cargo tank or compartment capacity, liters (gal)	**Annual certification-allowable pressure or vacuum change (Δp, Δv) in 5 minutes, mm H_2O (in. H_2O)**	**Allowable pressure change (Δp) in 5 minutes at any time, mm H_2O (in. H_2O)**
9,464 or more (2,500 or more)	25 (1.0)	64 (2.5)
9,463 to 5,678 (2,499 to 1,500)	38 (1.5)	76 (3.0)
5,679 to 3,785 (1,499 to 1,000)	51 (2.0)	89 (3.5)
3,782 or less (999 or less)	64 (2.5)	102 (4.0)

(2) Pressure test of the cargo tank's internal vapor valve as follows:

(i) After completing the tests under paragraph (e)(1) of this section, use the procedures in Method 27 to repressurize the tank to 460 mm H_2O (18 in. H_2O), gauge. Close the tank's internal vapor valve(s), thereby isolating the vapor return line and manifold from the tank.

(ii) Relieve the pressure in the vapor return line to atmospheric pressure, then reseal the line. After 5 minutes, record the gauge pressure in the vapor return line and manifold. The maximum allowable 5-minute pressure increase is 130 mm H_2O (5 in. H_2O).

(f) *Leak detection test.* The leak detection test shall be performed using Method 21, appendix A, 40 CFR part 60, except omit section 4.3.2 of Method 21. A vapor-tight gasoline cargo tank shall have no leaks at any time when tested according to the procedures in this paragraph.

(1) The leak definition shall be 21,000 ppm as propane. Use propane to calibrate the instrument, setting the span at the leak definition. The response time to 90 percent of the final stable reading shall be less than 8 seconds for the detector with the sampling line and probe attached.

(2) In addition to the procedures in Method 21, include the following procedures:

(i) Perform the test on each compartment during loading of that compartment or while the compartment is still under pressure.

(ii) To eliminate a positive instrument drift, the dwell time for each leak detection shall not exceed two times the instrument response time. Purge the instrument with ambient air between each leak detection. The duration of the purge shall be in excess of two instrument response times.

(iii) Attempt to block the wind from the area being monitored. Record the highest detector reading and location for each leak.

(g) *Nitrogen pressure decay field test.* For those cargo tanks with manifolded product lines, this test procedure shall be conducted on each compartment.

(1) Record the cargo tank capacity. Upon completion of the loading operation, record the total volume loaded. Seal the cargo tank vapor collection system at the vapor coupler. The sealing apparatus shall have a pressure tap. Open the internal vapor valve(s) of the cargo tank and record the initial headspace pressure.

Reduce or increase, as necessary, the initial headspace pressure to 460 mm H_2O (18.0 in. H_2O), gauge by releasing pressure or by adding commercial grade nitrogen gas from a high pressure cylinder capable of maintaining a pressure of 2,000 psig.

(i) The cylinder shall be equipped with a compatible two-stage regulator with a relief valve and a flow control metering valve. The flow rate of the nitrogen shall be no less than 2 cfm. The maximum allowable time to pressurize cargo tanks with headspace volumes of 1,000 gallons or less to the appropriate pressure is 4 minutes. For cargo tanks with a headspace of greater than 1,000 gallons, use as a maximum allowable time to pressurize 4 minutes or the result from the equation below, whichever is greater.

$T = V_h \times 0.004$

where:

T = maximum allowable time to pressurize the cargo tank, min;

V_h = cargo tank headspace volume during testing, gal.

(2) It is recommended that after the cargo tank headspace pressure reaches approximately 460 mm H_2O (18 in. H_20), gauge, a fine adjust valve be used to adjust the headspace pressure to 460 mm H_2O (18.0 in. H_2O), gauge for the next 30 ±5 seconds.

(3) Reseal the cargo tank vapor collection system and record the headspace pressure after 1 minute. The measured headspace pressure after 1 minute shall be greater than the minimum allowable final headspace pressure (P_F) as calculated from the following equation:

$$P_F = 18\left(\frac{(18-N)}{18}\right)^{\left(\frac{V_s}{3(V_h)}\right)}$$

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where:

(P_F) = minimum allowable final headspace pressure, in. H_2O, gauge;

V_s = total cargo tank shell capacity, gal;

V_h = cargo tank headspace volume after loading, gal;

18.0 = initial pressure at start of test, in. H_2O, gauge;

N = 5-minute continuous performance standard at any time from the third column of Table 2 of §63.425(e)(i), inches H_2O.

