Appendix A-1, Abbreviations, Acronyms, Citations, and Identification Numbers

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Abbreviations and Acronyms:

°F: Degrees Fahrenheit
BACT: Best Available Control Technology
CFR: Code of Federal Regulations
DEP: State of Florida, Department of Environmental Protection
DARM: Division of Air Resource Management
EPA: United States Environmental Protection Agency
F.A.C.: Florida Administrative Code
F.S.: Florida Statute
ISO: International Standards Organization
LAT: Latitude
LONG: Longitude
MMBtu: million British thermal units
MW: Megawatt
ORIS: Office of Regulatory Information Systems
SOA: Specific Operating Agreement
UTM: Universal Transverse Mercator

Citations:

The following examples illustrate the methods used in this permit to abbreviate and cite the references of rules, regulations, guidance memorandums, permit numbers, and ID numbers.

Code of Federal Regulations:

Example: **[40 CFR 60.334]**

Where:	40	reference to	Title 40
	CFR	reference to	Code of Federal Regulations
	60	reference to	Part 60
	60.334	reference to	Regulation 60.334

Florida Administrative Code (F.A.C.) Rules:

Example: **[Rule 62-213, F.A.C.]**

Where:	62	reference to	Title 62
	62-213	reference to	Chapter 62-213
	62-213.205	reference to	Rule 62-213.205, F.A.C.

ISO: International Standards Organization refers to those conditions at 288 degrees K, 60 percent relative humidity, and 101.3 kilopascals pressure.

Identification Numbers:

Facility Identification (ID) Number:

Example: Facility ID No.: 1050221

Where:

105 = 3-digit number code identifying the facility is located in Polk County
0221 = 4-digit number assigned by state database.

Permit Numbers:

Example: 1050221-002-AV, or
1050221-001-AC

Where:
AC = Air Construction Permit
AV = Air Operation Permit (Title V Source)
105 = 3-digit number code identifying the facility is located in Polk County
0221 = 4-digit number assigned by permit tracking database
001 or 002 = 3-digit sequential project number assigned by permit tracking database

Example: PSD-FL-185
PA95-01
AC53-208321
Where:
PSD = Prevention of Significant Deterioration Permit
PA = Power Plant Siting Act Permit
AC = old Air Construction Permit numbering

Appendix I-1: List of Insignificant Emissions Units and/or Activities.

Taminco Inc. **Title V Operation Permit Revision No.:** 1130004-021-AV
Taminco Pace Plant **Facility ID No.:** 1130004

The facilities, emissions units, or pollutant-emitting activities listed in Rule 62-210.300(3)(a), F.A.C., Categorical Exemptions, are exempt from the permitting requirements of Chapters 62-210 and 62-4, F.A.C.; provided, however, that exempt emissions units shall be subject to any applicable emission limiting standards and the emissions from exempt emissions units or activities shall be considered in determining the potential emissions of the facility containing such emissions units. Emissions units and pollutant-emitting activities exempt from permitting under Rule 62-210.300(3)(a), F.A.C., shall not be exempt from the permitting requirements of Chapter 62-213, F.A.C., if they are contained within a Title V source; however, such emissions units and activities shall be considered insignificant for Title V purposes provided they also meet the criteria of Rule 62-213.430(6)(b), F.A.C. No emissions unit shall be entitled to an exemption from permitting under Rule 62.210.300(3)(a), F.A.C., if its emissions, in combination with the emissions of other units and activities at the facility, would cause the facility to emit or have the potential to emit any pollutant in such amount as to make the facility a Title V source.

The below listed emissions units and/or activities are considered insignificant pursuant to Rule 62-213.430(6), F.A.C.

Brief Description of Emissions Units and/or Activities

Boilers	**Justification of Status**
Fugitives • Emissions from equipment leaks in the boilers area	• No regulated pollutants
Soot blowing • Emissions from boiler soot blowing	• Covered under Facility Requirement Rule 62-210.700(3), F.A.C.

Methylamines #1 and Urea-Related Products and Methylamines #4	
Vent Scrubber • Vent from T-67123 to the flare	• Product recovery device, no applicable requirements
Methylamines #1 and #4 Unregulated Process equipment • Process equipment used to produce methylamines not regulated under HON (such as distillation, separation columns)	• Product recovery device, no applicable requirements
Acetic Acid Scrubber • Vent from T-67125 used to control odors during preparation of equipment for safe maintenance.	• Emissions below threshold and no applicable requirements
Methylamines #1 and #4 Non-HON Maintenance wastewater • Fluids drained from non-methanol containing process equipment during preparation for mechanical work.	• Covered by Rule 62-210.700, F.A.C. Includes methanol storage area.
Methylamines #1 and #4 Non-Regulated Storage Tanks • D-67001; D-67101; D-67102; D-67103; D-67105A,B; D-67106A,B; D-67107A,B; D-67110A,B; D-67112A,B; D-67116A,B,C,D,R,S; D-67117; D-67134A,C; D-67137A,B; D-67203A,B,C,D; D-67204A,B,C,D,E; D-67205; D-67207; D-67215; D-67216A,B; D-67600A,B; D-67601; D-67604; D-67611A,B	• Low emissions and no applicable requirements, all tanks vent to the scrubber then flare
Non-Product Tanks • D-67102; D-67130; TK-67004; TK-671128; D-24101B	• Low emissions and no applicable requirements. D-67130 vents to scrubber then flare.

Non-HON Shutdown Losses • Emissions from clearing non-MeOH containing equipment for Inspection/repair downtime	• NA--Covered by facility requirement FAC62-210.700. Includes methanol storage area.
Methylamines #1 and #4 Loading • Methylamines loading is closed dome	• Very low emissions and no regulations
Methylamines #4 Check Tanks • D-67019B, D-67024A, D-67025A, B	• Very low emissions and no regulations. Emissions routed to absorber then flare
#4 Plant Steam Eductor • Used to evacuate lines, condensate flows to Low Pressure Adsorber	• Low emissions, no regulations
DMU Startup Vent • Vent stream from D-67604 during DMU Startup	• No emissions to air
Railcar Cleaning	• Very low emissions and no regulations, routed to flare

Higher Amines and Batch Still	**Justification of Status**
Higher Amines Storage Tanks • D-67116F, G, J, L, N, P, T • D-68201; D-68202, D-68206; D-68209; D-68211 • D-68213; D-68214; TK-69102	• No direct emissions. All vent to the flare except for D-68102 which vents to a scrubber and then flare, no applicable requirements
Non-Product Tanks • D-68101; D-68121A,B; D-68122A,B; D-68123 • TK-68100; D-24109	• Low emissions, no applicable requirements. D-68101 vents to scrubber then flare.
Higher Amines Unregulated Process Equipment • Process equipment used to produce higher amines not regulated under MON (such as distillation, separation columns)	• Product recovery device, no applicable requirements
Batch Still Vent • Vent from the Batch Still to the flare	• No direct emissions and no applicable requirements during campaigns with no HAP.
Low Pressure Adsorber (T-68104) Vent to Flare	• No direct emissions, no applicable requirements
High Pressure Adsorber (T-68106) Vent to Flare	• No direct emissions, no applicable requirements
Gas Chromatograph	• Low emissions, no applicable requirements
Higher Amines Non-HON Maintenance Waste Water • Fluids drained from equipment which is not in HAP service during preparation for mechanical work	• Covered by Rule 62-210.700, F.A.C.
Drum Cleaning • Emissions from rinsing or steaming RCRA empty drums formerly containing amines, oil, water treatment chemicals, MEK, MeOH, or dielectron blue solvent	• Low emissions and no applicable regulations
Railcar Cleaning	• Low emissions and no regulations, routed to flare

DIMLA Plant	**Justification of Status**
DIMLA Plant Non-Regulated Storage Tanks • TK-62101, TK-62102. TK-62190, TK-62191, TK-62192, TK-62193, TK-62057, TK-62068, TK-62090, TK-62091, TK-62099, Formic Acid Tank	• Low emissions and no applicable requirements. Will be listed as an insignificant source of emissions.
DIMLA Purification • DIMLA purification scrubber (T-62028)	• The DIMLA Plant Scrubber is considered a product recovery device under MON, so there are no applicable requirements. Very small emissions

	(<<0.1 tpy VOC) and will be listed as an insignificant source of emissions.
DIMLA Non-regulated Process Equipment • DIMLA non-MON and non-NSPS fugitive leaks.	• No regulated pollutants

General Plant	**Justification of Status**
Wastewater Treatment Methanol Addition System • Use of methanol in Echo Pond or Equalization Basin to improve denitrification	• Emissions below threshold (200 lbs/yr).
Amines Waste Treatment Tanks • D-68127 - uses acetic acid or carbon dioxide to increase flashpoint of mixture of water, ammonia, and various amines; D-68146	• Does not meet the definition of a CMPU as listed in 40 CFR 63, vents to flare with low emissions, permitted by 40 CFR 262.34. No applicable air requirements.
Non-Product Tanks • D-67116E,I,M,Q,U; D-68140; D-68154; D-69140; D-30206A,B,D; D-24018; D-24108; D-24110; TK-11201; TK-15100; TK-15101; TK-24109	• Low emissions, no applicable requirements. D-30206A,B,D are pressurized and vapors during loading/unloading are vented back to tanks.
Plant Grounds Maintenance • Includes lawn mowing, hedge trimming, weed eating, leaf blowing, tree trimming, etc., plus application of fertilizers, pesticides, herbicides, and fungicides.	• Trivial list
Degreasing • Soaking parts in low vapor pressure, non-halogenated solvent for degreasing in compliance with 62-213.420(3)(c)3.b.	• Covered by Rule 62-213.420(3)(c)3.b, F.A.C.
Sandblasting • Abrasive blasting performed on equipment in the field using sand or grit; may be tarped but not totally enclosed	• No applicable requirements • Emissions below threshold**.**
Emergency Generators (6) • Diesel powered generators used to supply emergency electrical power.	• Less than 32,000 gal of fuel used as per FAC 62-210.300(3)(a)35.d
Construction Activities • Construction of buildings and structures using equipment ranging from hand tools to heavy equipment such as bulldozers and large cranes	• Trivial emissions
Cook Outs • Emissions from cooking out for recreational purposes; includes bar-b-q, fish fry and crawfish boils	• Trivial emissions
Unloading Sandblast Grit • Particulate emissions from sand/grit silo during unloading of new deliveries	• Low emissions and no regulations
Motor Vehicle Fuel Tanks (4) • Emissions from fuel tanks used to store motor vehicle fuel (gasoline and diesel).	• Low emissions and no regulations
Emergency Generator Fuel Tanks (6) • Emissions from tanks used to store diesel emergency generator fuel	• Low emissions and no regulations
Water Treatment Chemicals Storage and Use • Storage and use of water treatment chemicals (some containers may contain small amounts of VOC)	• No regulated pollutants
Bead Blasting • Totally enclosed shop sand blasting using equipment with filter	• No unconfined emissions

Steam Vents • Various vents used for venting excess steam	• No regulated pollutants
Indoor Fugitives • Use of cleaning supplies, office supplies, and storage of such materials in closed containers; copy machines	• Trivial list
Fire Training and Emergency Response • Emergency response and training using dry chemical extinguishers, CO2, water and simulated fires using propane as fuel.	• Covered by Rule 62-256.700(s), F.A.C.
Sulfuric Acid Tanks • Tanks used for storage of sulfuric acid for water treatment	• No regulated pollutants
Vehicle Maintenance • Maintenance on vehicles including oil changes, radiator flushing and parts cleaning	• Materials handled in closed containers
Laboratories • Fume hoods and other activities associated with quality control, environmental, and unit analytical labs located at control rooms	• Rule 62-210-300(3), F.A.C., exempts analytical laboratories
Product Development Laboratory • Croll-Reynolds Scrubber on DMA campaign (run in batch mode)	• DMA emissions to the air are negligible
Road Maintenance • Paving or patching with asphalt or grading dirt	• Trivial list
Materials Storage • Storage of VOC or HAP containing materials in closed containers	• Trivial list
Solvent Recycling Equipment • Totally enclosed equipment used for the small scale recycling/recovering or spent solvents	• Negligible emissions and no regulations
Fuel Loading/Unloading • Emissions from unloading fuel from trucks and from fueling vehicles	• Low emissions and no regulations
Oil Tank Vents • Vents from oil storage tanks	• Low emissions and no regulations
Leak Check with SO2 gas • Using a cylinder of SO2 to spray on mechanical components to check for leaks	• Negligible emissions and no regulations
Oil Decanter • Decanter used to remove water from oil	• Low emissions and no regulations
Laboratory Vent Scrubber • Acetic acid scrubber used to control odors from the QC lab	• Low emissions and no regulations

APPENDIX PEI
PROJECT EMISSIONS INCREASE REPORT - EXAMPLE FORMAT

Emissions Year*: ____0_____ ***(This is year No. ___ of 5 or 10 required reports.)***

Facility Information	
ARMS ID No. 1130004	Facility/Site Name: Taminco Pace Plant

Air Construction Permit Information			
Permit No. 1130004-019-AC	Date Issued: 3/7/2011	Date Construction Completed:	Date Regular Operation Resumed:

EU ID No.	EU Description*	EU ID No.	EU Description
EU001	Riley Stoker Boiler	EU003	B&W Boiler
EU005	Amines Plants Flare	EU077	DIMLA MON Equipment Leaks
EU063	Cooling Towers	EU076	DIMLA Stg. Tanks and Loading
EU075	Wastewater Treatment Fugitives	EU078	DIMLA VOC Equipment Leaks
EU058	DIMLA MON Group 2 Stg. Tank	EU071	DIMLA MON Maintenance Wastewater
EU072	DIMLA MON Wastewater	EU074	DIMLA MON Heat Exchanger
EU075	DIMLA Scrubber		

* Report only covers emissions related to DIMLA production from each emissions unit.

Tracked PSD Pollutant			Annual Emissions, Tons per Year			PSD? Yes/No [6]
	RAE[1]	DG[2]	BAE[3]	Increase[4]	SER[5]	
CO	76.04	NA	59.52	16.52	100	N
NOx	192.5	NA	152.6	39.9	40	N
PM/PM10	41.24/40.85	NA	40.05/39.66	1.19/1.19	25/15	N
SO2	8.72	NA	7.73	0.99	40	N
VOC	86.4	NA	52.77	33.63	40	N

* *Report Deadline: This report must be submitted to the Compliance Authority within 60 days after the end of each calendar year during which records must be generated under subparagraph 62-212.300(1)(e)1., F.A.C.*

1. "RAE" means reported annual emissions for the given year (or PAE for year zero).
2. "DG" means the annual emissions resulting from production demand growth that could have been accommodated during the baseline years and that are unrelated to the project. Please provide supporting information and a discussion that describes: how the emissions were related to demand growth, how the emissions could have been accommodated previously and how the emissions are unrelated to the project. This will not change from year to year.
3. "BAE" means baseline actual emissions as determined in the original air construction permit. BAE will remain the same for each reporting year.
4. "Increase" is the annual emissions increase related to the project (Increase = RAE – DG –BAE).
5. "SER" means the "significant emissions rate" as defined for the PSD pollutant in Rule 62-210.200, F.A.C.
6. If RAE-DG-BAE is greater than the "SER", then the project is subject to PSD preconstruction review as though construction had not yet commenced.

APPENDIX SS-1, STACK SAMPLING FACILITIES (version dated 10/07/96)

Stack Sampling Facilities Provided by the Owner of an Emissions Unit. This section describes the minimum requirements for stack sampling facilities that are necessary to sample point emissions units. Sampling facilities include sampling ports, work platforms, access to work platforms, electrical power, and sampling equipment support. Emissions units must provide these facilities at their expense. All stack sampling facilities must meet any Occupational Safety and Health Administration (OSHA) Safety and Health Standards described in 29 CFR Part 1910, Subparts D and E.

(a) Permanent Test Facilities. The owner or operator of an emissions unit for which a compliance test, other than a visible emissions test, is required on at least an annual basis, shall install and maintain permanent stack sampling facilities.

(b) Temporary Test Facilities. The owner or operator of an emissions unit that is not required to conduct a compliance test on at least an annual basis may use permanent or temporary stack sampling facilities. If the owner chooses to use temporary sampling facilities on an emissions unit, and the Department elects to test the unit, such temporary facilities shall be installed on the emissions unit within 5 days of a request by the Department and remain on the emissions unit until the test is completed.

(c) Sampling Ports.

1. All sampling ports shall have a minimum inside diameter of 3 inches.
2. The ports shall be capable of being sealed when not in use.
3. The sampling ports shall be located in the stack at least 2 stack diameters or equivalent diameters downstream and at least 0.5 stack diameter or equivalent diameter upstream from any fan, bend, constriction or other flow disturbance.
4. For emissions units for which a complete application to construct has been filed prior to December 1, 1980, at least two sampling ports, 90 degrees apart, shall be installed at each sampling location on all circular stacks that have an outside diameter of 15 feet or less. For stacks with a larger diameter, four sampling ports, each 90 degrees apart, shall be installed. For emissions units for which a complete application to construct is filed on or after December 1, 1980, at least two sampling ports, 90 degrees apart, shall be installed at each sampling location on all circular stacks that have an outside diameter of 10 feet or less. For stacks with larger diameters, four sampling ports, each 90 degrees apart, shall be installed. On horizontal circular ducts, the ports shall be located so that the probe can enter the stack vertically, horizontally or at a 45 degree angle.
5. On rectangular ducts, the cross sectional area shall be divided into the number of equal areas in accordance with EPA Method 1. Sampling ports shall be provided which allow access to each sampling point. The ports shall be located so that the probe can be inserted perpendicular to the gas flow.

(d) Work Platforms.

1. Minimum size of the working platform shall be 24 square feet in area. Platforms shall be at least 3 feet wide.
2. On circular stacks with 2 sampling ports, the platform shall extend at least 110 degrees around the stack.
3. On circular stacks with more than two sampling ports, the work platform shall extend 360 degrees around the stack.
4. All platforms shall be equipped with an adequate safety rail (ropes are not acceptable), toeboard, and hinged floor-opening cover if ladder access is used to reach the platform. The safety rail directly in line with the sampling ports shall be removable so that no obstruction exists in an area 14 inches below each sample port and 6 inches on either side of the sampling port.

(e) Access to Work Platform.

1. Ladders to the work platform exceeding 15 feet in length shall have safety cages or fall arresters with a minimum of 3 compatible safety belts available for use by sampling personnel.

2. Walkways over free-fall areas shall be equipped with safety rails and toeboards.

(f) Electrical Power.

1. A minimum of two 120-volt AC, 20-amp outlets shall be provided at the sampling platform within 20 feet of each sampling port.

2. If extension cords are used to provide the electrical power, they shall be kept on the plant's property and be available immediately upon request by sampling personnel.

(g) Sampling Equipment Support.

1. A three-quarter inch eyebolt and an angle bracket shall be attached directly above each port on vertical stacks and above each row of sampling ports on the sides of horizontal ducts.

a. The bracket shall be a standard 3 inch x 3 inch x one-quarter inch equal-legs bracket which is 1 and one-half inches wide. A hole that is one-half inch in diameter shall be drilled through the exact center of the horizontal portion of the bracket. The horizontal portion of the bracket shall be located 14 inches above the centerline of the sampling port.

b. A three-eighth inch bolt which protrudes 2 inches from the stack may be substituted for the required bracket. The bolt shall be located 15 and one-half inches above the centerline of the sampling port.

c. The three-quarter inch eyebolt shall be capable of supporting a 500 pound working load. For stacks that are less than 12 feet in diameter, the eyebolt shall be located 48 inches above the horizontal portion of the angle bracket. For stacks that are greater than or equal to 12 feet in diameter, the eyebolt shall be located 60 inches above the horizontal portion of the angle bracket. If the eyebolt is more than 120 inches above the platform, a length of chain shall be attached to it to bring the free end of the chain to within safe reach from the platform.

2. A complete monorail or dualrail arrangement may be substituted for the eyebolt and bracket.

3. When the sample ports are located in the top of a horizontal duct, a frame shall be provided above the port to allow the sample probe to be secured during the test.

[Rule 62-297.310(6), F.A.C.]

APPENDIX TV-6, TITLE V CONDITIONS (version dated 06/23/06)

[Note: This attachment includes "canned conditions" developed from the "Title V Core List."]

{Permitting note: APPENDIX TV-6, TITLE V CONDITIONS, is distributed to the permittee only. Other persons requesting copies of these conditions shall be provided one copy when requested or otherwise appropriate.}

Chapter 62-4, F.A.C.

1. **Not federally enforceable.** General Prohibition. Any stationary installation which will reasonably be expected to be a source of pollution shall not be operated, maintained, constructed, expanded, or modified without the appropriate and valid permits issued by the Department, unless the source is exempted by Department rule. The Department may issue a permit only after it receives reasonable assurance that the installation will not cause pollution in violation of any of the provisions of Chapter 403, F.S., or the rules promulgated thereunder. A permitted installation may only be operated, maintained, constructed, expanded or modified in a manner that is consistent with the terms of the permit.
[Rule 62-4.030, Florida Administrative Code (F.A.C.); and, Section 403.087, Florida Statute (F.S.)]