(4) Conduct the internal vapor valve portion of this test by repressurizing the cargo tank headspace with nitrogen to 460 mm H_2O (18 in. H_2O), gauge. Close the internal vapor valve(s), wait for 30 ±5 seconds, then relieve the pressure downstream of the vapor valve in the vapor collection system to atmospheric pressure. Wait 15 seconds, then reseal the vapor collection system. Measure and record the pressure every minute for 5 minutes. Within 5 seconds of the pressure measurement at the end of 5 minutes, open the vapor valve and record the headspace pressure as the "final pressure."

(5) If the decrease in pressure in the vapor collection system is less than at least one of the interval pressure change values in Table 3 of this paragraph, or if the final pressure is equal to or greater than 20 percent of the 1-minute final headspace pressure determined in the test in paragraph (g)(3) of this section, then the cargo tank is considered to be a vapor-tight gasoline cargo tank.

TABLE 3—PRESSURE CHANGE FOR INTERNAL VAPOR VALVE TEST

Time interval	Interval pressure change, mm H_2O (in. H_2O)
After 1 minute	28 (1.1)
After 2 minutes	56 (2.2)
After 3 minutes	84 (3.3)
After 4 minutes	112 (4.4)
After 5 minutes	140 (5.5)

(h) *Continuous performance pressure decay test.* The continuous performance pressure decay test shall be performed using Method 27, appendix A, 40 CFR Part 60. Conduct only the positive pressure test using a time period (t) of 5 minutes. The initial pressure (P_i) shall be 460 mm H_2O (18 in. H_2O), gauge. The maximum allowable 5-minute pressure change (Δp) which shall be met at any time is shown in the third column of Table 2 of §63.425(e)(1).

(i) *Railcar bubble leak test procedures.* As an alternative to paragraph (e) of this section for annual certification leakage testing of gasoline cargo tanks, the owner or operator may comply with paragraphs (i)(1) and (2) of this section for railcar gasoline cargo tanks, provided the railcar tank meets the requirement in paragraph (i)(3) of this section.

(1) Comply with the requirements of 49 CFR 173.31(d), 179.7, 180.509, and 180.511 for the testing of railcar gasoline cargo tanks.

(2) The leakage pressure test procedure required under 49 CFR 180.509(j) and used to show no indication of leakage under 49 CFR 180.511(f) shall be ASTM E 515-95 (incorporated by reference, see §63.14), BS EN 1593:1999 (incorporated by reference, see §63.14), or another bubble leak test procedure meeting the requirements in 49 CFR 179.7, 180.505, and 180.509.

(3) The alternative requirements in this paragraph (i) may not be used for any railcar gasoline cargo tank that collects gasoline vapors from a vapor balance system permitted under or required by a Federal, State, local, or tribal agency. A vapor balance system is a piping and collection system designed to collect gasoline vapors displaced from a storage vessel, barge, or other container being loaded, and routes the displaced gasoline vapors into the railcar gasoline cargo tank from which liquid gasoline is being unloaded.

[59 FR 64318, Dec. 14, 1994; 60 FR 7627, Feb. 8, 1995; 60 FR 32913, June 26, 1995; 68 FR 70965, Dec. 19, 2003]

§63.426 Alternative means of emission limitation.

For determining the acceptability of alternative means of emission limitation for storage vessels under §63.423, the provisions of §60.114b of this chapter apply.

§63.427 Continuous monitoring.

(a) Each owner or operator of a bulk gasoline terminal subject to the provisions of this subpart shall install, calibrate, certify, operate, and maintain, according to the manufacturer's specifications, a continuous monitoring system (CMS) as specified in paragraph (a)(1), (a)(2), (a)(3), or (a)(4) of this section, except as allowed in paragraph (a)(5) of this section.

(1) Where a carbon adsorption system is used, a continuous emission monitoring system (CEMS) capable of measuring organic compound concentration shall be installed in the exhaust air stream.

(2) Where a refrigeration condenser system is used, a continuous parameter monitoring system (CPMS) capable of measuring temperature shall be installed immediately downstream from the outlet to the condenser section. Alternatively, a CEMS capable of measuring organic compound concentration may be installed in the exhaust air stream.