2. **Not federally enforceable.** Procedures to Obtain Permits and Other Authorizations; Applications.
(1) Any person desiring to obtain a permit from the Department shall apply on forms prescribed by the Department and shall submit such additional information as the Department by law may require.
(2) All applications and supporting documents shall be filed in quadruplicate with the Department.
(3) To ensure protection of public health, safety, and welfare, any construction, modification, or operation of an installation which may be a source of pollution, shall be in accordance with sound professional engineering practices pursuant to Chapter 471, F.S. All applications for a Department permit shall be certified by a professional engineer registered in the State of Florida except, when the application is for renewal of an air pollution operation permit at a non-Title V source as defined in Rule 62-210.200, F.A.C., or where professional engineering is not required by Chapter 471, F.S. Where required by Chapter 471 or 492, F.S., applicable portions of permit applications and supporting documents which are submitted to the Department for public record shall be signed and sealed by the professional(s) who prepared or approved them.
(4) Processing fees for air construction permits shall be in accordance with Rule 62-4.050(4), F.A.C.
(5)(a) To be considered by the Department, each application must be accompanied by the proper processing fee. The fee shall be paid by check, payable to the Department of Environmental Protection. The fee is non-refundable except as provided in Section 120.60, F.S., and in this section.
(b) When an application is received without the required fee, the Department shall acknowledge receipt of the application and shall immediately notify the applicant by certified mail that the required fee was not received and advise the applicant of the correct fee. The Department shall take no further action until the correct fee is received. If a fee was received by the Department which is less than the amount required, the Department shall return the fee along with the written notification.
(c) Upon receipt of the proper application fee, the permit processing time requirements of Sections 120.60(2) and 403.0876, F.S., shall begin.
(d) If the applicant does not submit the required fee within ten days of receipt of written notification, the Department shall either return the unprocessed application or arrange with the applicant for the pick up of the application.
(e) If an applicant submits an application fee in excess of the required fee, the permit processing time requirements of Sections 120.60(2) and 403.0876, F.S., shall begin upon receipt, and the Department shall refund to the applicant the amount received in excess of the required fee.
(6) Any substantial modification to a complete application shall require an additional processing fee determined pursuant to the schedule set forth in Rule 62-4.050, F.A.C., and shall restart the time requirements of Sections 120.60 and 403.0876, F.S. For purposes of this subsection, the term "substantial modification" shall mean a modification which is reasonably expected to lead to substantially different environmental impacts which require a detailed review.
(7) Modifications to existing permits proposed by the permittee which require substantial changes in the existing permit or require substantial evaluation by the Department of potential impacts of the proposed modifications shall require the same fee as a new application for the same time duration except for modification under Chapter 62-45, F.A.C.
[Rule 62-4.050, F.A.C.]

3. Standards for Issuing or Denying Permits. Except as provided at Rule 62-213.460, F.A.C., the issuance of a permit does not relieve any person from complying with the requirements of Chapter 403, F.S., or Department rules.
[Rule 62-4.070(7), F.A.C.]

4. Modification of Permit Conditions.
(1) For good cause and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions and on application of the permittee the Department may grant additional time. For the purpose of this section, good cause shall include, but not be limited to, any of the following: (**also, see Condition No. 38.**)

(a) A showing that an improvement in effluent or emission quality or quantity can be accomplished because of technological advances without unreasonable hardship.

(b) A showing that a higher degree of treatment is necessary to effect the intent and purpose of Chapter 403, F.S.

(c) A showing of any change in the environment or surrounding conditions that requires a modification to conform to applicable air or water quality standards.

(e) Adoption or revision of Florida Statutes, rules, or standards which require the modification of a permit condition for compliance.

(2) A permittee may request a modification of a permit by applying to the Department.
(3) A permittee may request that a permit be extended as a modification of the permit. Such a request must be submitted to the Department in writing before the expiration of the permit. Upon timely submittal of a request for extension, unless the permit automatically expires by statute or rule, the permit will remain in effect until final agency action is taken on the request. For construction permits, an extension shall be granted if the applicant can demonstrate reasonable assurances that, upon completion, the extended permit will comply with the standards and conditions required by applicable regulation. For all other permits, an extension shall be granted if the applicant can demonstrate reasonable assurances that the extended permit will comply with the standards and conditions applicable to the original permit. A permit for which the permit application fee was prorated in accordance with Rule 62-4.050(4)(v), F.A.C., shall not be extended. In no event shall a permit be extended or remain in effect longer than the time limits established by statute or rule.
[Rule 62-4.080, F.A.C.]

5. Renewals. Prior to 180 days before the expiration of a permit issued pursuant to Chapter 62-213, F.A.C., the permittee shall apply for a renewal of a permit using forms incorporated by reference in the specific rule chapter for that kind of permit. A renewal application shall be timely and sufficient. If the application is submitted prior to 180 days before expiration of the permit, it will be considered timely and sufficient. If the renewal application is submitted at a later date, it will not be considered timely and sufficient unless it is submitted and made complete prior to the expiration of the operation permit. When the application for renewal is timely and sufficient, the existing permit shall remain in effect until the renewal application has been finally acted upon by the Department or, if there is court review of the Department's final agency action, until a later date is required by Section 120.60, F.S., provided that, for renewal of a permit issued pursuant to Chapter 62-213, F.A.C., the applicant complies with the requirements of Rules 62-213.420(1)(b)3. and 4., F.A.C.
[Rule 62-4.090, F.A.C.]

6. Suspension and Revocation.
(1) Permits shall be effective until suspended, revoked, surrendered, or expired and shall be subject to the provisions of Chapter 403, F.S., and rules of the Department.
(2) Failure to comply with pollution control laws and rules shall be grounds for suspension or revocation.
(3) A permit issued pursuant to Chapter 62-4, F.A.C., shall not become a vested property right in the permittee. The Department may revoke any permit issued by it if it finds that the permit holder or his agent:

(a) Submitted false or inaccurate information in his application or operational reports.

(b) Has violated law, Department orders, rules or permit conditions.

(c) Has failed to submit operational reports or other information required by Department rules.

(d) Has refused lawful inspection under Section 403.091, F.S.

(4) No revocation shall become effective except after notice is served by personal services, certified mail, or newspaper notice pursuant to Section 120.60(7), F.S., upon the person or persons named therein and a hearing held if requested within the time specified in the notice. The notice shall specify the provision of the law, or rule alleged to be violated, or the permit condition or Department order alleged to be violated, and the facts alleged to constitute a violation thereof.
[Rule 62-4.100, F.A.C.]

7. **Not federally enforceable.** Financial Responsibility. The Department may require an applicant to submit proof of financial responsibility and may require the applicant to post an appropriate bond to guarantee compliance with the law and Department rules. [Rule 62-4.110, F.A.C.]

8. Transfer of Permits.
(1) Within 30 days after the sale or legal transfer of a permitted facility, an "Application for Transfer of Permit" (DEP Form 62-1.201(1)) must be submitted to the Department. This form must be completed with the notarized signatures of both the permittee and the proposed new permittee. For air permits, an "Application for Transfer of Air Permit" (DEP Form 62-210.900(7)) shall be submitted.
(2) The Department shall approve the transfer of a permit unless it determines that the proposed new permittee cannot provide reasonable assurances that conditions of the permit will be met. The determination shall be limited solely to the ability of the new permittee to comply with the conditions of the existing permit, and it shall not concern the adequacy of these permit conditions. If the Department proposes to deny the transfer, it shall provide both the permittee and the proposed new permittee a written objection to such transfer together with notice of a right to request a Chapter 120, F.S., proceeding on such determination.
(3) Within 30 days of receiving a properly completed Application for Transfer of Permit form, the Department shall issue a final determination. The Department may toll the time for making a determination on the transfer by notifying both the permittee and the proposed new permittee that additional information is required to adequately review the transfer request. Such notification shall be served within 30 days of receipt of an Application for Transfer of Permit form, completed pursuant to Rule 62-4.120(1), F.A.C. If the Department fails to take action to approve or deny the transfer within 30 days of receipt of the completed Application for Transfer of Permit form, or within 30 days of receipt of the last item of timely requested additional information, the transfer shall be deemed approved.
(4) The permittee is encouraged to apply for a permit transfer prior to the sale or legal transfer of a permitted facility. However, the transfer shall not be effective prior to the sale or legal transfer.
(5) Until this transfer is approved by the Department, the permittee and any other person constructing, operating, or maintaining the permitted facility shall be liable for compliance with the terms of the permit. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations occurring prior to the sale or legal transfer of the facility.
[Rule 62-4.120, F.A.C.]

9. Plant Operation-Problems. If the permittee is temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by hazard of fire, wind or by other cause, the permittee shall immediately notify the Department. Notification shall include pertinent information as to the cause of the problem, and what steps are being taken to correct the problem and to prevent its recurrence, and where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with Department rules. (**also, see Condition No. 10.**)
[Rule 62-4.130, F.A.C.]

10. For purposes of notification to the Department pursuant to Condition No. 9., Condition No. 12.(8), and Rule 62-4.130, F.A.C., Plant Operation-Problems, “immediately” shall mean the same day, if during a workday (i.e., 8:00 a.m. - 5:00 p.m.), or the first business day after the incident, excluding weekends and holidays; and, for purposes of 40 CFR 70.6(a)(3)(iii)(B), "prompt" shall have the same meaning as "immediately". [**also, see Conditions Nos. 9. and 12.(8).**]
[40 CFR 70.6(a)(3)(iii)(B)]

11. **Not federally enforceable.** Review. Failure to request a hearing within 14 days of receipt of notice of proposed or final agency action on a permit application or as otherwise required in Chapter 62-103, F.A.C., shall be deemed a waiver of the right to an administrative hearing.
[Rule 62-4.150, F.A.C.]

12. Permit Conditions. All permits issued by the Department shall include the following general conditions:
(1) The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.

(2) This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
(3) As provided in Subsections 403.987(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.
(4) This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
(5) This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of F.S. and Department rules, unless specifically authorized by an order from the Department.
(6) The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
(7) The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:

(a) Have access to and copy any records that must be kept under conditions of the permit;
(b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
(c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules. Reasonable time may depend on the nature of the concern being investigated.

(8) If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information: (**also, see Condition No. 10.**)

(a) A description of and cause of noncompliance; and
(b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

(9) In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
(10) The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.
(11) This permit is transferable only upon Department approval in accordance with Rule 62-4.120, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
(12) This permit or a copy thereof shall be kept at the work site of the permitted activity.
(14) The permittee shall comply with the following:

(a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
(b) The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least five (5) years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
(c) Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements;
2. The person responsible for performing the sampling or measurements;
3. The dates analyses were performed;
4. The person responsible for performing the analyses;

5. The analytical techniques or methods used;
6. The results of such analyses.

(15) When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.
[Rules 62-4.160 and 62-213.440(1)(b), F.A.C.]

13. Construction Permits.
(1) No person shall construct any installation or facility which will reasonably be expected to be a source of air ~~or water~~ pollution without first applying for and receiving a construction permit from the Department unless exempted by statute or Department rule. In addition to the requirements of Chapter 62-4, F.A.C., applicants for a Department Construction Permit shall submit the following as applicable:

(a) A completed application on forms furnished by the Department.
(b) An engineering report covering:
1. Plant description and operations,
2. Types and quantities of all waste material to be generated whether liquid, gaseous or solid,
3. Proposed waste control facilities,
4. The treatment objectives,
5. The design criteria on which the control facilities are based, and
6. Other information deemed relevant.

Design criteria submitted pursuant to Rule 62-4.210(1)(b)5., F.A.C., shall be based on the results of laboratory and pilot-plant scale studies whenever such studies are warranted. The design efficiencies of the proposed waste treatment facilities and the quantities and types of pollutants in the treated effluents or emissions shall be indicated. Work of this nature shall be subject to the requirements of Chapter 471, F.S. Where confidential records are involved, certain information may be kept confidential pursuant to Section 403.111, F.S.

(c) The owners' written guarantee to meet the design criteria as accepted by the Department and to abide by Chapter 403, F.S., and the rules of the Department as to the quantities and types of materials to be discharged from the installation. The owner may be required to post an appropriate bond or other equivalent evidence of financial responsibility to guarantee compliance with such conditions in instances where the owner's financial resources are inadequate or proposed control facilities are experimental in nature.

(2) The construction permit may contain conditions and an expiration date as determined by the Secretary or the Secretary's designee.
(3) When the Department issues a permit to construct, the permittee shall be allowed a period of time, specified in the permit, to construct, and to operate and test to determine compliance with Chapter 403, F.S., and the rules of the Department and, where applicable, to apply for and receive an operation permit. The Department may require tests and evaluations of the treatment facilities by the permittee at his/her expense.
[Rule 62-4.210, F.A.C.]

14. **Not federally enforceable.** Operation Permit for New Sources. To properly apply for an operation permit for new sources the applicant shall submit the appropriate fee and certification that construction was completed, noting any deviations from the conditions in the construction permit and test results where appropriate.
[Rule 62-4.220, F.A.C.]

Chapters 28-106 and 62-110, F.A.C.

15. Public Notice, Public Participation, and Proposed Agency Action. The permittee shall comply with all of the requirements for public notice, public participation, and proposed agency action pursuant to Rules 62-110.106 and 62-210.350, F.A.C.
[Rules 62-110.106, 62-210.350 and 62-213.430(1)(b), F.A.C.]

16. Administrative Hearing. The permittee shall comply with all of the requirements for a petition for administrative hearing or waiver of right to administrative proceeding pursuant to Rules 28-106.201, 28-106.301 and 62-110.106, F.A.C.
[Rules 28-106.201, 28-106.301 and 62-110.106, F.A.C.]

Chapter 62-204, F.A.C.

17. Asbestos. This permit does not authorize any demolition or renovation of the facility or its parts or components which involves asbestos removal. This permit does not constitute a waiver of any of the requirements of Chapter 62-257, F.A.C., and 40 CFR 61, Subpart M, National Emission Standard for Asbestos, adopted and incorporated by reference in Rule 62-204.800, F.A.C. Compliance with Chapter 62-257, F.A.C., and 40 CFR 61, Subpart M, Section 61.145, is required for any asbestos demolition or renovation at the source.
[40 CFR 61; Rule 62-204.800, F.A.C.; and, Chapter 62-257, F.A.C.]

Chapter 62-210, F.A.C.

18. Permits Required. Unless exempted from permitting pursuant to Rule 62-210.300(3)(a) or (b), F.A.C., or Rule 62-4.040, F.A.C., or unless specifically authorized by provision of Rule 62-210.300(4), F.A.C., or Rule 62-213.300, F.A.C., the owner or operator of any facility or emissions unit which emits or can reasonably be expected to emit any air pollutant shall obtain an appropriate permit from the Department prior to beginning construction, reconstruction pursuant to 40 CFR 60.15 or 63.2, modification, or the addition of pollution control equipment; or to authorize initial or continued operation of the emissions unit; or to establish a PAL or Air Emissions Bubble. All emissions limitations, controls, and other requirements imposed by such permits shall be at least as stringent as any applicable limitations and requirements contained in or enforceable under the State Implementation Plan (SIP) or that are otherwise federally enforceable. Except as provided at Rule 62-213.460, F.A.C., issuance of a permit does not relieve the owner or operator of a facility or an emissions unit from complying with any applicable requirements, any emission limiting standards or other requirements of the air pollution rules of the Department or any other such requirements under federal, state, or local law.

(1) Air Construction Permits.

(a) Unless exempt from permitting pursuant to Rule 62-210.300(3)(a) or (b), F.A.C., or Rule 62-4.040, F.A.C., an air construction permit shall be obtained by the owner or operator of any proposed new, reconstructed, or modified facility or emissions unit, or any new pollution control equipment prior to the beginning of construction, reconstruction pursuant to 40 CFR 60,15 or 63.2, or modification of the facility or emissions unit or addition of the pollution control equipment; or to establish a PAL; in accordance with all applicable provisions of Chapter 62-210, F.A.C., Chapter 62-212, F.A.C., and Chapter 62-4, F.A.C. Except as provided under Rule 62-213.415, F.A.C., the owner or operator of any facility seeking to create or change an air emissions bubble shall obtain an air construction permit in accordance with all the applicable provisions of Chapter 62-210, F.A.C., Chapters 62-212 and 62-4, F.A.C. The construction permit shall be issued for a period of time sufficient to allow construction, reconstruction or modification of the facility or emissions unit or addition of the air pollution control equipment; and operation while the owner or operator of the new, reconstructed or modified facility or emissions unit or the new pollution control equipment is conducting tests or otherwise demonstrating initial compliance with the conditions of the construction permit.

(b) Notwithstanding the expiration of an air construction permit, all limitations and requirements of such permit that are applicable to the design and operation of the permitted facility or emissions unit shall remain in effect until the facility or emissions unit is permanently shut down, except for any such limitation or requirement that is obsolete by its nature (such as a requirement for initial compliance testing) or any such limitation or requirement that is changed in accordance with the provisions of Rule 62-210.300(1)(b)1., F.A.C. Either the applicant or the Department can propose that certain conditions be considered obsolete. Any conditions or language in an air construction permit that are included for informational purposes only, if they are transferred to the air operation permit, shall be transferred for informational purposes only and shall not become enforceable conditions unless voluntarily agreed to by the permittee or otherwise required under Department rules.

1. Except for those limitations or requirements that are obsolete, all limitations and requirements of an air construction permit shall be included and identified in any air operation permit for the facility or emissions unit. The limitations and requirements included in the air operation permit can be changed, and thereby superseded, through the issuance of an air construction permit, federally enforceable state air operation permit, federally enforceable air general permit, or Title V air operation permit; provided, however, that:

a. Any change that would constitute an administrative correction may be made pursuant to Rule 62-210.360, F.A.C.;

b. Any change that would constitute a modification, as defined at Rule 62-210.200, F.A.C., shall be accomplished only through the issuance of an air construction permit; and

c. Any change in a permit limitation or requirement that originates from a permit issued pursuant to 40 CFR 52.21, Rule 62-204.800(11)(d)2., F.A.C., Rule 62-212.400, F.A.C., Rule 62-212.500, F.A.C., or any former codification of Rule 62-212.400 or Rule 62-212.500, F.A.C., shall be accomplished only through the issuance of a new or revised air construction permit under Rule 62-204.800(11)(d)2., Rule 62-212.400 or Rule 62-212.500, F.A.C., as appropriate.

2. The force and effect of any change in a permit limitation or requirement made in accordance with the provisions of Rule 62-210.300(1)(b)1., F.A.C., shall be the same as if such change were made to the original air construction permit.

3. Nothing in Rule 62-210.300(1)(b), F.A.C., shall be construed as to allow operation of a facility or emissions unit without a valid air operation permit.

(2) Air Operation Permits. Upon expiration of the air operation permit for any existing facility or emissions unit, subsequent to construction or modification, or subsequent to the creation of or change to a bubble, and demonstration of compliance with the conditions of the construction permit for any new or modified facility or emissions unit, any air emissions bubble, or as otherwise

provided in Chapter 62-210, F.A.C., or Chapter 62-213, F.A.C., the owner or operator of such facility or emissions unit shall obtain a renewal air operation permit, an initial air operation permit or air general permit, or an administrative correction or revision of an existing air operation permit, whichever is appropriate, in accordance with all applicable provisions of Chapter 62-210, F.A.C., Chapter 62-213, F.A.C., and Chapter 62-4, F.A.C.

(a) Minimum Requirements for All Air Operation Permits. At a minimum, a permit issued pursuant to this subsection shall:

1. Specify the manner, nature, volume and frequency of the emissions permitted, and the applicable emission limiting standards or performance standards, if any;

2. Require proper operation and maintenance of any pollution control equipment by qualified personnel, where applicable in accordance with the provisions of any operation and maintenance plan required by the air pollution rules of the Department.

3. Contain an effective date stated in the permit which shall not be earlier than the date final action is taken on the application and be issued for a period, beginning on the effective date, as provided below.

a. The operation permit for an emissions unit which is in compliance with all applicable rules and in operational condition, and which the owner or operator intends to continue operating, shall be issued or renewed for a five-year period, except that, for Title V sources subject to Rule 62-213.420(1)(a)1., F.A.C., operation permits shall be extended until 60 days after the due date for submittal of the facility's Title V permit application as specified in Rule 62-213.420(1)(a)1., F.A.C.

b. Except as provided in Rule 62-210.300(2)(a)3.d., F.A.C., the operation permit for an emissions unit which has been shut down for six months or more prior to the expiration date of the current operation permit, shall be renewed for a period not to exceed five years from the date of shutdown, even if the emissions unit is not maintained in operational condition, provided:

(i) the owner or operator of the emissions unit demonstrates to the Department that the emissions unit may need to be reactivated and used, or that it is the owner's or operator's intent to apply to the Department for a permit to construct a new emissions unit at the facility before the end of the extension period; and

(ii) the owner or operator of the emissions unit agrees to and is legally prohibited from providing the allowable emission permitted by the renewed permit as an emissions offset to any other person under Rule 62-212.500, F.A.C.; and

(iii) the emissions unit was operating in compliance with all applicable rules as of the time the source was shut down.

c. Except as provided in Rule 62-210.300(2)(a)3.d., F.A.C., the operation permit for an emissions unit which has been shut down for five years or more prior to the expiration date of the current operation permit shall be renewed for a maximum period not to exceed ten years from the date of shutdown, even if the emissions unit is not maintained in operational condition, provided the conditions given in Rule 62-210.300(2)(a)3.b., F.A.C., are met and the owner or operator demonstrates to the Department that failure to renew the permit would constitute a hardship, which may include economic hardship.

d. The operation permit for an electric utility generating unit on cold standby or long-term reserve shutdown shall be renewed for a five-year period, and additional five-year periods, even if the unit is not maintained in operational condition, provided the conditions given in Rules 62-210.300(2)(a)3.b.(i) through (iii), F.A.C., are met.

4. In the case of an emissions unit permitted pursuant to Rules 62-210.300(2)(a)3.b., c., and d., F.A.C., include reasonable notification and compliance testing requirements for reactivation of such emissions unit and provide that the owner or operator demonstrate to the Department prior to reactivation that such reactivation would not constitute reconstruction pursuant to Rule 62-204.800(8), F.A.C.

[Rules 62-210.300(1) & (2), F.A.C.]

19. **Not federally enforceable.** Notification of Startup. The owners or operator of any emissions unit or facility which has a valid air operation permit which has been shut down more than one year, shall notify the Department in writing of the intent to start up such emissions unit or facility, a minimum of 60 days prior to the intended startup date.

(a) The notification shall include information as to the startup date, anticipated emission rates or pollutants released, changes to processes or control devices which will result in changes to emission rates, and any other conditions which may differ from the valid outstanding operation permit.

(b) If, due to an emergency, a startup date is not known 60 days prior thereto, the owner shall notify the Department as soon as possible after the date of such startup is ascertained.

[Rule 62-210.300(5), F.A.C.]

20. Emissions Unit Reclassification.

(a) Any emissions unit whose operation permit has been revoked as provided for in Chapter 62-4, F.A.C., shall be deemed permanently shut down for purposes of Rule 62-212.500, F.A.C. Any emissions unit whose permit to operate has expired without timely renewal or transfer may be deemed permanently shut down, provided, however, that no such emissions unit shall be deemed permanently shut down if, within 20 days after receipt of written notice from the Department, the emissions unit owner or operator demonstrates that the permit expiration resulted from inadvertent failure to comply with the requirements of Rule 62-4.090, F.A.C., and that the owner or operator intends to continue the emissions unit in operation, and either submits an application for an air operation permit or complies with permit transfer requirements, if applicable.

(b) If the owner or operator of an emissions unit which is so permanently shut down, applies to the Department for a permit to reactivate or operate such emissions unit, the emissions unit will be reviewed and permitted as a new emissions unit.

[Rule 62-210.300(6), F.A.C.]

21. Transfer of Air Permits.

(a) An air permit is transferable only after submission of an Application for Transfer of Air Permit (DEP Form 62-210.900(7)) and Department approval in accordance with Rule 62-4.120, F.A.C. For Title V permit transfers only, a complete application for transfer of air permit shall include the requirements of 40 CFR 70.7(d)(1)(iv), adopted and incorporated by reference at Rule 62-204.800, F.A.C. Within 30 days after approval of the transfer of permit, the Department shall update the permit by an administrative permit correction pursuant to Rule 62-210.360, F.A.C.

(b) For an air general permit, the provision of Rules 62-210.300(7)(a) and 62-4.120, F.A.C., do not apply. Thirty (30) days before using an air general permit, the new owner must submit an air general permit notification to the Department in accordance with Rule 62-210.300(4), F.A.C., or Rule 62-213.300(2)(b), F.A.C.

[Rule 62-210.300(7), F.A.C.]

22. Public Notice and Comment.

(1) Public Notice of Proposed Agency Action.

(a) A notice of proposed agency action on permit application, where the proposed agency action is to issue the permit, shall be published by any applicant for:

1. An air construction permit;
2. An air operation permit, permit renewal or permit revision subject to Rule 62-210.300(2)(b), F.A.C., (i.e., a FESOP), except as provided in Rule 62-210.300(2)(b)1.b., F.A.C.; or
3. An air operation permit, permit renewal, or permit revision subject to Chapter 62-213, F.A.C., except Title V air general permits or those permit revisions meeting the requirements of Rule 62-213.412(1), F.A.C.

(b) The notice required by Rule 62-210.350(1)(a), F.A.C., shall be published in accordance with all otherwise applicable provisions of Rule 62-110.106, F.A.C. A public notice under Rule 62-210.350(1)(a)1., F.A.C., for an air construction permit may be combined with any required public notice under Rule 62-210.350(1)(a)2. or 3., F.A.C., for air operation permits. If such notices are combined, the public notice must comply with the requirements for both notices.

(c) Except as otherwise provided at Rules 62-210.350(2), (5), and (6), F.A.C., each notice of intent to issue an air construction permit shall provide a 14-day period for submittal of public comments.

(2) Additional Public Notice Requirements for Emissions Units Subject to Prevention of Significant Deterioration or Nonattainment - Area Preconstruction Review.

(a) Before taking final agency action on a construction permit application for any proposed new or modified facility or emissions unit subject to the preconstruction review requirements of Rule 62-212.400 or 62-212.500, F.A.C., the Department shall comply with all applicable provisions of Rule 62-110.106, F.A.C., and provide an opportunity for public comment which shall include as a minimum the following:

1. A complete file available for public inspection in at least one location in the district affected which includes the information submitted by the owner or operator, exclusive of confidential records under Section 403.111, F.S., and the Department's analysis of the effect of the proposed construction or modification on ambient air quality, including the Department's preliminary determination of whether the permit should be approved or disapproved;
2. A 30-day period for submittal of public comments; and
3. A notice, by advertisement in a newspaper of general circulation in the county affected, specifying the nature and location of the proposed facility or emissions unit, whether BACT or LAER has been determined, the degree of PSD increment consumption expected, if applicable, and the location of the information specified in paragraph 1. above; and notifying the public of the opportunity for submitting comments and requesting a public hearing.

(b) The notice provided for in Rule 62-210.350(2)(a)3., F.A.C., shall be prepared by the Department and published by the applicant in accordance with all applicable provisions of Rule 62-110.106, F.A.C., except that the applicant shall cause the notice to be published no later than thirty (30) days prior to final agency action.

(c) A copy of the notice provided for in Rule 62-210.350(2)(a)3., F.A.C., shall also be sent by the Department to the Regional Office of the U. S. Environmental Protection Agency and to all other state and local officials or agencies having cognizance over the location of such new or modified facility or emissions unit, including local air pollution control agencies, chief executives of city or county government, regional land use planning agencies, and any other state, Federal Land Manager, or Indian Governing Body whose lands may be affected by emissions from the new or modified facility or emissions unit.

(d) A copy of the notice provided for in Rule 62-210.350(2)(a)3., F.A.C., shall be displayed in the appropriate district, branch and local program offices.

(e) An opportunity for public hearing shall be provided in accordance with Chapter 120, F.S., and Rule 62-110.106, F.A.C.

(f) Any public comments received shall be made available for public inspection in the location where the information specified in Rule 62-210.350(2)(a)1., F.A.C., is available and shall be considered by the Department in making a final determination to approve or deny the permit.

(g) The final determination shall be made available for public inspection at the same location where the information specified in Rule 62-210.350(2)(a)1., F.A.C., was made available.

(h) For a proposed new or modified emissions unit which would be located within 100 kilometers of any Federal Class I area or whose emissions may affect any Federal Class I area, and which would be subject to the preconstruction review requirements of Rule 62-212.400 or 62-212.500, F.A.C.:

1. The Department shall mail or transmit to the Administrator a copy of the initial application for an air construction permit and notice of every action related to the consideration of the permit application.

2. The Department shall mail or transmit to the Federal Land Manager of each affected Class I area a copy of any written notice of intent to apply for an air construction permit; the initial application for an air construction permit, including all required analyses and demonstrations; any subsequently submitted information related to the application; the preliminary determination and notice of proposed agency action on the permit application; and any petition for an administrative hearing regarding the application or the Department's proposed action. Each such document shall be mailed or transmitted to the Federal Land Manager within fourteen (14) days after its receipt by the Department.

(3) Additional Public Notice Requirements for Facilities Subject to Operation Permits for Title V Sources.

(a) Before taking final agency action to issue a new, renewed, or revised air operation permit subject to Chapter 62-213, F.A.C., the Department shall comply with all applicable provisions of Rule 62-110.106, F.A.C., and provide an opportunity for public comment which shall include as a minimum the following:

1. A complete file available for public inspection in at least one location in the district affected which includes the information submitted by the owner or operator, exclusive of confidential records under Section 403.111, F.S.; and

2. A 30-day period for submittal of public comments.

(b) The notice provided for in Rule 62-210.350(3)(a), F.A.C., shall be prepared by the Department and published by the applicant in accordance with all applicable provisions of Rule 62-110.106, F.A.C., except that the applicant shall cause the notice to be published no later than thirty (30) days prior to final agency action. If written comments received during the 30-day comment period on a draft permit result in the Department’s issuance of a revised draft permit in accordance with Rule 62-213.430(1), F.A.C., the Department shall require the applicant to publish another public notice in accordance with Rule 62-210.350(1)(a), F.A.C.

(c) The notice shall identify:

1. The facility;

2. The name and address of the office at which processing of the permit occurs;

3. The activity or activities involved in the permit action;

4. The emissions change involved in any permit revision;

5. The name, address, and telephone number of a Department representative from whom interested persons may obtain additional information, including copies of the permit draft, the application, and all relevant supporting materials, including any permit application, compliance plan, permit, monitoring report, and compliance statement required pursuant to Chapter 62-213, F.A.C. (except for information entitled to confidential treatment pursuant to Section 403.111, F.S.), and all other materials available to the Department that are relevant to the permit decision;

6. A brief description of the comment procedures required by Rule 62-210.350(3), F.A.C.;

7. The time and place of any hearing that may be held, including a statement of procedure to request a hearing (unless a hearing has already been scheduled); and

8. The procedures by which persons may petition the Administrator to object to the issuance of the proposed permit after expiration of the Administrator's 45-day review period.

[Rules 62-210.350(1) thru (3), F.A.C.]

23. Administrative Permit Corrections.

(1) A facility owner shall notify the Department by letter of minor corrections to information contained in a permit. Such notifications shall include:

(a) Typographical errors noted in the permit;
(b) Name, address or phone number change from that in the permit;
(c) A change requiring more frequent monitoring or reporting by the permittee;
(d) A change in ownership or operational control of a facility, subject to the following provisions:
1. The Department determines that no other change in the permit is necessary;
2. The permittee and proposed new permittee have submitted an Application for Transfer of Air Permit, and the Department has approved the transfer pursuant to Rule 62-210.300(7), F.A.C.; and
3. The new permittee has notified the Department of the effective date of sale or legal transfer.
(e) Changes listed at 40 CFR 72.83(a)(1), (2), (6), (9) and (10), adopted and incorporated by reference at Rule 62-204.800, F.A.C., and changes made pursuant to Rules 62-214.340(1) and (2), F.A.C., to Title V sources subject to emissions limitations or reductions pursuant to 42 USC ss. 7651-7651o;
(f) Changes listed at 40 CFR 72.83(a)(11) and (12), adopted and incorporated by reference at Rule 62-204.800, F.A.C., to Title V sources subject to emissions limitations or reductions pursuant to 42 USC ss. 7651-7651o, provided the notification is accompanied by a copy of any EPA determination concerning the similarity of the change to those listed at Rule 62-210.360(1)(e), F.A.C.; and
(g) Any other similar minor administrative change at the source.

(2) Upon receipt of any such notification, the Department shall within 60 days correct the permit and provide a corrected copy to the owner.

(3) After first notifying the owner, the Department shall correct any permit in which it discovers errors of the types listed at Rules 62-210.360(1)(a) and (b), F.A.C., and provide a corrected copy to the owner.

(4) For Title V source permits, other than general permits, a copy of the corrected permit shall be provided to EPA and any approved local air program in the county where the facility or any part of the facility is located.

[Rule 62-210.360, F.A.C.]

24. Emissions Computation and Reporting.

(1) Applicability. This rule sets forth required methodologies to be used by the owner or operator of a facility for computing actual emissions, baseline actual emissions, and net emissions increase, as defined at Rule 62-210.200, F.A.C., and for computing emissions for purposes of the reporting requirements of subsection 62-210.370(3) and paragraph 62-212.300(1)(e), F.A.C., or of any permit condition that requires emissions be computed in accordance with this rule. This rule is not intended to establish methodologies for determining compliance with the emission limitations of any air permit.

(2) Computation of Emissions. For any of the purposes set forth in subsection 62-210.370(1), F.A.C., the owner or operator of a facility shall compute emissions in accordance with the requirements set forth in this subsection.

(a) Basic Approach. The owner or operator shall employ, on a pollutant-specific basis, the most accurate of the approaches set forth below to compute the emissions of a pollutant from an emissions unit; provided, however, that nothing in this rule shall be construed to require installation and operation of any continuous emissions monitoring system (CEMS), continuous parameter monitoring system (CPMS), or predictive emissions monitoring system (PEMS) not otherwise required by rule or permit, nor shall anything in this rule be construed to require performance of any stack testing not otherwise required by rule or permit.
1. If the emissions unit is equipped with a CEMS meeting the requirements of paragraph 62-210.370(2)(b), F.A.C., the owner or operator shall use such CEMS to compute the emissions of the pollutant, unless the owner or operator demonstrates to the department that an alternative approach is more accurate because the CEMS represents still-emerging technology.
2. If a CEMS is not available or does not meet the requirements of paragraph 62-210.370(2)(b), F.A.C, but emissions of the pollutant can be computed pursuant to the mass balance methodology of paragraph 62-210.370(2)(c), F.A.C., the owner or operator shall use such methodology, unless the owner or operator demonstrates to the department that an alternative approach is more accurate.
3. If a CEMS is not available or does not meet the requirements of paragraph 62-210.370(2)(b), F.A.C., and emissions cannot be computed pursuant to the mass balance methodology, the owner or operator shall use an emission factor meeting the requirements of paragraph 62-210.370(2)(d), F.A.C., unless the owner or operator demonstrates to the department that an alternative approach is more accurate.
(b) Continuous Emissions Monitoring System (CEMS).
1. An owner or operator may use a CEMS to compute emissions of a pollutant for purposes of this rule provided:
a. The CEMS complies with the applicable certification and quality assurance requirements of 40 CFR Part 60, Appendices B and F, or, for an acid rain unit, the certification and quality assurance requirements of 40 CFR Part 75, all adopted by reference at Rule 62-204.800, F.A.C.; or
b. The owner or operator demonstrates that the CEMS otherwise represents the most accurate means of computing emissions for purposes of this rule.
2. Stack gas volumetric flow rates used with the CEMS to compute emissions shall be obtained by the most accurate of the following methods as demonstrated by the owner or operator:
a. A calibrated flowmeter that records data on a continuous basis, if available; or

b. The average flow rate of all valid stack tests conducted during a five-year period encompassing the period over which the emissions are being computed, provided all stack tests used shall represent the same operational and physical configuration of the unit.

3. The owner or operator may use CEMS data in combination with an appropriate f-factor, heat input data, and any other necessary parameters to compute emissions if such method is demonstrated by the owner or operator to be more accurate than using a stack gas volumetric flow rate as set forth at subparagraph 62-210.370(2)(b)2., F.A.C., above.

(c) Mass Balance Calculations.

1. An owner or operator may use mass balance calculations to compute emissions of a pollutant for purposes of this rule provided the owner or operator:

a. Demonstrates a means of validating the content of the pollutant that is contained in or created by all materials or fuels used in or at the emissions unit; and

b. Assumes that the emissions unit emits all of the pollutant that is contained in or created by any material or fuel used in or at the emissions unit if it cannot otherwise be accounted for in the process or in the capture and destruction of the pollutant by the unit's air pollution control equipment.

2. Where the vendor of a raw material or fuel which is used in or at the emissions unit publishes a range of pollutant content from such material or fuel, the owner or operator shall use the highest value of the range to compute the emissions, unless the owner or operator demonstrates using site-specific data that another content within the range is more accurate.

3. In the case of an emissions unit using coatings or solvents, the owner or operator shall document, through purchase receipts, records and sales receipts, the beginning and ending VOC inventories, the amount of VOC purchased during the computational period, and the amount of VOC disposed of in the liquid phase during such period.

(d) Emission Factors.

1. An owner or operator may use an emission factor to compute emissions of a pollutant for purposes of this rule provided the emission factor is based on site-specific data such as stack test data, where available, unless the owner or operator demonstrates to the department that an alternative emission factor is more accurate. An owner or operator using site-specific data to derive an emission factor, or set of factors, shall meet the following requirements.

a. If stack test data are used, the emission factor shall be based on the average emissions per unit of input, output, or gas volume, whichever is appropriate, of all valid stack tests conducted during at least a five-year period encompassing the period over which the emissions are being computed, provided all stack tests used shall represent the same operational and physical configuration of the unit.

b. Multiple emission factors shall be used as necessary to account for variations in emission rate associated with variations in the emissions unit's operating rate or operating conditions during the period over which emissions are computed.

c. The owner or operator shall compute emissions by multiplying the appropriate emission factor by the appropriate input, output or gas volume value for the period over which the emissions are computed. The owner or operator shall not compute emissions by converting an emission factor to pounds per hour and then multiplying by hours of operation, unless the owner or operator demonstrates that such computation is the most accurate method available.

2. If site-specific data are not available to derive an emission factor, the owner or operator may use a published emission factor directly applicable to the process for which emissions are computed. If no directly-applicable emission factor is available, the owner or operator may use a factor based on a similar, but different, process.

(e) Accounting for Emissions During Periods of Missing Data from CEMS, PEMS, or CPMS. In computing the emissions of a pollutant, the owner or operator shall account for the emissions during periods of missing data from CEMS, PEMS, or CPMS using other site-specific data to generate a reasonable estimate of such emissions.

(f) Accounting for Emissions During Periods of Startup and Shutdown. In computing the emissions of a pollutant, the owner or operator shall account for the emissions during periods of startup and shutdown of the emissions unit.

(g) Fugitive Emissions. In computing the emissions of a pollutant from a facility or emissions unit, the owner or operator shall account for the fugitive emissions of the pollutant, to the extent quantifiable, associated with such facility or emissions unit.

(h) Recordkeeping. The owner or operator shall retain a copy of all records used to compute emissions pursuant to this rule for a period of five years from the date on which such emissions information is submitted to the department for any regulatory purpose.

(3) Annual Operating Report for Air Pollutant Emitting Facility.

(a) The Annual Operating Report for Air Pollutant Emitting Facility (DEP Form No. 62-210.900(5)) shall be completed each year.

(c) The annual operating report shall be submitted to the appropriate Department of Environmental Protection (DEP) division, district or DEP-approved local air pollution control program office by March 1 of the following year.

(d) Beginning with 2007 annual emissions, emissions shall be computed in accordance with the provisions of Rule 62-210.370(2), F.A.C., for purposes of the annual operating report.

[Rules 62-210.370(1), (2) and (3)(a), (c) & (d), F.A.C.]

25. Circumvention. No person shall circumvent any air pollution control device, or allow the emission of air pollutants without the applicable air pollution control device operating properly.
[Rule 62-210.650, F.A.C.]

26. Forms and Instructions. The forms used by the Department in the stationary source control program are adopted and incorporated by reference in this section. The forms are listed by rule number, which is also the form number, with the subject, title and effective date. Copies of forms may be obtained by writing to the Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or by accessing the Division's website at www.dep.state.fl.us/air. The requirement of Rule 62-4.050(2), F.A.C., to file application forms in quadruplicate is waived if an air permit application is submitted using the Department's electronic application form.
(1) Application for Air Permit - Long Form, Form and Instructions (Effective 02-02-2006).
  (a) Acid Rain Part, Form and Instructions (Effective 06-16-2003).
    1. Repowering Extension Plan, Form and Instructions (Effective 07/01/1995).
    2. New Unit Exemption, Form and Instructions (Effective 04/16/2001).
    3. Retired Unit Exemption, Form and Instructions (Effective 04/16/2001).
    4. Phase II NOx Compliance Plan, Form and Instructions (Effective 01/06/1998).
    5. Phase II NOx Averaging Plan, Form (Effective 01/06/1998).
  (b) Reserved.
(5) Annual Operating Report for Air Pollutant Emitting Facility, Form and Instructions (Effective 02/11/1999).
(7) Application for Transfer of Air Permit – Title V Source, (Effective 04/16/2001).
[Rule 62-210.900, F.A.C.]

Chapter 62-213, F.A.C.

27. Responsible Official.
(1) Each Title V source must identify a responsible official on each application for Title V permit, permit revision, and permit renewal. For sources with only one responsible official, this is how the Title V source designates the responsible official.
(2) Each Title V source may designate more than one responsible official, provided a primary responsible official is designated as responsible for the certifications of all other designated responsible officials. Any action taken by the primary responsible official shall take precedence over any action taken by any other designated responsible official.
(3) Any facility initially designating more than one responsible official or changing the list of responsible officials must submit a Responsible Official Notification Form (DEP Form No. 62-213.900(8)) designating all responsible officials for a Title V source, stating which responsible official is the primary responsible official, and providing an effective date for any changes to the list of responsible officials. Each individual listed on the Responsible Official Notification Form must meet the definition of responsible official given at Rule 62-210.200, F.A.C.
(4) A Title V source with only one responsible official shall submit DEP Form No. 62-213.900(8) for a change in responsible official.
(5) No person shall take any action as a responsible official at a Title V source unless designated a responsible official as required by this rule, except that the existing responsible official of any Title V source which has a change in responsible official during the term of the permit and before the effective date of this rule may continue to act as a responsible official until the first submittal of DEP Form No. 62-213.900(8) or the next application for Title V permit, permit revision or permit renewal, whichever comes first.
[Rules 62-213.202(1) thru (5), F.A.C.]