(3) Where a thermal oxidation system other than a flare is used, a CPMS capable of measuring temperature must be installed in the firebox or in the ductwork immediately downstream from the firebox in a position before any substantial heat exchange occurs.

(4) Where a flare meeting the requirements in §63.11(b) is used, a heat-sensing device, such as an ultraviolet beam sensor or a thermocouple, must be installed in proximity to the pilot light to indicate the presence of a flame.

(5) Monitoring an alternative operating parameter or a parameter of a vapor processing system other than those listed in this paragraph will be allowed upon demonstrating to the Administrator's satisfaction that the alternative parameter demonstrates continuous compliance with the emission standard in §63.422(b) or §60.112b(a)(3)(ii) of this chapter.

(b) Each owner or operator of a bulk gasoline terminal subject to the provisions of this subpart shall operate the vapor processing system in a manner not to exceed the operating parameter value for the parameter described in paragraphs (a)(1) and (a)(2) of this section, or to go below the operating parameter value for the parameter described in paragraph (a)(3) of this section, and established using the procedures in §63.425(b). In cases where an alternative parameter pursuant to paragraph (a)(5) of this section is approved, each owner or operator shall operate the vapor processing system in a manner not to exceed or not to go below, as appropriate, the alternative operating parameter value. Operation of the vapor processing system in a manner exceeding or going below the operating parameter value, as specified above, shall constitute a violation of the emission standard in §63.422(b).

(c) Each owner or operator of gasoline storage vessels subject to the provisions of §63.423 shall comply with the monitoring requirements in §60.116b of this chapter, except records shall be kept for at least 5 years. If a closed vent system and control device are used, as specified in §60.112b(a)(3) of this chapter, to comply with the requirements in §63.423, the owner or operator shall also comply with the requirements in paragraph (a) of this section.

[59 FR 46350, Sept. 8, 1994, as amended at 68 FR 70966, Dec. 19, 2003]

§63.428 Reporting and recordkeeping.

(a) The initial notifications required for existing affected sources under §63.9(b)(2) shall be submitted by 1 year after an affected source becomes subject to the provisions of this subpart or by December 16, 1996, whichever is later. Affected sources that are major sources on December 16, 1996 and plan to be area sources by December 15, 1997 shall include in this notification a brief, non-binding description of and schedule for the action(s) that are planned to achieve area source status.

(b) Each owner or operator of a bulk gasoline terminal subject to the provisions of this subpart shall keep records of the test results for each gasoline cargo tank loading at the facility as follows:

(1) Annual certification testing performed under §63.425(e) and railcar bubble leak testing performed under §63.425(i); and

(2) Continuous performance testing performed at any time at that facility under §63.425 (f), (g), and (h).

(3) The documentation file shall be kept up-to-date for each gasoline cargo tank loading at the facility. The documentation for each test shall include, as a minimum, the following information:

(i) Name of test: Annual Certification Test—Method 27 (§63.425(e)(1)); Annual Certification Test—Internal Vapor Valve (§63.425(e)(2)); Leak Detection Test (§63.425(f)); Nitrogen Pressure Decay Field Test

(§63.425(g)); Continuous Performance Pressure Decay Test (§63.425(h)); or Railcar Bubble Leak Test Procedure (§63.425(i)).

(ii) Cargo tank owner's name and address.

(iii) Cargo tank identification number.

(iv) Test location and date.

(v) Tester name and signature.

(vi) Witnessing inspector, if any: Name, signature, and affiliation.

(vii) Vapor tightness repair: Nature of repair work and when performed in relation to vapor tightness testing.

(viii) Test results: test pressure; pressure or vacuum change, mm of water; time period of test; number of leaks found with instrument; and leak definition.

(c) Each owner or operator of a bulk gasoline terminal subject to the provisions of this subpart shall:

(1) Keep an up-to-date, readily accessible record of the continuous monitoring data required under §63.427(a). This record shall indicate the time intervals during which loadings of gasoline cargo tanks have occurred or, alternatively, shall record the operating parameter data only during such loadings. The date and time of day shall also be indicated at reasonable intervals on this record.

(2) Record and report simultaneously with the notification of compliance status required under §63.9(h):

(i) All data and calculations, engineering assessments, and manufacturer's recommendations used in determining the operating parameter value under §63.425(b); and

(ii) The following information when using a flare under provisions of §63.11(b) to comply with §63.422(b):

(A) Flare design (i.e., steam-assisted, air-assisted, or non-assisted); and

(B) All visible emissions readings, heat content determinations, flow rate measurements, and exit velocity determinations made during the compliance determination required under §63.425(a).