28. Annual Emissions Fee. Each Title V source permitted to operate in Florida must pay between January 15 and March 1 of each year, upon written notice from the Department, an annual emissions fee in an amount determined as set forth in Rule 62-213.205(1), F.A.C.
(1)(g) If the Department has not received the fee by February 15 of the year following the calendar year for which the fee is calculated, the Department will send the primary responsible official of the Title V source a written warning of the consequences for failing to pay the fee by March 1. If the fee is not postmarked by March 1 of the year due, the Department shall impose, in addition to the fee, a penalty of 50 percent of the amount of the fee unpaid plus interest on such amount computed in accordance with Section 220.807, F.S. If the Department determines that a submitted fee was inaccurately calculated, the Department shall either refund to the permittee any amount overpaid or notify the permittee of any amount underpaid. The Department shall not impose a penalty or interest on any amount underpaid, provided that the permittee has timely remitted payment of at least 90 percent of the amount determined to be due and remits full payment within 60 days after receipt of notice of the amount underpaid. The Department shall waive the collection of underpayment and shall not refund overpayment of the fee, if the amount is less than 1 percent of the fee due, up to $50.00. The Department shall make every effort to provide a timely assessment of the adequacy of the submitted fee. Failure to pay timely any required annual emissions fee, penalty, or interest constitutes grounds for permit revocation pursuant to Rule 62-4.100, F.A.C.

(1)(i) Any documentation of actual hours of operation, actual material or heat input, actual production amount, or actual emissions used to calculate the annual emissions fee shall be retained by the owner for a minimum of five (5) years and shall be made available to the Department upon request.
(1)(j) A completed DEP Form 62-213.900(1), "Major Air Pollution Source Annual Emissions Fee Form", must be submitted by a responsible official with the annual emissions fee.
[Rules 62-213.205, (1)(g), (1)(i) & (1)(j), F.A.C.]

29. Reserved.

30. Reserved.

31. Air Operation Permit Fees. No permit application processing fee, renewal fee, modification fee or amendment fee is required for an operation permit for a Title V source.
[Rule 62-213.205(4), F.A.C.]

32. Permits and Permit Revisions Required. All Title V sources are subject to the permit requirements of Chapter 62-213, F.A.C., except those Title V sources permittable pursuant to Rule 62-213.300, F.A.C., Title V Air General Permits.
(1) No Title V source may operate except in compliance with Chapter 62-213, F.A.C.
(2) Except as provided in Rule 62-213.410, F.A.C., no source with a permit issued under the provisions of Chapter 62-213, F.A.C., shall make any changes in its operation without first applying for and receiving a permit revision if the change meets any of the following:
(a) Constitutes a modification;
(b) Violates any applicable requirement;
(c) Exceeds the allowable emissions of any air pollutant from any unit within the source;
(d) Contravenes any permit term or condition for monitoring, testing, recordkeeping, reporting or of a compliance certification requirement;
(e) Requires a case-by-case determination of an emission limitation or other standard or a source specific determination of ambient impacts, or a visibility or increment analysis under the provisions of Chapter 62-212 or 62-296, F.A.C.;
(f) Violates a permit term or condition which the source has assumed for which there is no corresponding underlying applicable requirement to which the source would otherwise be subject;
(g) Results in the trading of emissions among units within a source except as specifically authorized pursuant to Rule 62-213.415, F.A.C.;
(h) Results in the change of location of any relocatable facility identified as a Title V source pursuant to paragraph (a)-(e), (g) or (h) of the definition of "major source of air pollution" at Rule 62-210.200, F.A.C.;
(i) Constitutes a change at an Acid Rain Source under the provisions of 40 CFR 72.81(a)(1), (2), or (3), (b)(1) or (b)(3), hereby incorporated by reference;
(j) Constitutes a change in a repowering plan, nitrogen oxides averaging plan, or nitrogen oxides compliance deadline extension at an Acid Rain Source;
[Rules 62-213.400(1) & (2), F.A.C.]

33. Changes Without Permit Revision. Title V sources having a valid permit issued pursuant to Chapter 62-213, F.A.C., may make the following changes without permit revision, provided that sources shall maintain source logs or records to verify periods of operation:
(1) Permitted sources may change among those alternative methods of operation;
(2) A permitted source may implement operating changes, as defined in Rule 62-210.200, F.A.C., after the source submits any forms required by any applicable requirement and provides the Department and EPA with at least 7 days written notice prior to implementation. The source and the Department shall attach each notice to the relevant permit;
(a) The written notice shall include the date on which the change will occur, and a description of the change within the permitted source, the pollutants emitted and any change in emissions, and any term or condition becoming applicable or no longer applicable as a result of the change;
(b) The permit shield described in Rule 62-213.460, F.A.C., shall not apply to such changes;
(3) Permitted sources may implement changes involving modes of operation only in accordance with Rule 62-213.415, F.A.C.
[Rule 62-213.410, F.A.C.]

34. Immediate Implementation Pending Revision Process.

(1) Those permitted Title V sources making any change that constitutes a modification pursuant to the definition of modification at Rule 62-210.200, F.A.C., but which would not constitute a modification pursuant to 42 USC 7412(a) or to 40 CFR 52.01, 60.2, or 61.15, adopted and incorporated by reference at Rule 62-204.800, F.A.C., may implement such change prior to final issuance of a permit revision, provided the change:

(a) Does not violate any applicable requirement;

(b) Does not contravene any permit term or condition for monitoring, testing, recordkeeping or reporting, or any compliance certification requirement;

(c) Does not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination of ambient impacts, or a visibility or increment analysis under the provisions of Chapter 62-212 or 62-296, F.A.C.;

(d) Does not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and which the source has assumed to avoid an applicable requirement to which the source would otherwise be subject including any federally enforceable emissions cap or federally enforceable alternative emissions limit.

(2) A Title V source may immediately implement such changes after they have been incorporated into the terms and conditions of a new or revised construction permit issued pursuant to Chapter 62-212, F.A.C., and after the source provides to EPA, the Department, each affected state and any approved local air program having geographic jurisdiction over the source, a copy of the source's application for operation permit revision. The Title V source may conform its application for construction permit to include all information required by Rule 62-213.420, F.A.C., in lieu of submitting separate application forms.

(3) The Department shall process the application for operation permit revision in accordance with the provisions of Chapter 62-213, F.A.C., except that the Department shall issue a draft permit revision or a determination to deny the revision within 60 days of receipt of a complete application for operation permit revision or, if the Title V source has submitted a construction permit application conforming to the requirements of Rule 62-213.420, F.A.C., the Department shall issue a draft permit or a determination to deny the revision at the same time the Department issues its determination on issuance or denial of the construction permit application. The Department shall not take final action on the operation permit revision application until all the requirements of Rules 62-213.430(1)(a), (c), (d), and (e), F.A.C., have been complied with.

(4) Pending final action on the operation permit revision application, the source shall implement the changes in accordance with the terms and conditions of the source's new or revised construction permit. If any terms and conditions of the new or revised construction permit have not been complied with prior to the issuance of the draft operation permit revision, the operation permit shall include a compliance plan in accordance with the provisions of Rule 62-213.440(2), F.A.C.

(5) The permit shield described in Rule 62-213.460, F.A.C., shall not apply to such changes until after the Department takes final action to issue the operation permit revision.

(6) If the Department denies the source's application for operation permit revision, the source shall cease implementation of the proposed changes.

[Rule 62-213.412, F.A.C.]

35. Permit Applications.

(1) Duty to Apply. For each Title V source, the owner or operator shall submit a timely and complete permit application in compliance with the requirements of Rules 62-213.420, F.A.C., and Rules 62-4.050(1) through (3), F.A.C.

(a) Timely Application.

3. For purposes of permit renewal, a timely application is one that is submitted in accordance with Rule 62-4.090, F.A.C.

(b) Complete Application.

1. Any applicant for a Title V permit, permit revision or permit renewal must submit an application on DEP Form No. 62-210.900(1), which must include all the information specified by Rule 62-213.420(3), F.A.C., except that an application for permit revision must contain only that information related to the proposed change(s) from the currently effective Title V permit and any other requirements that become applicable at the time of application. The applicant shall include information concerning fugitive emissions and stack emissions in the application. Each application for permit, permit revision or permit renewal shall be certified by a responsible official in accordance with Rule 62-213.420(4), F.A.C.

2. For those applicants submitting initial permit applications pursuant to Rule 62-213.420(1)(a)1., F.A.C., a complete application shall be an application that substantially addresses all the information required by the application form number 62-210.900(1), and such applications shall be deemed complete within sixty days of receipt of a signed and certified application unless the Department notifies the applicant of incompleteness within that time. For all other applicants, the applications shall be deemed complete sixty days after receipt, unless the Department, within sixty days after receipt of a signed application for permit, permit revision or permit renewal, requests additional documentation or information needed to process the application. An applicant making timely and complete application for permit, or timely application for

permit renewal as described by Rule 62-4.090(1), F.A.C., shall continue to operate the source under the authority and provisions of any existing valid permit or Florida Electrical Power Plant Siting Certification, and in accordance with applicable requirements of the Acid Rain Program, until the conclusion of proceedings associated with its permit application or until the new permit becomes effective, whichever is later, provided the applicant complies with all the provisions of Rules 62-213.420(1)(b)3. and 4., F.A.C. Failure of the Department to request additional information within sixty days of receipt of a properly signed application shall not impair the Department's ability to request additional information pursuant to Rules 62-213.420(1)(b)3. and 4., F.A.C.

3. For those permit applications submitted pursuant to the provisions of Rule 62-213.420(1)(a)1., F.A.C., the Department shall notify the applicant if the Department becomes aware at any time during processing of the application that the application contains incorrect or incomplete information. The applicant shall submit the corrected or supplementary information to the Department within ninety days unless the applicant has requested and been granted additional time to submit the information. Failure of an applicant to submit corrected or supplementary information requested by the Department within ninety days or such additional time as requested and granted shall render the application incomplete.

4. For all applications other than those addressed at Rule 62-213.420(1)(b)3., F.A.C., should the Department become aware, during processing of any application that the application contains incorrect information, or should the Department become aware, as a result of comment from an affected State, an approved local air program, EPA, or the public that additional information is needed to evaluate the application, the Department shall notify the applicant within 30 days. When an applicant becomes aware that an application contains incorrect or incomplete information, the applicant shall submit the corrected or supplementary information to the Department. If the Department notifies an applicant that corrected or supplementary information is necessary to process the permit, and requests a response, the applicant shall provide the information to the Department within ninety days of the Department request unless the applicant has requested and been granted additional time to submit the information or, the applicant shall, within ninety days, submit a written request that the Department process the application without the information. Failure of an applicant to submit corrected or supplementary information requested by the Department within ninety days, or such additional time as requested and granted, or to demand in writing within ninety days that the application be processed without the information shall render the application incomplete. Nothing in this section shall limit any other remedies available to the Department.

[Rules 62-213.420(1)(a)3. and 62-213.420(1)(b)1., 2., 3. & 4., F.A.C.]

36. Confidential Information. Whenever an applicant submits information under a claim of confidentiality pursuant to Section 403.111, F.S., the applicant shall also submit a copy of all such information and claim directly to EPA. (**also, see Condition No. 50.**)
[Rule 62-213.420(2), F.A.C.]

37. Standard Application Form and Required Information. Applications shall be submitted under Chapter 62-213, F.A.C., on forms provided by the Department and adopted by reference in Rule 62-210.900(1), F.A.C. The information as described in Rule 62-210.900(1), F.A.C., shall be included for the Title V source and each emissions unit. An application must include information sufficient to determine all applicable requirements for the Title V source and each emissions unit and to evaluate a fee amount pursuant to Rule 62-213.205, F.A.C.
[Rule 62-213.420(3), F.A.C.]

38. a. Permit Renewal and Expiration. Permits being renewed are subject to the same requirements that apply to permit issuance at the time of application for renewal. Permit renewal applications shall contain that information identified in Rules 62-210.900(1) and 62-213.420(3), F.A.C. Unless a Title V source submits a timely application for permit renewal in accordance with the requirements of Rule 62-4.090(1), F.A.C., the existing permit shall expire and the source's right to operate shall terminate. No Title V permit will be issued for a new term except through the renewal process.

b. Permit Revision Procedures. Permit revisions shall meet all requirements of Chapter 62-213, F.A.C., including those for content of applications, public participation, review by approved local programs and affected states, and review by EPA, as they apply to permit issuance and permit renewal, except that permit revisions for those activities implemented pursuant to Rule 62-213.412, F.A.C., need not meet the requirements of Rule 62-213.430(1)(b), F.A.C. The Department shall require permit revision in accordance with the provisions of Rule 62-4.080, F.A.C., and 40 CFR 70.7(f), whenever any source becomes subject to any condition listed at 40

CFR 70.7(f)(1), hereby adopted and incorporated by reference. The below requirements from 40 CFR 70.7(f) are adopted and incorporated by reference in Rule 62-213.430(4), F.A.C.:

o 40 CFR 70.7(f): Reopening for Cause. (**also, see Condition No. 4.**)

(1) This section contains provisions from 40 CFR 70.7(f) that specify the conditions under which a Title V permit shall be reopened prior to the expiration of the permit. A Title V permit shall be reopened and revised under any of the following circumstances:

(i) Additional applicable requirements under the Act become applicable to a major Part 70 source with a remaining permit term of 3 or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 40 CFR 70.4(b)(10)(i) or (ii).

(ii) Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approved by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

(iii) The permitting authority or EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

(iv) The Administrator or the permitting authority determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

(2) Proceedings to reopen and issue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable.

(3) Reopenings under 40 CFR 70.7(f)(1) shall not be initiated before a notice of such intent is provided to the Part 70 source by the permitting authority at least 30 days in advance of the date that the permit is to be reopened, except that the permitting authority may provide a shorter time period in the case of an emergency.

[Rules 62-213.430(3) & (4), F.A.C.; and, 40 CFR 70.7(f)]

39. Insignificant Emissions Units or Pollutant-Emitting Activities.

(a) All requests for determination of insignificant emissions units or activities made pursuant to Rule 62-213.420(3)(n), F.A.C., shall be processed in conjunction with the permit, permit renewal or permit revision application submitted pursuant to Chapter 62-213, F.A.C. Insignificant emissions units or activities shall be approved by the Department consistent with the provisions of Rule 62-4.040(1)(b), F.A.C. Emissions units or activities which are added to a Title V source after issuance of a permit under Chapter 62-213, F.A.C., shall be incorporated into the permit at its next renewal, provided such emissions units or activities have been exempted from the requirement to obtain an air construction permit and also qualify as insignificant pursuant to Rule 62-213.430(6), F.A.C.

(b) An emissions unit or activity shall be considered insignificant if all of the following criteria are met:

1. Such unit or activity would be subject to no unit-specific applicable requirement;
2. Such unit or activity, in combination with other units or activities proposed as insignificant, would not cause the facility to exceed any major source threshold(s) as defined in Rule 62-213.420(3)(c)1., F.A.C., unless it is acknowledged in the permit application that such units or activities would cause the facility to exceed such threshold(s);
3. Such unit or activity would not emit or have the potential to emit:
   a. 500 pounds per year or more of lead and lead compounds expressed as lead;
   b. 1,000 pounds per year or more of any hazardous air pollutant;
   c. 2,500 pounds per year or more of total hazardous air pollutants; or
   d. 5.0 tons per year or more of any other regulated pollutant.

[Rule 62-213.430(6), F.A.C.]

40. Permit Duration. Permits for sources subject to the Federal Acid Rain Program shall be issued for terms of five years, provided that the initial Acid Rain Part may be issued for a term less than five years where necessary to coordinate the term of such part with the term of a Title V permit to be issued to the source. Operation permits for Title V sources may not be extended as provided in Rule 62-4.080(3), F.A.C., if such extension will result in a permit term greater than five years.

[Rule 62-213.440(1)(a), F.A.C.]

41. Monitoring Information. All records of monitoring information shall specify the date, place, and time of sampling or measurement and the operating conditions at the time of sampling or measurement, the date(s) analyses were performed, the company or entity that performed the analyses, the analytical techniques or methods used, and the results of such analyses.

[Rule 62-213.440(1)(b)2.a., F.A.C.]

42. Retention of Records. Retention of records of all monitoring data and support information shall be for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
[Rule 62-213.440(1)(b)2.b., F.A.C.]

43. Monitoring Reports. The permittee shall submit reports of any required monitoring at least every six (6) months. All instances of deviations from permit requirements must be clearly identified in such reports.
[Rule 62-213.440(1)(b)3.a., F.A.C.]

44. Deviation from Permit Requirements Reports. The permittee shall report in accordance with the requirements of Rules 62-210.700(6) and 62-4.130, F.A.C., deviations from permit requirements, including those attributable to upset conditions as defined in the permit. Reports shall include the probable cause of such deviations, and any corrective actions or preventive measures taken.
[Rule 62-213.440(1)(b)3.b., F.A.C.]

45. Reports. All reports shall be accompanied by a certification by a responsible official, pursuant to Rule 62-213.420(4), F.A.C.
[Rule 62-213.440(1)(b)3.c, F.A.C.]

46. If any portion of the final permit is invalidated, the remainder of the permit shall remain in effect.
[Rule 62-213.440(1)(d)1., F.A.C.]

47. It shall not be a defense for a permittee in an enforcement action that maintaining compliance with any permit condition would necessitate halting of or reduction of the source activity.
[Rule 62-213.440(1)(d)3., F.A.C.]

48. Any Title V source shall comply with all the terms and conditions of the existing permit until the Department has taken final action on any permit renewal or any requested permit revision, except as provided at Rule 62-213.412(2), F.A.C.
[Rule 62-213.440(1)(d)4., F.A.C.]

49. A situation arising from sudden and unforeseeable events beyond the control of the source which causes an exceedance of a technology-based emissions limitation because of unavoidable increases in emissions attributable to the situation and which requires immediate corrective action to restore normal operation, shall be an affirmative defense to an enforcement action in accordance with the provisions and requirements of 40 CFR 70.6(g)(2) and (3), hereby adopted and incorporated by reference.
[Rule 62-213.440(1)(d)5., F.A.C.]

50. Confidentiality Claims. Any permittee may claim confidentiality of any data or other information by complying with Rule 62-213.420(2), F.A.C. (**also, see Condition No. 36.**)
[Rule 62-213.440(1)(d)6., F.A.C.]

51. Statement of Compliance. (a)2. The permittee shall submit a Statement of Compliance with all terms and conditions of the permit that includes all the provisions of 40 CFR 70.6(c)(5)(iii), incorporated by reference at Rule 62-204.800, F.A.C., using DEP Form No. 62-213.900(7). Such statement shall be accompanied by a certification in accordance with Rule 62-213.420(4), F.A.C., for Title V requirements and with Rule 62-214.350, F.A.C., for Acid Rain requirements. Such statements shall be submitted (postmarked) to the Department and EPA:

a. Annually, within 60 days after the end of each calendar year during which the Title V permit was effective, or more frequently if specified by Rule 62-213.440(2), F.A.C., or by any other applicable requirement; and

b. Within 60 days after submittal of a written agreement for transfer of responsibility as required pursuant to 40 CFR 70.7(d)(1)(iv), adopted and incorporated by reference at Rule 62-204.800, F.A.C., or within 60 days after permanent shutdown of a facility permitted under Chapter 62-213, F.A.C.; provided that, in either such case, the reporting period shall be the portion of the calendar year the permit was effective up to the date of transfer of responsibility or permanent facility shutdown, as applicable.

3. In lieu of individually identifying all applicable requirements and specifying times of compliance with, non-compliance with, and deviation from each, the responsible official may use DEP Form No. 62-213.900(7) as such statement of compliance so long as the responsible official identifies all reportable deviations from and all instances of non-compliance with any applicable requirements and includes all information required by the federal regulation relating to each reportable deviation and instance of non-compliance.

(b) The responsible official may treat compliance with all other applicable requirements as a surrogate for compliance with Rule 62-296.320(2), Objectionable Odor Prohibited.
[Rules 62-213.440(3)(a)2. & 3. and (b), F.A.C.]

52. Permit Shield. Except as provided in Chapter 62-213, F.A.C., compliance with the terms and conditions of a permit issued pursuant to Chapter 62-213, F.A.C., shall, as of the effective date of the permit, be deemed compliance with any applicable requirements in effect, provided that the source included such applicable requirements in the permit application. Nothing in Rule 62-213.460, F.A.C., or in any permit shall alter or affect the ability of EPA or the Department to deal with an emergency, the liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance, or the requirements of the Federal Acid Rain Program.
[Rule 62-213.460, F.A.C.]

53. Forms and Instructions. The forms used by the Department in the Title V source operation program are adopted and incorporated by reference in Rule 62-213.900, F.A.C. The form is listed by rule number, which is also the form number, and with the subject, title, and effective date. Copies of forms may be obtained by writing to the Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or by contacting the appropriate permitting authority.
(1) Major Air Pollution Source Annual Emissions Fee Form. (Effective 01/03/2001)
(7) Statement of Compliance Form. (Effective 06/02/2002)
(8) Responsible Official Notification Form. (Effective 06/02/2002)
[Rule 62-213.900, F.A.C.: Forms (1), (7) and (8)]

Chapter 62-256, F.A.C.

54. **Not federally enforceable.** Open Burning. This permit does not authorize any open burning nor does it constitute any waiver of the requirements of Chapter 62-256, F.A.C. Source shall comply with Chapter 62-256, F.A.C., for any open burning at the source.
[Chapter 62-256, F.A.C.]

Chapter 62-281, F.A.C.

55. Refrigerant Requirements. Any facility having refrigeration equipment, including air conditioning equipment, which uses a Class I or II substance (listed at 40 CFR 82, Subpart A, Appendices A and B), and any facility which maintains, services, or repairs motor vehicles using a Class I or Class II substance as refrigerant must comply with all requirements of 40 CFR 82, Subparts B and F, and with Rule 62-281.100, F.A.C. Those requirements include the following restrictions:
(1) Any facility having any refrigeration equipment normally containing 50 (fifty) pounds of refrigerant, or more, must keep servicing records documenting the date and type of all service and the quantity of any refrigerant added pursuant to 40 CFR 82.166;
(2) No person repairing or servicing a motor vehicle may perform any service on a motor vehicle air conditioner (MVAC) involving the refrigerant for such air conditioner unless the person has been properly trained and certified as provided at 40 CFR 82.34 and 40 CFR 82.40, and properly uses equipment approved pursuant to 40 CFR 82.36 and 40 CFR 82.38, and complies with 40 CFR 82.42;
(3) No person may sell or distribute, or offer for sale or distribution, any substance listed as a Class I or Class II substance at 40 CFR 82, Subpart A, Appendices A and B, except in compliance with Rule 62-281.100, F.A.C., and 40 CFR 82.34(b), 40 CFR 82.42, and/or 40 CFR 82.166;
(4) No person maintaining, servicing, repairing, or disposing of appliances may knowingly vent or otherwise release into the atmosphere any Class I or Class II substance used as a refrigerant in such equipment and no other person may open appliances (except MVACs as defined at 40 CFR 82.152) for service, maintenance or repair unless the person has been properly trained and certified pursuant to 40 CFR 82.161 and unless the person uses equipment certified for that type of appliance pursuant to 40 CFR 82.158 and unless the person observes the practices set forth at 40 CFR 82.156 and 40 CFR 82.166;
(5) No person may dispose of appliances (except small appliances, as defined at 40 CFR 82.152) without using equipment certified for that type of appliance pursuant to 40 CFR 82.158 and without observing the practices set forth at 40 CFR 82.156 and 40 CFR 82.166;
(6) No person may recover refrigerant from small appliances, MVACs and MVAC-like appliances (as defined at 40 CFR 82.152), except in compliance with the requirements of 40 CFR 82, Subpart F.
[40 CFR 82; and, Chapter 62-281, F.A.C. **(Chapter 62-281, F.A.C., is not federally enforceable)]**

Chapter 62-296, F.A.C.

56. Industrial, Commercial, and Municipal Open Burning Prohibited. Open burning in connection with industrial, commercial, or municipal operations is prohibited, except when:

(a) Open burning is determined by the Department to be the only feasible method of operation and is authorized by an air permit issued pursuant to Chapter 62-210 or 62-213, F.A.C.; or

(b) An emergency exists which requires immediate action to protect human health and safety; or

(c) A county or municipality would use a portable air curtain incinerator to burn yard trash generated by a hurricane, tornado, fire or other disaster and the air curtain incinerator would otherwise be operated in accordance with the permitting exemption criteria of Rule 62-210.300(3), F.A.C.

[Rule 62-296.320(3), F.A.C.]

57. Unconfined Emissions of Particulate Matter.

(4)(c)1. No person shall cause, let, permit, suffer or allow the emissions of unconfined particulate matter from any activity, including vehicular movement; transportation of materials; construction; alteration; demolition or wrecking; or industrially related activities such as loading, unloading, storing or handling; without taking reasonable precautions to prevent such emissions.

3. Reasonable precautions include the following:

a. Paving and maintenance of roads, parking areas and yards.

b. Application of water or chemicals to control emissions from such activities as demolition of buildings, grading roads, construction, and land clearing.

c. Application of asphalt, water, oil, chemicals or other dust suppressants to unpaved roads, yards, open stock piles and similar activities.

d. Removal of particulate matter from roads and other paved areas under the control of the owner or operator of the facility to prevent reentrainment, and from buildings or work areas to prevent particulate from becoming airborne.

e. Landscaping or planting of vegetation.

f. Use of hoods, fans, filters, and similar equipment to contain, capture and/or vent particulate matter.

g. Confining abrasive blasting where possible.

h. Enclosure or covering of conveyor systems.

4. In determining what constitutes reasonable precautions for a particular facility, the Department shall consider the cost of the control technique or work practice, the environmental impacts of the technique or practice, and the degree of reduction of emissions expected from a particular technique or practice.

[Rules 62-296.320(4)(c)1., 3., & 4. F.A.C.]

[electronic file name: tv-6.doc]

Appendix U-1: List of Unregulated Emissions Units and/or Activities.

Unregulated Emissions Units and/or Activities. An emissions unit which emits no "emissions-limited pollutant" and which is subject to no unit-specific work practice standard, though it may be subject to regulations applied on a facility-wide basis (e.g., unconfined emissions, odor, general opacity) or to regulations that require only that it be able to prove exemption from unit-specific emissions or work practice standards.

The below listed emissions units and/or activities are neither 'regulated emissions units' nor 'insignificant emissions units.'

Emission Units/Activities Associated with the Boilers Area

1. Fugitive equipment leaks EU 062

Emission Units/Activities Associated with the Methylamines Plant No. 1 and 4

1. Methylamines Plant No. 1 and No. 4 non-HON, non NSPS fugitives
2. Methylamines Plant No. 1 NESHAP Cooling Tower (does not use chromium-based water treatment chemicals) [CT-67102 and CT-67103] EU 063
3. Methylamines Plant No. 4 NESHAP Cooling Tower (does not use chromium-based water treatment chemicals) [CT-67038] EU 063
4. Methylamines No. 1 and No. 4 unregulated process equipment used to produce methylamines not regulated under HON (such as distillation, separation columns)
5. Methylamines No. 1 and No. 4 Non-Regulated Storage Tanks [D-67001; D-67101; D-67102; D-67103; D-67105A,B; D-67106A,B; D-67107A,B; D-67110A,B; D-67112A,B; D-67116A,B,C,D,R,S; D-67117; D-67134A,C; D-67137A,B; D-67203A,B,C,D; D-67204A,B,C,D,E; D-67205; D-67207; D-67215; D-67216A,B; D-67600A,B; D-67601; D-67604; D-67611A,B]
6. Plants 1 and 4 Non-Product Tanks [D-67102; D-67130; TK-67004; TK-671128; D-24101B]

Emission Units/Activities Associated with the Higher Amines Plant and Batch Still (Plants 2 and 3)

1. Higher Amines Plant and Batch Still non-MON fugitives
2. Higher Amines non-regulated storage tanks [D-67116F,G,J,L,N,P,T; D-68201; D-68202, D-68206; D-68209; D-68211; D-68213; D-68214; TK-69102]
3. Plant No. 2 and No. 3 NESHAP Cooling Tower (does not use chromium-based water treatment chemicals) [CT-32000 (Note: also services the Utilities and Ammonia Recovery areas)] EU 063
4. Plants 2 and 3 Non-Product Tanks [D-68101; D-68121A,B; D-68122A,B; D-68123; TK-68100; D-24109]
5. Unregulated Loading Racks for the No. 2 and No. 3 Plants [South 10, South Middle, North Middle, South Alcohol, and North Alcohol Loading Racks]
6. Higher Amines Unregulated Process Equipment Process equipment used to produce higher amines not regulated under MON (such as distillation, separation columns)
7. Batch Still Vent

Emission Units/Activities Associated with the DIMLA Plant

1. DIMLA Storage Tanks and Loading EU 076

Emission Units/Activities Associated with General Plant Emission Units

1. Painting - application of coatings for maintenance or aesthetic purposes using spray, brush or roller
2. EU 075 Wastewater Treatment Plant Fugitives - air emissions from chemical sewers, neutralization, equalization, biological oxidation and facultative ponds
3. Use of aerosol canned products and aerosol can punching for disposal
4. EU 062 Facility Wide Equipment Leak Fugitives
5. EU 063 Cooling Towers (4) (that do not use chromium-based water treatment chemicals)

TABLE 1
SUMMARY OF APPLICABLE REQUIREMENTS AND COMPLIANCE PROCEDURES
TAMINCO, INC. – TAMINCO PACE PLANT

Permit Section III ID. No.	Description	Condition/Limitation	Compliance Testing / Demonstration Requirement(s)	Recordkeeping/ Reporting Requirement(s)
A	Methylamines Plants Nos. 1 and 4 Group 1 HON Storage Tanks: TK-53407, TK-53405, TK-53401B	Each floating roof shall be equipped with a metallic shoe seal. [62-204.800(10)(b), F.A.C.] [1130004003AC, SC #5] [40 CFR 63.119(a)(1), (b)(3)]	Must visually inspect the internal floating roofs and the secondary seals through manholes and roof hatches on each fixed roof at least once every 12 months after January 27, 1998. Visually inspect each internal floating roof, the primary and secondary seals, gaskets, slotted membranes, and sleeve seals (if any) each time the storage vessel is emptied and degassed, and at least once every 10 years after April 22, 1997. If during an inspection, an internal floating roof is not resting on the surface of the liquid inside the storage vessel and is not resting on the leg supports; or there is liquid on the floating roof; or the seal is detached; or there are holes or tears in the seal fabric; or there are visible gaps between the seal and the wall of the storage vessel, repairs shall be made to the equipment within 45 calendar days. If a failure is detected that cannot be repaired within 45 calendar days and if the vessel cannot be emptied within 45 calendar days, the owner or operator may utilize up to 2 extensions of up to 30 additional calendar days each, provided that documentation of a decision to utilize an extension is maintained that includes a description of the failure, that alternate storage capacity is unavailable, and that specifies a schedule of actions that will ensure that the equipment will be repaired or the vessel will be emptied as soon as possible. If during the inspections, the internal floating roof has defects; or the primary seal has holes, tears, or other openings in the seal or the seal fabric; or the secondary seal has holes, or tears, or other openings in the seal or the seal fabric; or the gaskets no longer close off the liquid surface from the atmosphere; or the slotted membrane has more than 10 percent open area, the repairs shall be made before the vessel is refilled with organic HAP. [62-204.800(10)(b), F.A.C.] [40 CFR 63.120(a)(2)] [40 CFR 63.120(a)(4) - (6)] [1130004003AC, SC #6] <u>STERP</u>. Visually inspect the deck fitting for the slotted guidepole at least once every 10 years and each time the vessel is emptied and degassed. If the slotted guidepole deck fitting or control devices have defects, or if a gap of more than 0.32 centimeters (1/8 inch) exists between any gasket required for control of the slotted guidepole deck fitting and any surface that is intended to seal, such items shall be repaired before filling or refilling the storage vessel with regulated material. [Federal Register Notice 19891 (April 13, 2000)]	(1) Periodic reports are to include a summary of the results of each internal or external inspection conducted in which a failure was detected with the date of the inspection, identification of the storage vessel in which a failure was detected and a description of the failure. Also, the nature of and date the repair was made or the date the storage vessel was emptied is to be documented. The Department shall be notified in writing at least 30 calendar days prior to the refilling of a storage vessel that has been emptied and degassed. If the facility could not have known about the refilling 30 calendar days in advance, the facility shall notify the Department at least 7 calendar days prior to the refilling of the storage vessel. Notification made by telephone shall be immediately followed by written documentation demonstrating why the inspection was unplanned. Documentation pertaining to the utilization of any extensions is to be included. [62-204.800(10)(b), F.A.C.] [40 CFR 63.122, (a)(4), (a)(5), (d)] [40 CFR 63.123(a), (c), (g)] [1130004003AC, SC #7] (2) Except in the event of an unplanned inspection, the Department shall be notified in writing 30 days in advance of refilling the vessel. In the event of an unplanned inspection, the Department shall be notified within 7 calendar days prior to the refilling of the storage vessel. Notification may be made by telephone and immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, the notification may be solely in writing. [62-204.800(10)(b), F.A.C.] [40 CFR 63.120(a)(6)] (3) Records showing each tank's dimensions and capacities and records of each inspection shall be maintained as long as the tank retains Group 1 or Group 2 status under the HON and is in operation. [62-204.800(10)(b), F.A.C.] [40 CFR 63.123(a) and (c)] [1130004003AC, SC #8]

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Permit Section III ID. No.	Description	Condition/Limitation	Compliance Testing / Demonstration Requirement(s)	Recordkeeping/ Reporting Requirement(s)
B	Sitewide HON Heat Exchangers	All sitewide heat exchange systems not meeting the conditions specified in 40 CFR 63.104(a)(1) through (6), shall be monitored by (a) inspecting the cooling water for the presence of one or more organic HAPs or other representative substance whose presence in cooling water indicates a leak as specified in 40 CFR 63.104(b)(1) through (6); or (b) using a surrogate indicator of heat exchanger system leaks as specified in 40 CFR 63.104(c)(1) through (3). [62-204.800(10)(b), F.A.C.] [40 CFR 63.104(a), (b), and (c)]	Beginning April 22, 1999, any leaks that are detected shall be repaired as soon as practical but not later than 45 days after the Permittee receives results of monitoring tests indicating a leak. After repair, the Permittee shall confirm that the heat exchange system has been repaired within 7 calendar days of the repair or startup, whichever is later. Repairs may be delayed beyond 45 days if the criteria specified in 40 CFR 63.104(e) are met. [62-204.800(10)(b), F.A.C.] [40 CFR 63.104(d) and (e)]	Beginning April 22, 1999, the Permittee shall maintain records of required monitoring, leaks detected, the dates of efforts to repair leaks, and the method or procedures used to confirm repair of a leak and the date the repair was confirmed. Periodic reports are required only if the Permittee invokes the delay of repair. Periodic reports shall include information required by 40 CFR 63.104(f)(2). [62-204.800(10)(b), F.A.C.] [40 CFR 63.104(f)]
C	Methanol Storage HON-Maintenance Wastewater	Permittee shall prepare a description of maintenance procedures for management of wastewaters containing those organic HAPs listed in Table 9 of 40CFR Subpart G which are generated from the emptying and purging of equipment in the process during temporary shutdowns for inspections, maintenance, and repair (i.e., a maintenance-turnaround) and during periods which are not shutdown (i.e., routine maintenance). The descriptions shall: (1) specify process equipment or maintenance tasks anticipated to create wastewater during maintenance activities, (2) specify procedures that will be followed to properly manage the wastewater and control organic HAP emissions to the atmosphere, and (3) specify procedures to be followed when clearing materials from process equipment. Permittee shall modify and update maintenance procedures as needed. [62-204.800(10)(b), F.A.C.] [40 CFR 63.105(b) and (c)]	The Permittee shall maintain a record of the required information as part of the startup, shutdown, and malfunction plan required under 40 CFR 63.6(e)(3). Plans shall be maintained and kept readily available for inspection for the life of the source, or until 40 CFR Part 63 standards no longer apply to the source. No notification or periodic reporting of maintenance wastewater activities is required. [62-204.800(10)(b), F.A.C.] [40 CFR 63.105(d)]	See requirements specified in "Compliance Testing/Demonstration Requirement(s)" column.
D	Methylamines Plants Sample Points	Sampling points in methanol service shall meet the criteria set forth in 40 CFR 63.166. [62-204.800(10)(b), F.A.C.] [40 CFR 63.166]	Each sampling connection system shall be equipped with a closed-purge, closed-loop, or closed-vent system. Gases displaced during filling of the sample container are not required to be collected or captured. Each sampling system shall meet one of the specifications specified in 40 CFR 63.166(b). [62-204.800(10)(b), F.A.C.][40 CFR 63.166]	The Permittee shall maintain records specified in 40 CFR 63.181(b)(1)(i) and no periodic reporting is required under 40 CFR 63.182. Notwithstanding, Title V semi-annual progress reports shall be submitted that identify any instances of non-compliance and annual Title V compliance certification reports must certify whether or not compliance with applicable requirements has been achieved.

TABLE 1
SUMMARY OF APPLICABLE REQUIREMENTS AND COMPLIANCE PROCEDURES
TAMINCO, INC. – TAMINCO PACE PLANT

Permit Section III ID. No.	Description	Condition/Limitation	Compliance Testing / Demonstration Requirement(s)	Recordkeeping/ Reporting Requirement(s)
				[62-204.800(10)(b), F.A.C.][40 CFR 63.181]
E	Riley Stoker Boiler	The maximum allowable operating rate of the Riley Stoker Boiler is 90,000 pounds of steam per hour at 600 psig, averaged daily. [62-213.440(1), F.A.C.]	The production rate of steam shall be calculated from the steam production daily records.	The Permittee shall maintain records of operation.
E	Riley Stoker Boiler	Visible emissions shall not exceed 20% opacity under normal operating conditions except for up to one 2-minute period per hour during which opacity shall not exceed 40%. [62-296.406(1), F.A.C.]	EPA Method 9 testing shall be conducted annually during each federal fiscal year at 90 to 100 percent of the maximum capacity. [62-297.310(2)(b), F.A.C.] [AO57-179642, SC #17]	Results of testing reported to the Department within 45 days after testing and must contain, at a minimum, information required in [62-297.310(8), F.A.C.].
F	B & W Boiler	The maximum allowable operating rate of the B & W Boiler is 90,000 pounds of steam per hour at 600 psig, averaged daily. [62-213.440(1), F.A.C.]	The annual production rate of steam shall be calculated from daily records.	The Permittee shall maintain records of operation. The annual production rate of steam shall be calculated from the monthly measured steam production
F	B & W Boiler	Visible emissions shall not exceed 20% opacity under normal operating conditions except for up to one 2-minute period per hour at not more than 40% opacity. [62-296.406(1), F.A.C.]	EPA Method 9 testing shall be conducted annually during each federal fiscal year at 90 to 100 percent of the maximum boilerplate capacity, which is 90,000 pounds per hour of steam. [62-297.310(2)(b), F.A.C.] [AO57-179641, SC #17]	Results of testing reported to the Department within 45 days after testing and must contain, at a minimum, information required in [62-297.310(8), F.A.C.].
G	Amines Plants Flare	The Amines Plants Flare, a non-assisted flare, shall: • Be operated at all times when HON-regulated emissions may be vented to it and shall maintain a minimum net heating value of the gas being combusted at 7.45 MJ/scm (200 Btu/scf) when emission units subject to 40 CFR Parts G or H are venting to the flare • Be operated with a flame present at all times. • Maintain the exit velocity of gas from the flare at less than or equal to 60 ft/sec (18.3 m/sec). [62-204.800(10)(b), F.A.C.] [40 CFR 63.11(b)(3), (5), (6) and (7)]	• Compliance with the minimum net heating value requirement shall be demonstrated by maintaining a vent gas to natural gas fuel input ratio sufficient to maintain a minimum net heating value of 7.45 MJ/scm (200 Btu/scf). • The presence of a flare pilot plant flame shall be measured using a thermocouple or other equivalent device. • A high flow alarm on the natural gas flow controller shall ensure that the maximum allowable flare exit velocity 60 ft/sec (18.3 m/sec) will not be exceeded. [62-204.800(10)(b), F.A.C.] [40 CFR 63.11(b)(3), (5), (6) and (7); and 40 CFR 60.18]	The Permittee shall maintain records of the following information: • Identification of the dates and durations of periods during which the minimum heating value, pilot flame, and exit velocity requirements were not maintained and the reasons why these requirements were not met. • Identification of the dates and durations during which flare control and monitoring systems were inoperative. The Permittee shall submit periodic reports that identify each occurrence during which heating value, pilot flame, and exit velocity requirements were not maintained. Periodic reports shall also specify periods during which the control and monitoring systems were inoperative. The lack of monitoring data shall not constitute an excursion if other process data is available that

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SUMMARY OF APPLICABLE REQUIREMENTS AND COMPLIANCE PROCEDURES
TAMINCO, INC. – TAMINCO PACE PLANT

Permit Section III ID. No.	Description	Condition/Limitation	Compliance Testing / Demonstration Requirement(s)	Recordkeeping/ Reporting Requirement(s)
				adequately demonstrates that the flare was operating normally. [62-204.800(10)(b), F.A.C.] [40 CFR 63.118(a)(1)] [40 CFR 63.122(g)(3)] [40 CFR 63.130(a)(i)] [40 CFR 63.130(a)(1)] [40 CFR 152(c)(4)(E)(iii)] [40 CFR 63.172]
G	Amines Plants Flare	The Amines Plants Flare shall be operated with no visible emissions, except for periods not to exceed a total of 5 minutes in any 2 consecutive hours. [62-204.800(10)(b), F.A.C.] [40 CFR 63.11(b)(4)]	The Permittee shall conduct an EPA Method 22 test once during the twelve months prior to the expiration of the permit. The test shall be conducted during operations at a time when Methylamines Plant No. 1 or 4 are operating at maximum production rates. The observation period shall be at least 2 hours. [62-204.800(10)(b), F.A.C.] [40 CFR 63.11(b)(4)]	Results of testing must be reported to the Department within 45 days after testing and must contain, at a minimum, information required in 62-297.310(8), F.A.C. Periodic reports will only specify that EPA Method 22 testing was conducted and indicate any deviations from the visible emissions requirement. [62-297.310(8), F.A.C.]
G	Amines Plants Flare	During periods of flare startup, shutdown, malfunction, and maintenance, or other such periods that the Permittee may choose, the Permittee may divert emissions from the flare to the Fuel Gas System Boilers. This condition does not apply to any of the Amines Plants High-Pressure Absorber Vents, which are typically routed to the Fuel Gas System and may be routed to the flare during startup, shutdown, malfunction and maintenance of the Fuel Gas System. [62-204.800(10)(b), F.A.C.] [40 CFR 63.6(e)(3]	The Permittee shall demonstrate compliance with this requirement by maintaining compliance with 40 CFR Part 63 requirements pertaining to startup, shutdown, malfunction, and reporting of maintenance activities in accordance with other permit conditions set forth in this permit that pertain to emission units that emit organic hazardous air pollutants to the Amines Flare and that are regulated under 40 CFR 63 Subparts F, G, and H. [62-204.800(10)(b), F.A.C.] [40 CFR 63.10(d)(5)]	See “Compliance Testing” column.
H	Methylamines Plant No. 1 Gas-Fired Heater	The maximum allowable operating rate of the Methylamines Gas-Fired Heater is 10 million Btu/hr heat input.	The actual gas-fired heater heat input will be calculated on a semi-annual basis as the sum of the previous 12 months total measured flow of natural gas to the heater and the average higher heating value of the natural gas. [62-213.440(1),F.A.C.]	The Permittee shall maintain records of operation. The annual gas-fired heater heat capacity will be calculated on a semi-annual basis as the sum of the previous 12 months total measured flow of natural gas to the heater and the average higher heating value of natural gas. [62-213.440(1), F.A.C.]
H	Methylamines Plant No. 1 Gas-Fired Heater	Visible emissions shall be less than 20% opacity at all times. [62-296.320(4)(b), F.A.C.]	EPA Method 9 testing of the Methylamines Plant No. 1 Gas-Fired Heater Stack shall be conducted once within the final twelve months of the Title V permit at 90 to 100 percent of the maximum design firing rate of 10 million Btu per hour. [62-297(7)(a)3, F.A.C.]	The Permittee shall report the results of testing to the Department within 45 days after testing and must contain, at a minimum, information required in [62-297.310(8), F.A.C.].
I	Methylamines Plant	The Permittee shall reduce emissions of	Intermittent organic hazardous air pollutant emissions from Methylamines Plant No. 1 Process Vents shall be vented to the Amines	Periodic reports on flare operation will be submitted (see “Amines Plant Flare”).