(3) If an owner or operator requests approval to use a vapor processing system or monitor an operating parameter other than those specified in §63.427(a), the owner or operator shall submit a description of planned reporting and recordkeeping procedures. The Administrator will specify appropriate reporting and recordkeeping requirements as part of the review of the permit application.

(d) Each owner or operator of storage vessels subject to the provisions of this subpart shall keep records and furnish reports as specified in §60.115b of this chapter, except records shall be kept for at least 5 years.

(e) Each owner or operator complying with the provisions of §63.424 (a) through (d) shall record the following information in the log book for each leak that is detected:

(1) The equipment type and identification number;

(2) The nature of the leak (i.e., vapor or liquid) and the method of detection (i.e., sight, sound, or smell);

(3) The date the leak was detected and the date of each attempt to repair the leak;

(4) Repair methods applied in each attempt to repair the leak;

(5) “Repair delayed” and the reason for the delay if the leak is not repaired within 15 calendar days after discovery of the leak;

(6) The expected date of successful repair of the leak if the leak is not repaired within 15 days; and

(7) The date of successful repair of the leak.

(f) Each owner or operator subject to the provisions of §63.424 shall report to the Administrator a description of the types, identification numbers, and locations of all equipment in gasoline service. For facilities electing to implement an instrument program under §63.424(f), the report shall contain a full description of the program.

(1) In the case of an existing source or a new source that has an initial startup date before the effective date, the report shall be submitted with the notification of compliance status required under §63.9(h), unless an extension of compliance is granted under §63.6(i). If an extension of compliance is granted, the report shall be submitted on a date scheduled by the Administrator.

(2) In the case of new sources that did not have an initial startup date before the effective date, the report shall be submitted with the application for approval of construction, as described in §63.5(d).

(g) Each owner or operator of a bulk gasoline terminal or pipeline breakout station subject to the provisions of this subpart shall include in a semiannual report to the Administrator the following information, as applicable:

(1) Each loading of a gasoline cargo tank for which vapor tightness documentation had not been previously obtained by the facility;

(2) Periodic reports required under paragraph (d) of this section; and

(3) The number of equipment leaks not repaired within 5 days after detection.

(h) Each owner or operator of a bulk gasoline terminal or pipeline breakout station subject to the provisions of this subpart shall submit an excess emissions report to the Administrator in accordance with §63.10(e)(3), whether or not a CMS is installed at the facility. The following occurrences are excess emissions events under this subpart, and the following information shall be included in the excess emissions report, as applicable:

(1) Each exceedance or failure to maintain, as appropriate, the monitored operating parameter value determined under §63.425(b). The report shall include the monitoring data for the days on which exceedances or failures to maintain have occurred, and a description and timing of the steps taken to repair or perform maintenance on the vapor collection and processing systems or the CMS.

(2) Each instance of a nonvapor-tight gasoline cargo tank loading at the facility in which the owner or operator failed to take steps to assure that such cargo tank would not be reloaded at the facility before vapor tightness documentation for that cargo tank was obtained.

(3) Each reloading of a nonvapor-tight gasoline cargo tank at the facility before vapor tightness documentation for that cargo tank is obtained by the facility in accordance with §63.422(c)(2).

(4) For each occurrence of an equipment leak for which no repair attempt was made within 5 days or for which repair was not completed within 15 days after detection:

(i) The date on which the leak was detected;

(ii) The date of each attempt to repair the leak;

(iii) The reasons for the delay of repair; and

(iv) The date of successful repair.

(i) Each owner or operator of a facility meeting the criteria in §63.420(c) shall perform the requirements of this paragraph (i), all of which will be available for public inspection:

(1) Document and report to the Administrator not later than December 16, 1996 for existing facilities, within 30 days for existing facilities subject to §63.420(c) after December 16, 1996, or at startup for new

facilities the methods, procedures, and assumptions supporting the calculations for determining criteria in §63.420(c);

(2) Maintain records to document that the facility parameters established under §63.420(c) have not been exceeded; and

(3) Report annually to the Administrator that the facility parameters established under §63.420(c) have not been exceeded.