TABLE 1
SUMMARY OF APPLICABLE REQUIREMENTS AND COMPLIANCE PROCEDURES
TAMINCO, INC. – TAMINCO PACE PLANT

Permit Section III ID. No.	Description	Condition/Limitation	Compliance Testing / Demonstration Requirement(s)	Recordkeeping/ Reporting Requirement(s)
	No. 1 Process Vents	organic hazardous air pollutants (i.e., chemicals listed in Table 2 of 40 CFR Part 60 Subpart F) using a vapor collection system and flare meeting the criteria of 40 CFR 63.11(b). This condition does not apply to any of the High Pressure Absorber Vents which are typically routed to the Fuel Gas System. [62-204.800(10)(b), F.A.C.] [40 CFR 63.113(a)(1)]	Plants Flare, which shall meet the general control device requirements of 40 CFR 63.11(b). Specific permit conditions applicable to the Amines Plants Flare are specified elsewhere in this permit. [62-204.800(10)(b), F.A.C.] [40 CFR 63.113(a)(1)]	[62-204.800(10)(b), F.A.C.] [40 CFR 63.118] [40 CFR 63.152(c)(4)(C)]
J	Methylamines Plant No. 1 Wastewater	The Permittee shall comply with requirements set forth in 40 CFR 63.132(a)(1) through (a)(3), which requires that the Permittee determine whether a wastewater emission source is a Group 1 or Group 2 stream. For Group 2 streams, the Permittee shall comply with the recordkeeping requirements of 40 CFR 63.146. [62-204.800(10)(b), F.A.C.] [40 CFR 63.132(a)]	If the Permittee uses process knowledge to determine the annual average concentration of a wastewater stream and/or the annual average flow rate and thereby concludes that a wastewater stream is not a Group 1 stream, the Permittee shall keep in a readily accessible location the documentation of how process knowledge was used. [62-204.800(10)(b), F.A.C.] [40 CFR 63.147(f)]	Maintain records of information specified in "Compliance Demonstration" Column.
K	Methylamines Plant No. 1 HON Maintenance Wastewater	The Permittee shall maintain a description of maintenance procedures for management of wastewaters containing those organic HAPs listed in Table 9 of 40 CFR Subpart G which are generated from the emptying and purging of equipment in the process during temporary shutdowns for inspections, maintenance, and repair (i.e., a maintenance-turnaround) and during periods which are not shutdown (i.e., routine maintenance). The descriptions shall: (1) specify the process equipment or maintenance tasks that are anticipated to create wastewater during maintenance activities, (2) specify procedures that will be followed to properly manage the wastewater and control organic HAP emissions to the atmosphere, and (3) specify the procedures to be followed when clearing materials from process equipment. The Permittee shall modify and update the maintenance procedures as needed. [62-204.800(10)(b), F.A.C.] [40 CFR	The Permittee shall maintain a record of the required information as part of the startup, shutdown, and malfunction plan required under 40 CFR 63.6(e)(3). Plans shall be maintained and kept readily available for inspection for the life of the source, or until 40 CFR Part 63 standards no longer apply to the source. No notification or periodic reporting of maintenance wastewater activities is required. [62-204.800(10)(b), F.A.C.] [40 CFR 63.105(d)]	See requirements specified in "Compliance Testing/Demonstration Requirement(s)" column.

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SUMMARY OF APPLICABLE REQUIREMENTS AND COMPLIANCE PROCEDURES
TAMINCO, INC. – TAMINCO PACE PLANT

Permit Section III ID. No.	Description	Condition/Limitation	Compliance Testing / Demonstration Requirement(s)	Recordkeeping/ Reporting Requirement(s)
		63.105(b) and (c)]		
L	Methylamines Plants Nos. 1&4 HON Group 2 Storage Tanks	For the Group 2 storage vessels (D-68127, D-68146, D-67116O & D-67134B in the common service of both MA Plants 1 and 4), the Permittee shall comply with the recordkeeping requirements of 40 CFR 63.123(a). [62-204.800(10)(b), F.A.C.] [40 CFR 63.119(a)(3)]	The Permittee shall keep records showing the dimensions of the storage vessel and an analysis showing the capacity of the vessel. The Permittee is not required to comply with any other provisions of 40 CFR 63.119 through 40 CFR 63.123. [62-204.800(10)(b), F.A.C.] [40 CFR 63.123(a)]	See "Compliance Demonstration" column.
M	Methylamines Plant No. 1 NSPS Storage Tanks	The Methylamines Plant No. 1 NSPS Storage Tanks (D-67204E, D-67216A and D-67216B located at MA Plant 1, used in common service of MA Plants 1 & 4) shall vent through a closed loop vent system followed by a control device designed and operated to reduce inlet emissions of VOC by 95 percent. [62-204.800(7)(b)16, F.A.C.] [40 CFR 60.112b(a)(3)(i)]	Emissions from the storage tanks shall be vented to the Amines Plants Flare, which shall meet the general control device requirements of 40 CFR 60.18. Specific permit conditions applicable to the Amines Plants Flare are specified elsewhere in this permit. [62-204.800(7)(b)16, F.A.C.] [40 CFR 60.112b(a)(3)(ii)]	Periodic reports on flare operation and closed vent system inspections will be submitted (see "Amines Plant Flare" and "Common Requirements" for specifics)
N	Higher Amines Plant Gas-Fired Heater	The maximum allowable operating rate of the Methylamines Gas-Fired Heater 8.4 MM Btu/hr.	The gas-fired heater heat capacity will be calculated from the measured flow of natural gas to the heater and the average higher heating value of natural gas.	The Permittee shall maintain records of operation. The annual gas-fired heater heat capacity will be calculated on a semi-annual basis as the sum of the previous 12 months total measured flow of natural gas to the heater and the average higher heating value of natural gas. [62-213.440(1), F.A.C.]
N	Higher Amines Plant Gas-Fired Heater	Visible emissions shall be less than 20% at all times. [62-296.320(4)(b), F.A.C.]	EPA Method 9 testing of the Higher Amines Plant Gas-Fired Heater stacks shall be conducted once during the final twelve months of the permit term. [62-297.310(7)(a)3, F.A.C.] [AO-179664, SC #17)	The Permittee shall maintain records of EPA Method 9 compliance tests for this source for five years. [62-213.440(1), F.A.C.]
O	72" Batch Column Process Vent	Common Conditions: 'Recordkeeping and Reporting of Startups, Shutdowns, and Malfunctions' and 'General Recordkeeping Requirements'	Common Condition: 'Recordkeeping and Reporting of Startups, Shutdowns, and Malfunctions'	40 CFR 63.2525(e) and 63.2520, Common Conditions: 'Recordkeeping and Reporting of Startups, Shutdowns, and Malfunctions' and 'Excess Emissions and Data Obtained During Startups, Shutdowns, and Malfunctions'
P	72" Batch Column MON Maintenance Wastewater	The Permittee shall prepare a description of maintenance procedures for management of wastewaters containing those organic HAPs listed in Table 9 of 40 CFR Subpart G which are generated from the emptying and	The Permittee shall maintain a record of the required information as part of the startup, shutdown, and malfunction plan required under 40 CFR 63.6(e)(3). Plans shall be maintained and kept readily available for inspection for the life of the source, or until 40 CFR Part 63 standards no longer apply to the source. No notification or periodic reporting of	See requirements specified in "Compliance Testing/Demonstration Requirement(s)" column.

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SUMMARY OF APPLICABLE REQUIREMENTS AND COMPLIANCE PROCEDURES
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Permit Section III ID. No.	Description	Condition/Limitation	Compliance Testing / Demonstration Requirement(s)	Recordkeeping/ Reporting Requirement(s)
		purging of equipment in the process during temporary shutdowns for inspections, maintenance, and repair (i.e., a maintenance-turnaround) and during periods which are not shutdown (i.e., routine maintenance). The descriptions shall: (1) specify the process equipment or maintenance tasks that are anticipated to create wastewater during maintenance activities, (2) specify procedures that will be followed to properly manage the wastewater and control organic HAP emissions to the atmosphere, and (3) specify the procedures to be followed when clearing materials from process equipment. The Permittee shall modify and update the maintenance procedures as needed. [62-204.800(10)(b), F.A.C.] [40 CFR 63.105(b) and (c)]	maintenance wastewater activities is required. [62-204.800(10)(b), F.A.C.] [40 CFR 63.105(d)]	
Q	Higher Amines and 72" Batch Column MON Equipment Leaks	The same permit conditions specified for Methylamines Plant No. 1 HON Equipment Leaks will apply to the Higher Amines Plant HON Equipment Leaks for the following types of equipment: • Pumps in light liquid service • Sampling connection systems • Open-ended valves or lines • Valves in gas/vapor service and in light liquid service • Connectors in gas/vapor service and in light liquid service • Surge control vessels	Refer to Methylamines Plant No. 1 HON Equipment Leaks	Refer to Methylamines Plant No. 1 HON Equipment Leaks
R	Higher Amines/72"& #8221; Batch/DIMLA MON Group 2 Storage Tanks	For each Group 2 storage vessel (D-69101A, B, C and D), the Permittee shall comply with the recordkeeping requirements of 40 CFR 63.123(a). [62-204.800(10)(b), F.A.C.] [40 CFR 63.119(a)(3)]	The Permittee shall keep records showing the dimensions of each storage vessel and an analysis showing the capacity of each vessel. The Permittee is not required to comply with any other provisions of 40 CFR 63.119 through 40 CFR 63.123. [62-204.800(10)(b), F.A.C.] [40 CFR 63.123(a)]	See "Compliance Demonstration" column.
S	72" Batch Column MON Wastewater	From April 22, 1999, the Permittee shall comply with requirements set forth in 40 CFR 63.132(a)(1) through (a)(3), which requires that the Permittee determine	If the Permittee uses process knowledge to determine the annual average concentration of a wastewater stream and/or the annual average flow rate used to determine that a wastewater stream is not a Group 1 stream, the Permittee shall keep in a readily accessible location the documentation of	Maintain records of information specified in "Compliance Demonstration" Column.

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SUMMARY OF APPLICABLE REQUIREMENTS AND COMPLIANCE PROCEDURES
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Permit Section III ID. No.	Description	Condition/Limitation	Compliance Testing / Demonstration Requirement(s)	Recordkeeping/ Reporting Requirement(s)
		whether a wastewater emission source is a Group 1 or Group 2 stream. For Group 2 streams, the Permittee shall comply with the recordkeeping requirements of 40 CFR 63.146. [62-204.800(10)(b), F.A.C.] [40 CFR 63.132(a)]	how process knowledge was used. [62-204.800(10)(b), F.A.C.] [40 CFR 63.146(f)]	
T	Higher Amines and 72" Batch Column Group 2 MON Transfer Rack	This transfer rack is limited to loading no more than 0.65 million liters/year of liquids that contain organic HAP with a rack-weighted average partial pressure, as defined in Sec. 63.111, greater than or equal to 1.5 pound per square inch absolute. [40 CFR 63.2550(i)-definition of "Group 2 Transfer Rack"]	N.A.	Submit compliance report containing the information specified in § 63.2520(e). Report to be submitted semiannually according to the requirements in § 63.2520(b).
U	Methylamines Plant No. 4 Gas-Fired Heater	The maximum allowable operating rate of the Methylamines Plant 4 Gas-Fired Heater is 10 MM Btu/hr.	The gas-fired heater heat capacity will be calculated from the measured flow of natural gas to the heater and the average higher heating value of natural gas.	The Permittee shall maintain records of operation. The annual gas-fired heater heat capacity will be calculated on a semi-annual basis as the sum of the previous 12 months total measured flow of natural gas to the heater and the average higher heating value of natural gas. [62-213.440(1), F.A.C.]
U	Methylamines Plant No. 4 Gas-Fired Heater	Visible emissions shall be less than 20% at all times. [62-296.320(4)(b), F.A.C.]	EPA Method 9 testing shall be conducted once during permit term at 90 to 100 percent of the maximum design firing rate of 10 million Btu per hour. The test shall be performed within the final twelve months of the permit term. [62-297(7)(a)3, F.A.C.]	Results of testing reported to the Department within 45 days after testing and must contain, at a minimum, information required in [62-297.310(8), F.A.C.].
V	Methylamines Plant No. 4 Process Vents	The Permittee shall reduce emissions of organic hazardous air pollutants (i.e., chemicals listed in Table 2 of 40 CFR Part 60 Subpart F) using a vapor collection system and flare meeting the criteria of 40 CFR 63.11(b). [62-204.800(10)(b), F.A.C.] [40 CFR 63.113(a)(1)]	Intermittent organic hazardous air pollutant emissions from Methylamines Plant No. 4 Process Vents shall be vented to the Amines Plants Flare, which shall meet the general control device requirements of 40 CFR 63.11(b). Specific permit conditions applicable to the Amines Plants Flare are specified elsewhere in this permit. [62-204.800(10)(b), F.A.C.] [40 CFR 63.113(a)(1)]	Continuous records of flare operation shall be maintained and periodic reports on flare operation shall be submitted (see "Amines Plant Flare"). [62-204.800(10)(b), F.A.C.] [40 CFR 63.118] [40 CFR 63.152(c)(4)(C)]
W	Methylamines Plant No. 4 Wastewater	The Permittee shall comply with requirements set forth in 40 CFR 63.132(a)(1) through (a)(3), which requires that the Permittee determine whether a wastewater emission source is a Group 1 or Group 2 stream. For Group 2 streams, the	If the Permittee uses process knowledge to determine the annual average concentration of a wastewater stream and/or the annual average flow rate used to determine that a wastewater stream is not a Group 1 stream, the Permittee shall keep in a readily accessible location the documentation of how process knowledge was used.	Maintain records of information specified in "Compliance Demonstration" Column.

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SUMMARY OF APPLICABLE REQUIREMENTS AND COMPLIANCE PROCEDURES
TAMINCO, INC. – TAMINCO PACE PLANT

Permit Section III ID. No.	Description	Condition/Limitation	Compliance Testing / Demonstration Requirement(s)	Recordkeeping/ Reporting Requirement(s)
		Permittee shall comply with the recordkeeping requirements of 40 CFR 63.146. [62-204.800(10)(b), F.A.C.] [40 CFR 63.132(a)]	[62-204.800(10)(b), F.A.C.] [40 CFR 63.147]	
X	Methylamines Plant No. 4 HON Maintenance Wastewater	The Permittee shall maintain a description of maintenance procedures for management of wastewaters containing those organic HAPs listed in Table 9 of 40 CFR Subpart G which are generated from the emptying and purging of equipment in the process during temporary shutdowns for inspections, maintenance, and repair (i.e., a maintenance-turnaround) and during periods which are not shutdown (i.e., routine maintenance). The descriptions shall: (1) specify the process equipment or maintenance tasks that are anticipated to create wastewater during maintenance activities, (2) specify procedures that will be followed to properly manage the wastewater and control organic HAP emissions to the atmosphere, and (3) specify the procedures to be followed when clearing materials from process equipment. The Permittee shall modify and update the maintenance procedures as needed. [62-204.800(10)(b), F.A.C.] [40 CFR 63.105(b) and (c)]	The Permittee shall maintain a record of the required information as part of the startup, shutdown, and malfunction plan required under 40 CFR 63.6(e)(3). Plans shall be maintained and kept readily available for inspection for the life of the source, or until 40 CFR Part 63 standards no longer apply to the source. No notification or periodic reporting of maintenance wastewater activities is required. [62-204.800(10)(b), F.A.C.] [40 CFR 63.105(d)]	See requirements specified in "Compliance Testing/Demonstration Requirement(s)" column.
Y	Methylamines Plant No. 1 & 4 HON Equipment Leaks	<u>Pumps</u>. The Permittee shall meet the criteria set forth in 40 CFR 63.163 for pumps in light liquid service that have been designated by the Permittee to be in organic hazardous air pollutant light liquid service for 300 or more hours per year. [62-204.800(10)(b), F.A.C.] [40 CFR 63.163]	In order to comply with the requirements of 40 CFR 63.163, the Permittee shall either: (1) Comply with the Phase III leak detection and repair requirements specified in 40 CFR 63.163, or (2) Alternately, the Permittee may comply with the requirements specified in 40 CFR 63.163 using methods specified in 40 CFR 63.163(e), (f), or (g). [62-204.800(10)(b), F.A.C.] [40 CFR 63.163]	If the Permittee elects to demonstrate compliance with the requirements of 40 CFR 63.163 by implementing a leak detection and repair program, records shall be maintained in accordance with 40 CFR 63.181(b)(1)(i), (b)(7), (c), (d), and if a quality improvement plan is implemented, records required under paragraph (h) shall also be maintained. If the Permittee elects to demonstrate compliance using methods specified in 40 CFR 63.163(e), (f), or (g), other relevant records specified in 40 CFR 63.163 shall be maintained. Periodic reports containing relevant information specified in 40 CFR 63.182(d) shall be submitted to the Department. [62-204.800(10)(b), F.A.C.] [40 CFR 63.181 and