(4) At any time following the notification required under paragraph (i)(1) of this section and approval by the Administrator of the facility parameters, and prior to any of the parameters being exceeded, the owner or operator may submit a report to request modification of any facility parameter to the Administrator for approval. Each such request shall document any expected HAP emission change resulting from the change in parameter.

(j) Each owner or operator of a facility meeting the criteria in §63.420(d) shall perform the requirements of this paragraph (j), all of which will be available for public inspection:

(1) Document and report to the Administrator not later than December 16, 1996 for existing facilities, within 30 days for existing facilities subject to §63.420(d) after December 16, 1996, or at startup for new facilities the use of the emission screening equations in §63.420(a)(1) or (b)(1) and the calculated value of E_T or E_P;

(2) Maintain a record of the calculations in §63.420 (a)(1) or (b)(1), including methods, procedures, and assumptions supporting the calculations for determining criteria in §63.420(d); and

(3) At any time following the notification required under paragraph (j)(1) of this section, and prior to any of the parameters being exceeded, the owner or operator may notify the Administrator of modifications to the facility parameters. Each such notification shall document any expected HAP emission change resulting from the change in parameter.

(k) As an alternative to keeping records at the terminal of each gasoline cargo tank test result as required in paragraph (b) of this section, an owner or operator may comply with the requirements in either paragraph (k)(1) or (2) of this section.

(1) An electronic copy of each record is instantly available at the terminal.

(i) The copy of each record in paragraph (k)(1) of this section is an exact duplicate image of the original paper record with certifying signatures.

(ii) The permitting authority is notified in writing that each terminal using this alternative is in compliance with paragraph (k)(1) of this section.

(2) For facilities that utilize a terminal automation system to prevent gasoline cargo tanks that do not have valid cargo tank vapor tightness documentation from loading (e.g., via a card lock-out system), a copy of the documentation is made available (e.g., via facsimile) for inspection by permitting authority representatives during the course of a site visit, or within a mutually agreeable time frame.

(i) The copy of each record in paragraph (k)(2) of this section is an exact duplicate image of the original paper record with certifying signatures.

(ii) The permitting authority is notified in writing that each terminal using this alternative is in compliance with paragraph (k)(2) of this section.

[59 FR 64318, Dec. 14, 1994, as amended at 61 FR 7723, Feb. 29, 1996; 62 FR 9093, Feb. 28, 1997; 68 FR 70966, Dec. 19, 2003; 71 FR 17358, Apr. 6, 2006]

§63.429 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 §§63.420, 63.422 through 63.423, and 63.424. Any owner or operator requesting to use an alternative means of emission limitation for storage vessels covered by §63.423 must follow the procedures in §63.426.

(2) Approval of major alternatives to test methods 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, and any alternatives to §63.427(a)(1) through (4) per §63.427(a)(5).

(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 37348, June 23, 2003]

Table 1 to Subpart R of Part 63—General Provisions Applicability to Subpart R

Reference	Applies to subpart R	Comment
63.1(a)(1)	Yes	
63.1(a)(2)	Yes	
63.1(a)(3)	Yes	
63.1(a)(4)	Yes	
63.1(a)(5)	No	Section reserved
63.1(a)(6)(8)	Yes	
63.1(a)(9)	No	Section reserved
63.1(a)(10)	Yes	
63.1(a)(11)	Yes	
63.1(a)(12))-(a)(14)	Yes	
63.1(b)(1)	No	Subpart R specifies applicability in §63.420

63.1(b)(2)	Yes	
63.1(b)(3)	No	Subpart R specifies reporting and recordkeeping for some large area sources in §63.428
63.1(c)(1)	Yes	
63.1(c)(2)	Yes	Some small sources are not subject to subpart R
63.1(c)(3)	No	Section reserved
63.1(c)(4)	Yes	
63.1(c)(5)	Yes	
63.1(d)	No	Section reserved
63.1(e)	Yes	
63.2	Yes	Additional definitions in §63.421
63.3(a)-(c)	Yes	
63.4(a)(1)-(a)(3)	Yes	
63.4(a)(4)	No	Section reserved
63.4(a)(5)	Yes	
63.4(b)	Yes	
63.4(c)	Yes	
63.5(a)(1)	Yes	
63.5(a)(2)	Yes	
63.5(b)(1)	Yes	
63.5(b)(2)	No	Section reserved
63.5(b)(3)	Yes	
63.5(b)(4)	Yes	
63.5(b)(5)	Yes	