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Permit Section III ID. No.	Description	Condition/Limitation	Compliance Testing / Demonstration Requirement(s)	Recordkeeping/ Reporting Requirement(s)
				.182]
Y	Methylamines Plant No. 1 & 4 HON Equipment Leaks	Pressure relief devices. The Permittee shall comply with the requirements set forth in 40 CFR 63.165 for pressure relief devices in gas/vapor service that have been designated by the Permittee to be in organic hazardous air pollutant gas/vapor service for 300 or more hours per year. Pressure relief devices that are routed to a process or fuel gas system are exempt. [62-204.800(10)(b), F.A.C.] [40 CFR 63.165]	After pressure releases from pressure relief valves that are not equipped with upstream rupture disks, the pressure relief device shall be returned to less than 500 ppmv above background, as confirmed by the method specified in 40 CFR 63.180(c), as soon as practicable, but no later than 5 days after the release. Any pressure relief device with an upstream rupture disk is exempt from monitoring, provided that in the event that a release ruptures the disk, the disk is replaced as soon as practicable, but no later than 5 days after the release. [62-204.800(10)(b), F.A.C.] [40 CFR 63.165] [40 CFR 63.180]	Records shall be maintained in accordance with 40 CFR 63.181(b)(1)(i), (b)(3), and (f). Periodic reports meeting the specifications of 40 CFR 63.182(d)(xiv) shall be submitted to the Department. [62-204.800(10)(b), F.A.C.] [40 CFR 63.181 and .182]
Y	Methylamines Plant No. 1 & 4 HON Equipment Leaks	Open-ended valves or lines. The Permittee shall comply with requirements set forth in 40 CFR 63.167 for open-ended lines that have been designated by the Permittee to be in organic hazardous air pollutant service for 300 or more hours per year. [62-204.800(10)(b), F.A.C.] [40 CFR 63.167]	Each open-ended valve or line shall be equipped with a cap, blind flange, plug, or a second valve, except for open-ended valves specified in 40 CFR 63.167(d) and (e), which are exempt. The Permittee shall also comply with work and operating practices specified in 40 CFR 63.167(a)(2), (b), and (c). [62-204.800(10)(b), F.A.C.] [40 CFR 63.167]	The Permittee shall maintain records specified in 40 CFR 63.181 (b)(1)(i) and no periodic reporting shall be required under 40 CFR 63.182. Notwithstanding, Title V semi-annual progress reports shall be submitted that identify any instances of non-compliance and annual Title V compliance certification reports must certify whether or not compliance with applicable requirements has been achieved.[62-204.800(10)(b), F.A.C.] [40 CFR 63.181 and .182]
Y	Methylamines Plant No. 1 & 4 HON Equipment Leaks	Valves. The Permittee shall comply with Phase III leak detection and repair criteria set forth in 40 CFR 63.168 for valves in light liquid and gas service that have been designated by the Permittee to be in organic hazardous air pollutant light liquid/gas service for 300 or more hours per year. [62-204.800(10)(b), F.A.C.] [40 CFR 63.168]	The Permittee shall inspect and repair valves according to the criteria specified in 40 CFR 63.168. [62-204.800(10)(b), F.A.C.] [40 CFR 63.165] [40 CFR 63.180]	Records shall be maintained in accordance with 40 CFR 63.181(b)(1)(i) and (ii), (b)(7), (d), and if a quality improvement plan is implemented, records required under paragraph (i) shall also be required. Periodic reports containing relevant information specified in 40 CFR 63.182(d) shall be submitted to the Department. [62-204.800(10)(b), F.A.C.] [40 CFR 63.181 and .182]
Y	Methylamines Plant No. 1 & 4 HON Equipment Leaks	Connectors. The Permittee shall comply with Phase III leak detection and repair criteria set forth in 40 CFR 63.174 for connectors in light liquid and gas service that have been designated by the Permittee to be in organic hazardous air pollutant light liquid/gas service for 300 or more hours per year.[62-204.800(10)(b), F.A.C.] [40 CFR 63.174]	The Permittee shall inspect and repair connectors according to the criteria specified in 40 CFR 63.174. [62-204.800(10)(b), F.A.C.] [40 CFR 63.174]	Records shall be maintained in accordance with 40 CFR 63.181(b)(1)(i) and (ii), (b)(5), (b)(7), and (d). Periodic reports containing relevant information specified in 40 CFR 63.182(d) shall be submitted to the Department. [62-204.800(10)(b), F.A.C.] [40 CFR 63.181 and .182]
Y	Methylamines Plant	Sampling Points. The Permittee shall meet	Each sampling connection system shall be equipped with a closed-purge,	The Permittee shall maintain records specified in

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	No. 1 & 4 HON Equipment Leaks	the criteria set forth in 40 CFR 63.166 for sampling points in organic hazardous service that have been designated by the Permittee to be in organic hazardous air pollutant service for 300 or more hours per year. [62-204.800(10)(b), F.A.C.] [40 CFR 63.166]	closed-loop, or closed-vent system. Gases displaced during filling of the sample container are not required to be collected or captured. Each sampling system shall meet one of the specifications specified in 40 CFR 63.166(b). [62-204.800(10)(b), F.A.C.][40 CFR 63.166]	40 CFR 63.181(b)(1)(i) and no periodic reporting shall be required. [62-204.800(10)(b), F.A.C.][40 CFR 63.181]
Z	Methylamines Plant No. 4 VOC Equipment Leaks	Pressure relief devices. The Permittee shall comply with the requirements set forth in 40 CFR 60.482-4 for pressure relief devices in gas/vapor service. The Permittee shall comply with the requirements set forth in 40 CFR 60.482-8 for pressure relief devices in light liquid service. Pressure relief devices that are routed to a process or fuel gas system are exempt. [Rule 62-204.800(7)(b)(51), F.A.C.; 40 CFR 60.482-4 and 482-8]	Pressure relief devices. After pressure releases from pressure relief valves, the pressure relief device shall be returned to less than 500 ppmv above background, as confirmed by the method specified in 40 CFR 60.485(c), as soon as practicable, but no later than 5 days after the release. [Rule 62-204.800(7)(b)(51), F.A.C.; 40 CFR 60.482-4 and 60.485]	Records shall be maintained in accordance with 40 CFR 60.486(b)(1) and (c). Periodic reports containing relevant information specified in 40 CFR 60.487(c) shall be submitted to the Department. [Rule 62-204.800(7)(b)(51), F.A.C.; 40 CFR 60.486]
Z	Methylamines Plant No. 4 VOC Equipment Leaks	Open-ended valves or lines. The Permittee shall comply with requirements set forth in 40 CFR 60.482-6 for open-ended lines that have been designated by the Permittee to be in organic hazardous air pollutant service for 300 or more hours per year. [Rule 62-204.800(7)(b)(51), F.A.C.; 40 CFR 60.482-6]	Open-ended valves or lines. Each open-ended valve or line shall be equipped with a cap, blind flange, plug, or a second valve. The Permittee shall also comply with work and operating practices specified in 40 CFR 60.482-6(a)(2), (b), and (c). [Rule 62-204.800(7)(b)(51), F.A.C.; 40 CFR 60.482-6]	Valves. Records shall be maintained in accordance with 40 CFR 60.486(b)(1) and (c). Records shall also be maintained in accordance with 40 CFR 60.486(f) for every valve subject to the requirements of § 60.482-7(g) and (h). Periodic reports containing relevant information specified in 40 CFR 60.487(c) shall be submitted to the Department. [Rule 62-204.800(7)(b)(51), F.A.C.; 40 CFR 60.486]
Z	Methylamines Plant No. 4 VOC Equipment Leaks	Valves. The Permittee shall comply with the requirements set forth in 40 CFR 60.482-7 for valves in light liquid or gas/vapor service. [Rule 62-204.800(7)(b)(51), F.A.C.; 40 CFR 60.482-7]	Valves. The Permittee shall inspect and repair valves in light liquid or gas/vapor service according to the criteria specified in 40 CFR 60.482-7. The Permittee may elect to reduce the frequency of inspection in accordance with 40 CFR 60.483-2(b) after providing the Department with the appropriate notification as defined in 40 CFR 60.483-2(a) and 487(b). The Permittee shall inspect and repair valves in heavy liquid service according to the criteria specified in 40 CFR 60.482-8 [Rule 62-204.800(7)(b)(51), F.A.C.; 40 CFR 60.482-7, 60.482-8 and 60.483-2]	Valves. Records shall be maintained in accordance with 40 CFR 60.486(b)(1) and (c). Records shall also be maintained in accordance with 40 CFR 60.486(f) for every valve subject to the requirements of § 60.482-7(g) and (h). Periodic reports containing relevant information specified in 40 CFR 60.487(c) shall be submitted to the Department. [Rule 62-204.800(7)(b)(51), F.A.C.; 40 CFR 60.486]

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Permit Section III ID. No.	Description	Condition/Limitation	Compliance Testing / Demonstration Requirement(s)	Recordkeeping/ Reporting Requirement(s)
Z	Methylamines Plant No. 4 VOC Equipment Leaks	Flanges and Connectors. The Permittee shall comply with the requirements set forth in 40 CFR 60.482-8 for flanges and connectors. [Rule 62-204.800(7)(b)(51), F.A.C.; 40 CFR 60.482-8]	Connectors. The Permittee shall inspect and repair connectors according to the criteria specified in 40 CFR 60.482-8. [Rule 62-204.800(7)(b)(51), F.A.C.; 40 CFR60.482-8]	Connectors. Records shall be maintained in accordance with 40 CFR 60.486(b)(1) and (c). Periodic reports containing relevant information specified in 40 CFR 60.487(c) shall be submitted to the Department. [Rule 62-204.800(7)(b)(51), F.A.C.; 40 CFR 60.486]
Z	Methylamines Plant No. 4 VOC Equipment Leaks	Sampling Points. The Permittee shall meet the criteria set forth in 40 CFR 60.482-5 for sampling points. [Rule 62-204.800(7)(b)(51), F.A.C.; 40 CFR 60.482-5]	Sampling Points. Each sampling connection system shall be equipped with a closed-purge, closed-loop, or closed-vent system. Each sampling system shall meet one of the specifications specified in 40 CFR 60.482-5(b). [Rule 62-204.800(7)(b)(51), F.A.C.; 40 CFR60.482-5]	
Z	Methylamines Plant No. 4 VOC Equipment Leaks			Recordkeeping Requirements for All Equipment in VOC Service. Records shall be maintained for all equipment subject to 40 CFR 60.482-1 to 482-10 in accordance with the requirements of 40 CFR 60.486(e). [Rule 62-204.800(7)(b)(51), F.A.C.; 40 CFR 60.486] Components Not in VOC Service. The Permittee shall maintain records specified in 40 CFR 60.486(j) for any equipment considered not in VOC service. [Rule 62-204.800(7)(b)(51), F.A.C.; 40 CFR 60.486] Semiannual Reporting. The Permittee shall submit reports on a semi-annual basis to the Department in accordance with the requirements of 40 CFR 60.487. [Rule 62-204.800(7)(b)(51), F.A.C.; 40 CFR 60.487] Performance Test Reporting. The Permittee shall report the results of all performance tests in accordance with 40 CFR 60.8. The provisions of 4 CFR 60.8(d) do not apply to affected facilities subject to the provisions of this subpart except that an owner or operator must notify the Administrator of the schedule for the initial performance tests at least 30 days before the initial performance tests. [Rule 62-204.800(7)(b)(51), F.A.C.; 40 CFR 60.487]
AA	Higher Amines Plant	The Permittee shall reduce emissions of	Intermittent organic hazardous air pollutant emissions from Higher	Continuous records of flare operation shall be

TABLE 1
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Permit Section III ID. No.	Description	Condition/Limitation	Compliance Testing / Demonstration Requirement(s)	Recordkeeping/ Reporting Requirement(s)
	Process Vents	organic hazardous air pollutants (i.e., chemicals listed in Table 2 of 40 CFR Part 60 Subpart F) using a vapor collection system and flare meeting the criteria of 40 CFR 63.11(b). [62-204.800(10)(b), F.A.C.] [40 CFR 63.113(a)(1)]	Amines Plant Process Vents shall be vented to the Amines Plants Flare, which shall meet the general control device requirements of 40 CFR 63.11(b). Specific permit conditions applicable to the Amines Plants Flare are specified elsewhere in this permit. [62-204.800(10)(b), F.A.C.] [40 CFR 63.113(a)(1)]	maintained and periodic reports on flare operation shall be submitted (see "Amines Plant Flare"). [62-204.800(10)(b), F.A.C.] [40 CFR 63.118] [40 CFR 63.152(c)(4)(C)]
BB	Higher Amines/ DIMLA MON Maintenance Wastewater	The Permittee shall prepare a description of maintenance procedures for management of wastewaters containing those organic HAPs listed in Table 9 of 40 CFR Subpart G which are generated from the emptying and purging of equipment in the process during temporary shutdowns for inspections, maintenance, and repair (i.e., a maintenance-turnaround) and during periods which are not shutdown (i.e., routine maintenance). The descriptions shall: (1) specify the process equipment or maintenance tasks that are anticipated to create wastewater during maintenance activities, (2) specify procedures that will be followed to properly manage the wastewater and control organic HAP emissions to the atmosphere, and (3) specify the procedures to be followed when clearing materials from process equipment. The Permittee shall modify and update the maintenance procedures as needed. [62-204.800(10)(b), F.A.C.] [40 CFR 63.105(b) and (c)]	The Permittee shall maintain a record of the required information as part of the startup, shutdown, and malfunction plan required under 40 CFR 63.6(e)(3). Plans shall be maintained and kept readily available for inspection for the life of the source, or until 40 CFR Part 63 standards no longer apply to the source. No notification or periodic reporting of maintenance wastewater activities is required. [62-204.800(10)(b), F.A.C.] [40 CFR 63.105(d)]	See requirements specified in "Compliance Testing/Demonstration Requirement(s)" column.
CC	Higher Amines/ DIMLA MON Wastewater	From April 22, 1999, the Permittee shall comply with requirements set forth in 40 CFR 63.132(a)(1) through (a)(3), which requires that the Permittee determine whether a wastewater emission source is a Group 1 or Group 2 stream. For Group 2 streams, the Permittee shall comply with the recordkeeping requirements of 40 CFR 63.146. [62-204.800(10)(b), F.A.C.] [40 CFR 63.132(a)]	If the Permittee uses process knowledge to determine the annual average concentration of a wastewater stream and/or the annual average flow rate used to determine that a wastewater stream is not a Group 1 stream, the Permittee shall keep in a readily accessible location the documentation of how process knowledge was used. [62-204.800(10)(b), F.A.C.] [40 CFR 63.146(f)]	Maintain records of information specified in "Compliance Demonstration" Column.
DD	Higher Amines and	The closed vent system shall be designed to	Records of tank design will be maintained in accordance with Permit	Report/keep recordings of information specified

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Permit Section III ID. No.	Description	Condition/Limitation	Compliance Testing / Demonstration Requirement(s)	Recordkeeping/ Reporting Requirement(s)
	72" Batch Column Group 1 MON Storage Tanks	collect all VOC vapors and gases discharged from the storage vessel and operated with no detectable emissions as indicated by an instrument reading of less than 500 ppm above background and visual inspections, as determined in Part 60 Subpart VV, 40 CFR 60.485(b). [62-204.800(7)(b)(16), F.A.C.; 40 CFR 60.112b(a)(3)(i)]	Condition: 'Recordkeeping and Reporting Requirements'	in "Compliance Testing/Demonstration Requirement(s)" column.
EE	Sitewide HON Heat Exchangers	All sitewide heat exchange systems not meeting the conditions specified in 40 CFR 63.104(a)(1) through (6), shall be monitored by (a) inspecting the cooling water for the presence of one or more organic HAPs or other representative substance whose presence in cooling water indicates a leak as specified in 40 CFR 63.104(b)(1) through (6); or (b) using a surrogate indicator of heat exchanger system leaks as specified in 40 CFR 63.104(c)(1) through (3). [62-204.800(10)(b), F.A.C.] [40 CFR 63.104(a), (b), and (c)]	Beginning April 22, 1999, any leaks that are detected shall be repaired as soon as practical but not later than 45 days after the Permittee receives results of monitoring tests indicating a leak. After repair, the Permittee shall confirm that the heat exchange system has been repaired within 7 calendar days of the repair or startup, whichever is later. Repairs may be delayed beyond 45 days if the criteria specified in 40 CFR 63.104(e) are met. [62-204.800(10)(b), F.A.C.] [40 CFR 63.104(d) and (e)]	Beginning April 22, 1999, the Permittee shall maintain records of required monitoring, leaks detected, the dates of efforts to repair leaks, and the method or procedures used to confirm repair of a leak and the date the repair was confirmed. Periodic reports are required only if the Permittee invokes the delay of repair. Periodic reports shall include information required by 40 CFR 63.104(f)(2). [62-204.800(10)(b), F.A.C.] [40 CFR 63.104(f)]
GG	DIMLA MON Equipment Leaks	The same permit conditions specified for Methylamines Plant No. 1 & 4 HON Equipment Leaks will apply to the DIMLA HON Equipment Leaks for the following types of equipment: • Pumps in light liquid service • Sampling connection systems • Open-ended valves or lines • Valves in gas/vapor service and in light liquid service • Connectors in gas/vapor service and in light liquid service • Surge control vessels	Refer to Methylamines Plant No. 1 & 4 HON Equipment Leaks	Refer to Methylamines Plant No. 1 & 4 HON Equipment Leaks
HH	DIMLA VOC Equipment Leaks	Pressure relief devices. The Permittee shall comply with the requirements set forth in 40 CFR 60.482-4 for pressure relief devices in gas/vapor service. The Permittee shall comply with the requirements set forth in 40 CFR 60.482-8 for pressure relief devices in light liquid service. Pressure relief devices that are routed to a process or fuel gas system are exempt.	Pressure relief devices. After pressure releases from pressure relief valves, the pressure relief device shall be returned to less than 500 ppmv above background, as confirmed by the method specified in 40 CFR 60.485(c), as soon as practicable, but no later than 5 days after the release. [Rule 62-204.800(7)(b)(51), F.A.C.; 40 CFR 60.482-4 and 60.485]	Records shall be maintained in accordance with 40 CFR 60.486(b)(1) and (c). Periodic reports containing relevant information specified in 40 CFR 60.487(c) shall be submitted to the Department. [Rule 62-204.800(7)(b)(51), F.A.C.; 40 CFR 60.486]

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Permit Section III ID. No.	Description	Condition/Limitation	Compliance Testing / Demonstration Requirement(s)	Recordkeeping/ Reporting Requirement(s)
		[Rule 62-204.800(7)(b)(51), F.A.C.; 40 CFR 60.482-4 and 482-8]		
HH	DIMLA VOC Equipment Leaks	Open-ended valves or lines. The Permittee shall comply with requirements set forth in 40 CFR 60.482-6 for open-ended lines that have been designated by the Permittee to be in organic hazardous air pollutant service for 300 or more hours per year. [Rule 62-204.800(7)(b)(51), F.A.C.; 40 CFR 60.482-6]	Open-ended valves or lines. Each open-ended valve or line shall be equipped with a cap, blind flange, plug, or a second valve. The Permittee shall also comply with work and operating practices specified in 40 CFR 60.482-6(a)(2), (b), and (c). [Rule 62-204.800(7)(b)(51), F.A.C.; 40 CFR 60.482-6]	Valves. Records shall be maintained in accordance with 40 CFR 60.486(b)(1) and (c). Records shall also be maintained in accordance with 40 CFR 60.486(f) for every valve subject to the requirements of § 60.482-7(g) and (h). Periodic reports containing relevant information specified in 40 CFR 60.487(c) shall be submitted to the Department. [Rule 62-204.800(7)(b)(51), F.A.C.; 40 CFR 60.486]
HH	DIMLA VOC Equipment Leaks	Valves. The Permittee shall comply with the requirements set forth in 40 CFR 60.482-7 for valves in light liquid or gas/vapor service. [Rule 62-204.800(7)(b)(51), F.A.C.; 40 CFR 60.482-7]	Valves. The Permittee shall inspect and repair valves in light liquid or gas/vapor service according to the criteria specified in 40 CFR 60.482-7. The Permittee may elect to reduce the frequency of inspection in accordance with 40 CFR 60.483-2(b) after providing the Department with the appropriate notification as defined in 40 CFR 60.483-2(a) and 487(b). The Permittee shall inspect and repair valves in heavy liquid service according to the criteria specified in 40 CFR 60.482-8 [Rule 62-204.800(7)(b)(51), F.A.C.; 40 CFR 60.482-7, 60.482-8 and 60.483-2]	Valves. Records shall be maintained in accordance with 40 CFR 60.486(b)(1) and (c). Records shall also be maintained in accordance with 40 CFR 60.486(f) for every valve subject to the requirements of § 60.482-7(g) and (h). Periodic reports containing relevant information specified in 40 CFR 60.487(c) shall be submitted to the Department. [Rule 62-204.800(7)(b)(51), F.A.C.; 40 CFR 60.486]
HH	DIMLA VOC Equipment Leaks	Flanges and Connectors. The Permittee shall comply with the requirements set forth in 40 CFR 60.482-8 for flanges and connectors. [Rule 62-204.800(7)(b)(51), F.A.C.; 40 CFR 60.482-8]	Connectors. The Permittee shall inspect and repair connectors according to the criteria specified in 40 CFR 60.482-8. [Rule 62-204.800(7)(b)(51), F.A.C.; 40 CFR60.482-8]	Connectors. Records shall be maintained in accordance with 40 CFR 60.486(b)(1) and (c). Periodic reports containing relevant information specified in 40 CFR 60.487(c) shall be submitted to the Department. [Rule 62-204.800(7)(b)(51), F.A.C.; 40 CFR 60.486]
HH	DIMLA VOC Equipment Leaks	Sampling Points. The Permittee shall meet the criteria set forth in 40 CFR 60.482-5 for sampling points. [Rule 62-204.800(7)(b)(51), F.A.C.; 40 CFR 60.482-5]	Sampling Points. Each sampling connection system shall be equipped with a closed-purge, closed-loop, or closed-vent system. Each sampling system shall meet one of the specifications specified in 40 CFR 60.482-5(b). [Rule 62-204.800(7)(b)(51), F.A.C.; 40 CFR60.482-5]	
HH	DIMLA VOC Equipment Leaks			Recordkeeping Requirements for All Equipment in VOC Service. Records shall be maintained for all equipment subject to 40 CFR 60.482-1 to 482-10 in accordance with the requirements of 40 CFR 60.486(e). [Rule 62-204.800(7)(b)(51), F.A.C.; 40 CFR 60.486] Components Not in VOC Service. The Permittee

TABLE 1
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Permit Section III ID. No.	Description	Condition/Limitation	Compliance Testing / Demonstration Requirement(s)	Recordkeeping/ Reporting Requirement(s)
				shall maintain records specified in 40 CFR 60.486(j) for any equipment considered not in VOC service. [Rule 62-204.800(7)(b)(51), F.A.C.; 40 CFR 60.486] Semiannual Reporting. The Permittee shall submit reports on a semi-annual basis to the Department in accordance with the requirements of 40 CFR 60.487. [Rule 62-204.800(7)(b)(51), F.A.C.; 40 CFR 60.487] Performance Test Reporting. The Permittee shall report the results of all performance tests in accordance with 40 CFR 60.8. The provisions of 4 CFR 60.8(d) do not apply to affected facilities subject to the provisions of this subpart except that an owner or operator must notify the Administrator of the schedule for the initial performance tests at least 30 days before the initial performance tests. [Rule 62-204.800(7)(b)(51), F.A.C.; 40 CFR 60.487]
II	DIMLA Scrubber	The DIMLA scrubber shall be operated with a minimum water flow of 75% of the ROH feedrate, in gallons per minute, at all times when emissions are vented to it. [40 CFR 63.983(a)(2) referenced by 40 CFR 63.2450(e) via 63.982(c), incorporated by reference in Rule 62-204.800(11)(b), F.A.C.; Rules 62-210.200PTE and 62-4.070(3), F.A.C.]	Bypass monitoring: Except for equipment needed for safety purposes such as pressure relief devices, low leg drains, high point bleeds, analyzer vents, and open-ended valves or lines, the owner or operator shall comply with one of the following for each closed vent system that contains bypass lines that could divert a vent stream to the atmosphere: (i) Properly install, maintain, and operate a flow indicator that is capable of taking readings at least once every 15 minutes. The flow indicator shall be installed at the entrance to any bypass line. [40 CFR 63.983(a)(3)(i) and (b)(4)(i), referenced by 40 CFR 63.2450(e) via 63.982(c)] (ii) Secure the bypass line valve in the non-diverting position with a car-seal or a lock-and-key type configuration and visually inspect the seal or closure mechanism at least monthly to verify that the valve is maintained in the non-diverting position, and the vent stream is not diverted through the bypass line. [40 CFR 63.983(a)(3)(ii) and (b)(4)(ii), referenced by 40 CFR 63.2450(e) via 63.982(c)]	Bypass Monitoring Records: The permittee shall maintain the records specified in 40 CFR 63.998(d)(1)(ii)A. or B., as appropriate to document that the DIMLA scrubber is not bypassed. [40 CFR 63.983(a)(3), referenced by 40 CFR 63.2450(e) via 63.982(c)]
II	DIMLA Scrubber		Leak Monitoring: The piping from the DIMLA Purification Tower overhead vacuum system to the DIMLA Scrubber shall be inspected in accordance with Method 21 of 40 CFR part 60, appendix A, initially, and	Leak Repair Records: The permittee shall maintain leak detection and repair records for the piping connecting the DIMLA Purification Tower

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Permit Section III ID. No.	Description	Condition/Limitation	Compliance Testing / Demonstration Requirement(s)	Recordkeeping/ Reporting Requirement(s)
			then annually using sensory means as specified in 40 CFR 63.983(b) and (c). If there are visible, audible, or olfactory indications of leaks at the time of the annual visual inspections, the leaks will be repaired and monitored as specified in 40 CFR 63.983(d). [40 CFR 63.982(c), referenced by 40 CFR 63.2450(e)]	overhead vacuum system discharge to the DIMLA Scrubber as specified in 40 CFR 63.998(d)(1)(iii)(A)-(F). These records shall be maintained for five years. [40CFR 63.983(a)(3), referenced by 40 CFR 63.2450(e) via 63.982(c)]

Notes: In the case of conflict between this table and the permit, the permit shall take precedence over the table.