63.5(b)(6)	Yes	
63.5(c)	No	Section reserved
63.5(d)(1)	Yes	
63.5(d)(2)	Yes	
63.5(d)(3)	Yes	
63.5(d)(4)	Yes	
63.5(e)	Yes	
63.5(f)(1)	Yes	
63.5(f)(2)	Yes	
63.6(a)	Yes	
63.6(b)(1)	Yes	
63.6(b)(2)	Yes	
63.6(b)(3)	Yes	
63.6(b)(4)	Yes	
63.6(b)(5)	Yes	
63.6(b)(6)	No	Section reserved
63.6(b)(7)	Yes	
63.6(c)(1)	No	Subpart R specifies the compliance date
63.6(c)(2)	Yes	
63.6(c)(3)-(c)(4)	No	Sections reserved
63.6(c)(5)	Yes	
63.6(d)	No	Section reserved
63.6(e)	Yes	
63.6(f)(1)	Yes	

63.6(f)(2)	Yes	
63.6(f)(3)	Yes	
63.6(g)	Yes	
63.6(h)	No	Subpart R does not require COMS
63.6(i)(1)-(i)(14)	Yes	
63.6(i)(15)	No	Section reserved
63.6(i)(16)	Yes	
63.6(j)	Yes	
63.7(a)(1)	Yes	
63.7(a)(2)	Yes	
63.7(a)(3)	Yes	
63.7(b)	Yes	
63.7(c)	Yes	
63.7(d)	Yes	
63.7(e)(1)	Yes	
63.7(e)(2)	Yes	
63.7(e)(3)	Yes	
63.7(e)(4)	Yes	
63.7(f)	Yes	
63.7(g)	Yes	
63.7(h)	Yes	
63.8(a)(1)	Yes	
63.8(a)(2)	Yes	
63.8(a)(3)	No	Section reserved

63.8(a)(4)	Yes	
63.8(b)(1)	Yes	
63.8(b)(2)	Yes	
63.8(b)(3)	Yes	
63.8(c)(1)	Yes	
63.8(c)(2)	Yes	
63.8(c)(3)	Yes	
63.8(c)(4)	Yes	
63.8(c)(5)	No	Subpart R does not require COMS
63.8(c)(6)-(c)(8)	Yes	
63.8(d)	Yes	
63.8(e)	Yes	
63.8(f)(1)-(f)(5)	Yes	
63.8(f)(6)	Yes	
63.8(g)	Yes	
63.9(a)	Yes	
63.9(b)(1)	Yes	
63.9(b)(2)	No	Subpart R allows additional time for existing sources to submit initial notification. Sec. 63.428(a) specifies submittal by 1 year after being subject to the rule or December 16, 1996, whichever is later.
63.9(b)(3)	Yes	
63.9(b)(4)	Yes	
63.9(b)(5)	Yes	
63.9(c)	Yes	

63.9(d)	Yes	
63.9(e)	Yes	
63.9(f)	Yes	
63.9(g)	Yes	
63.9(h)(1)-(h)(3)	Yes	
63.9(h)(4)	No	Section reserved
63.9(h)(5)-(h)(6)	Yes	
63.9(i)	Yes	
63.9(j)	Yes	
63.10(a)	Yes	
63.10(b)(1)	Yes	
63.10(b)(2)	Yes	
63.10(b)(3)	Yes	
63.10(c)(1)	Yes	
63.10(c)(2)-(c)(4)	No	Sections reserved
63.10(c)(5)-(c)(8)	Yes	
63.10(c)(9)	No	Section reserved
63.10(c)(5)-(c)(8)	Yes	
63.10(d)(1)	Yes	
63.10(d)(2)	Yes	
63.10(d)(3)	Yes	
63.10(d)(4)	Yes	

63.10(d)(5)	Yes	
63.10(e)	Yes	
63.10(f)	Yes	
63.11(a)-(b)	Yes	
63.11(c), (d), and (e)	Yes	
63.12(a)-(c)	Yes	
63.13(a)-(c)	Yes	
63.14(a)-(b)	Yes	
63.15(a)-(b)	Yes	

[59 FR 64318, Dec. 14, 1994, as amended at 61 FR 7724, Feb. 29, 1996; 73 FR 78213, Dec. 22, 2008]