TABLE 297.310-1 CALIBRATION SCHEDULE

[Note: This table is referenced in Rule 62-297.310, F.A.C.]

ITEM	MINIMUM CALIBRATION FREQUENCY	REFERENCE INSTRUMENT	TOLERANCE
Liquid in glass thermometer	Annually	ASTM Hg in glass ref. thermometer or equivalent, or thermometric points	+/-2%
Bimetallic thermometer	Quarterly	Calib. liq. in glass thermometer	5 degrees F
Thermocouple	Annually	ASTM Hg in glass ref. thermometer, NBS calibrated reference and potentiometer	5 degrees F
Barometer	Monthly	Hg barometer or NOAA station	+/-1% scale
Pitot Tube	When required or when damaged	By construction or measurements in wind tunnel D greater than 16" and standard pitot tube	See EPA Method 2, Fig. 2-2 & 2-3
Probe Nozzles	Before each test or when nicked, dented, or corroded	Micrometer	+/-0.001" mean of at least three readings Max. deviation between readings .004”
Dry Gas Meter and Orifice Meter	1. Full Scale: When received, When 5% change observed, Annually	Spirometer or calibrated wet test or dry gas test meter	2%
	2. One Point: Semiannually		
	3. Check after each test series	Comparison check	5%

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FIGURE 1--SUMMARY REPORT--GASEOUS AND OPACITY EXCESS EMISSION AND MONITORING SYSTEM PERFORMANCE

[Note: This form is referenced in 40 CFR 60.7, Subpart A-General Provisions]

Pollutant *(Circle One)*: SO_2 NO_X TRS H_2S CO Opacity

Reporting period dates: From _____ to _____

Company: _____

Emission Limitation: _____

Address: _____

Monitor Manufacturer: _____

Model No.: _____

Date of Latest CMS Certification or Audit: _____

Process Unit(s) Description: _____

Total source operating time in reporting period [1]: _____

Emission data summary [1]	**CMS performance summary** [1]
1. Duration of excess emissions in reporting period due to:	1. CMS downtime in reporting period due to:
a. Startup/shutdown ..... ____	a. Monitor equipment malfunctions ..... ____
b. Control equipment problems ..... ____	b. Non-Monitor equipment malfunctions ..... ____
c. Process problems ..... ____	c. Quality assurance calibration ..... ____
d. Other known causes ..... ____	d. Other known causes ..... ____
e. Unknown causes ..... ____	e. Unknown causes ..... ____
2. Total duration of excess emissions ..... ____	2. Total CMS Downtime ..... ____
3. Total duration of excess emissions x (100) / [Total source operating time] ..... ____ % [2]	3. [Total CMS Downtime] x (100) / [Total source operating time] ..... ____ % [2]

[1] For opacity, record all times in minutes. For gases, record all times in hours.

[2] For the reporting period: If the total duration of excess emissions is 1 percent or greater of the total operating time or the total CMS downtime is 5 percent or greater of the total operating time, both the summary report form and the excess emission report described in 40 CFR 60.7(c) shall be submitted.

Note: On a separate page, describe any changes since last quarter in CMS, process or controls.

I certify that the information contained in this report is true, accurate, and complete.

Name: _____

Signature: _____ *Date*: _____

Title: _____

[electronic file name: figure1.doc]

Federal Regulations Adopted by Reference

In accordance with Rule 62-204.800, F.A.C., the following federal regulation in Title 40 of the Code of Federal Regulations (CFR) was adopted by reference. The original federal rule numbering has been retained.

Federal Revision Date: January 28, 2009

State Rule Effective Date: November 18, 2009

Standardized Conditions Revision Date: February 5, 2010

Subpart A—General Provisions

§ 60.1 Applicability.

(a) Except as provided in subparts B and C, the provisions of this part apply to the owner or operator of any stationary source which contains an affected facility, the construction or modification of which is commenced after the date of publication in this part of any standard (or, if earlier, the date of publication of any proposed standard) applicable to that facility.

(b) Any new or revised standard of performance promulgated pursuant to section 111(b) of the Act shall apply to the owner or operator of any stationary source which contains an affected facility, the construction or modification of which is commenced after the date of publication in this part of such new or revised standard (or, if earlier, the date of publication of any proposed standard) applicable to that facility.

(c) In addition to complying with the provisions of this part, the owner or operator of an affected facility may be required to obtain an operating permit issued to stationary sources by an authorized State air pollution control agency or by the Administrator of the U.S. Environmental Protection Agency (EPA) pursuant to Title V of the Clean Air Act (Act) as amended November 15, 1990 (42 U.S.C. 7661). For more information about obtaining an operating permit see part 70 of this chapter.

(d) *Site-specific standard for Merck & Co., Inc.'s Stonewall Plant in Elkton, Virginia. {Not Applicable}*

[40 FR 53346, Nov. 17, 1975, as amended at 55 FR 51382, Dec. 13, 1990; 59 FR 12427, Mar. 16, 1994; 62 FR 52641, Oct. 8, 1997]

§ 60.2 Definitions.

The terms used in this part are defined in the Act or in this section as follows:

Act means the Clean Air Act (42 U.S.C. 7401 *et seq.*)

Administrator means the Administrator of the Environmental Protection Agency or his authorized representative.

Affected facility means, with reference to a stationary source, any apparatus to which a standard is applicable.

Alternative method means any method of sampling and analyzing for an air pollutant which is not a reference or equivalent method but which has been demonstrated to the Administrator's satisfaction to, in specific cases, produce results adequate for his determination of compliance.

Approved permit program means a State permit program approved by the Administrator as meeting the requirements of part 70 of this chapter or a Federal permit program established in this chapter pursuant to Title V of the Act (42 U.S.C. 7661).

Capital expenditure means an expenditure for a physical or operational change to an existing facility which exceeds the product of the applicable “annual asset guideline repair allowance percentage” specified in the latest edition of Internal Revenue Service (IRS) Publication 534 and the existing facility's basis, as defined by section 1012 of the Internal Revenue Code. However, the total expenditure for a physical or operational change to an existing facility must not be reduced by any “excluded additions” as defined in IRS Publication 534, as would be done for tax purposes.

Clean coal technology demonstration project means a project using funds appropriated under the heading ‘Department of Energy-Clean Coal Technology’, up to a total amount of $2,500,000,000 for commercial demonstrations of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency.

Commenced means, with respect to the definition of *new source* in section 111(a)(2) of the Act, that an owner or operator has undertaken a continuous program of construction or modification 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 or modification.

Construction means fabrication, erection, or installation of an affected facility.

Continuous monitoring system means the total equipment, required under the emission monitoring sections in applicable subparts, used to sample and condition (if applicable), to analyze, and to provide a permanent record of emissions or process parameters.

Electric utility steam generating unit means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

Equivalent method means any method of sampling and analyzing for an air pollutant which has been demonstrated to the Administrator's satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions.

Excess Emissions and Monitoring Systems Performance Report is a report that must be submitted periodically by a source in order to provide data on its compliance with stated emission limits and operating parameters, and on the performance of its monitoring systems.

Existing facility means, with reference to a stationary source, any apparatus of the type for which a standard is promulgated in this part, and the construction or modification of which was commenced before the date of proposal of that standard; or any apparatus which could be altered in such a way as to be of that type.

Force majeure means, for purposes of §60.8, an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents the owner or operator from complying with the regulatory requirement to conduct performance tests within the specified timeframe despite the affected facility's best efforts to fulfill the obligation. Examples of such events are acts of nature, acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility.

Isokinetic sampling means sampling in which the linear velocity of the gas entering the sampling nozzle is equal to that of the undisturbed gas stream at the sample point.

Issuance of a part 70 permit will occur, if the State is the permitting authority, in accordance with the requirements of part 70 of this chapter and the applicable, approved State permit program. When the EPA is the permitting authority, issuance of a Title V permit occurs immediately after the EPA takes final action on the final permit.

Malfunction means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

Modification means any physical change in, or change in the method of operation of, an existing facility which increases the amount of any air pollutant (to which a standard applies) emitted into the atmosphere by that facility or which results in the emission of any air pollutant (to which a standard applies) into the atmosphere not previously emitted.

Monitoring device means the total equipment, required under the monitoring of operations sections in applicable subparts, used to measure and record (if applicable) process parameters.

Nitrogen oxides means all oxides of nitrogen except nitrous oxide, as measured by test methods set forth in this part.

One-hour period means any 60-minute period commencing on the hour.

Opacity means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

Owner or operator means any person who owns, leases, operates, controls, or supervises an affected facility or a stationary source of which an affected facility is a part.

Part 70 permit means any permit issued, renewed, or revised pursuant to part 70 of this chapter.

Particulate matter means any finely divided solid or liquid material, other than uncombined water, as measured by the reference methods specified under each applicable subpart, or an equivalent or alternative method.

Permit program means a comprehensive State operating permit system established pursuant to title V of the Act (42 U.S.C. 7661) and regulations codified in part 70 of this chapter and applicable State regulations, or a comprehensive Federal operating permit system established pursuant to title V of the Act and regulations codified in this chapter.

Permitting authority means:

(1) The State air pollution control agency, local agency, other State agency, or other agency authorized by the Administrator to carry out a permit program under part 70 of this chapter; or

(2) The Administrator, in the case of EPA-implemented permit programs under title V of the Act (42 U.S.C. 7661).

Proportional sampling means sampling at a rate that produces a constant ratio of sampling rate to stack gas flow rate.

Reactivation of a very clean coal-fired electric utility steam generating unit means any physical change or change in the method of operation associated with the commencement of commercial operations by a coal-fired utility unit after a period of discontinued operation where the unit:

(1) Has not been in operation for the two-year period prior to the enactment of the Clean Air Act Amendments of 1990, and the emissions from such unit continue to be carried in the permitting authority's emissions inventory at the time of enactment;

(2) Was equipped prior to shut-down with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of no less than 85 percent and a removal efficiency for particulates of no less than 98 percent;

(3) Is equipped with low-NO_X burners prior to the time of commencement of operations following reactivation; and

(4) Is otherwise in compliance with the requirements of the Clean Air Act.

Reference method means any method of sampling and analyzing for an air pollutant as specified in the applicable subpart.

Repowering means replacement of an existing coal-fired boiler with one of the following clean coal technologies: atmospheric or pressurized fluidized bed combustion, integrated gasification combined cycle, magnetohydrodynamics, direct and indirect coal-fired turbines, integrated gasification fuel cells, or as determined by the Administrator, in consultation with the Secretary of Energy, a derivative of one or more of these technologies, and any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990. Repowering shall also include any oil and/or gas-fired unit which has been awarded clean coal technology demonstration funding as of January 1, 1991, by the Department of Energy.

Run means the net period of time during which an emission sample is collected. Unless otherwise specified, a run may be either intermittent or continuous within the limits of good engineering practice.

Shutdown means the cessation of operation of an affected facility for any purpose.

Six-minute period means any one of the 10 equal parts of a one-hour period.

Standard means a standard of performance proposed or promulgated under this part.

Standard conditions means a temperature of 293 K (68F) and a pressure of 101.3 kilopascals (29.92 in Hg).

Startup means the setting in operation of an affected facility for any purpose.

State means all non-Federal authorities, including local agencies, interstate associations, and State-wide programs, that have delegated authority to implement: (1) The provisions of this part; and/or (2) the permit program established under part 70 of this chapter. The term State shall have its conventional meaning where clear from the context.

Stationary source means any building, structure, facility, or installation which emits or may emit any air pollutant.

Title V permit means any permit issued, renewed, or revised pursuant to Federal or State regulations established to implement title V of the Act (42 U.S.C. 7661). A title V permit issued by a State permitting authority is called a part 70 permit in this part.

Volatile Organic Compound means any organic compound which participates in atmospheric photochemical reactions; or which is measured by a reference method, an equivalent method, an alternative method, or which is determined by procedures specified under any subpart.

[44 FR 55173, Sept. 25, 1979, as amended at 45 FR 5617, Jan. 23, 1980; 45 FR 85415, Dec. 24, 1980; 54 FR 6662, Feb. 14, 1989; 55 FR 51382, Dec. 13, 1990; 57 FR 32338, July 21, 1992; 59 FR 12427, Mar. 16, 1994; 72 FR 27442, May 16, 2007]

§ 60.3 Units and abbreviations.

Used in this part are abbreviations and symbols of units of measure. These are defined as follows:

(a) System International (SI) units of measure:

A—ampere
g—gram

Hz—hertz
J—joule
K—degree Kelvin
kg—kilogram
m—meter
m^3 —cubic meter
mg—milligram—10^{-3}gram
mm—millimeter—10^{-3}meter
Mg—megagram—10^6 gram
mol—mole
N—newton
ng—nanogram—10^{-9}gram
nm—nanometer—10^{-9}meter
Pa—pascal
s—second
V—volt
W—watt
Ω—ohm
µg—microgram—10^{-6}gram

(b) Other units of measure:

Btu—British thermal unit
°C—degree Celsius (centigrade)
cal—calorie
cfm—cubic feet per minute
cu ft—cubic feet
dcf—dry cubic feet
dcm—dry cubic meter
dscf—dry cubic feet at standard conditions
dscm—dry cubic meter at standard conditions
eq—equivalent
°F—degree Fahrenheit
ft—feet
gal—gallon
gr—grain
g-eq—gram equivalent
hr—hour
in—inch
k—1,000
l—liter
lpm—liter per minute
lb—pound
meq—milliequivalent
min—minute
ml—milliliter
mol. wt.—molecular weight
ppb—parts per billion
ppm—parts per million
psia—pounds per square inch absolute
psig—pounds per square inch gage
°R—degree Rankine
scf—cubic feet at standard conditions
scfh—cubic feet per hour at standard conditions
scm—cubic meter at standard conditions
sec—second
sq ft—square feet
std—at standard conditions

(c) Chemical nomenclature:

CdS—cadmium sulfide
CO—carbon monoxide
CO_2—carbon dioxide
HCl—hydrochloric acid
Hg—mercury
H_2O—water
H_2S—hydrogen sulfide
H_2SO_4—sulfuric acid
N_2—nitrogen
NO—nitric oxide
NO_2—nitrogen dioxide
NO_X—nitrogen oxides
O_2—oxygen
SO_2—sulfur dioxide
SO_3—sulfur trioxide
SO_X—sulfur oxides

(d) Miscellaneous:

A.S.T.M.—American Society for Testing and Materials

[42 FR 37000, July 19, 1977; 42 FR 38178, July 27, 1977]

§ 60.4 Address.

All addresses that pertain to Florida have been incorporated. To see the complete list of addresses please go to http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&rgn=div6&view=text&node=40:6.0.1.1.1.1&idno=40.

Link to an amendment published at 73 FR 18164, Apr. 3, 2008.

(a) All requests, reports, applications, submittals, and other communications to the Administrator pursuant to this part shall be submitted in duplicate to the appropriate Regional Office of the U.S. Environmental Protection Agency to the attention of the Director of the Division indicated in the following list of EPA Regional Offices.

Region IV (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee), Director, Air and Waste Management Division, U.S. Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, GA 30365.

(b) Section 111(c) directs the Administrator to delegate to each State, when appropriate, the authority to implement and enforce standards of performance for new stationary sources located in such State. All information required to be submitted to EPA under paragraph (a) of this section, must also be submitted to the appropriate State Agency of any State to which this authority has been delegated (provided, that each specific delegation may except sources from a certain Federal or State reporting requirement). The appropriate mailing address for those States whose delegation request has been approved is as follows:

(K) Bureau of Air Quality Management, Department of Environmental Regulation, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, FL 32301.

[40 FR 18169, Apr. 25, 1975]

Editorial Note: For Federal Register citations affecting §60.4 see the List of CFR Sections Affected which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 60.5 Determination of construction or modification.

(a) When requested to do so by an owner or operator, the Administrator will make a determination of whether action taken or intended to be taken by such owner or operator constitutes construction (including reconstruction) or modification or the commencement thereof within the meaning of this part.

(b) The Administrator will respond to any request for a determination under paragraph (a) of this section within 30 days of receipt of such request.

[40 FR 58418, Dec. 16, 1975]

§ 60.6 Review of plans.

(a) When requested to do so by an owner or operator, the Administrator will review plans for construction or modification for the purpose of providing technical advice to the owner or operator.

(b)

(1) A separate request shall be submitted for each construction or modification project.

(2) Each request shall identify the location of such project, and be accompanied by technical information describing the proposed nature, size, design, and method of operation of each affected facility involved in such project, including information on any equipment to be used for measurement or control of emissions.

(c) Neither a request for plans review nor advice furnished by the Administrator in response to such request shall (1) relieve an owner or operator of legal responsibility for compliance with any provision of this part or of any applicable State or local requirement, or (2) prevent the Administrator from implementing or enforcing any provision of this part or taking any other action authorized by the Act.

[36 FR 24877, Dec. 23, 1971, as amended at 39 FR 9314, Mar. 8, 1974]

§ 60.7 Notification and record keeping.

(a) Any owner or operator subject to the provisions of this part shall furnish the Administrator written notification or, if acceptable to both the Administrator and the owner or operator of a source, electronic notification, as follows:

(1) A notification of the date construction (or reconstruction as defined under §60.15) of an affected facility is commenced postmarked no later than 30 days after such date. This requirement shall not apply in the case of mass-produced facilities which are purchased in completed form.

(2) [Reserved]

(3) A notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date.

(4) A notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless that change is specifically exempted under an applicable subpart or in §60.14(e). This notice shall be postmarked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional relevant information subsequent to this notice.

(5) A notification of the date upon which demonstration of the continuous monitoring system performance commences in accordance with §60.13(c). Notification shall be postmarked not less than 30 days prior to such date.

(6) A notification of the anticipated date for conducting the opacity observations required by §60.11(e)(1) of this part. The notification shall also include, if appropriate, a request for the Administrator to provide a visible emissions reader during a performance test. The notification shall be postmarked not less than 30 days prior to such date.

(7) A notification that continuous opacity monitoring system data results will be used to determine compliance with the applicable opacity standard during a performance test required by §60.8 in lieu of Method 9 observation data as allowed by §60.11(e)(5) of this part. This notification shall be postmarked not less than 30 days prior to the date of the performance test.

(b) Any owner or operator subject to the provisions of this part shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.

(c) Each owner or operator required to install a continuous monitoring device shall submit excess emissions and monitoring systems performance report (excess emissions are defined in applicable subparts) and-or summary report form (see paragraph (d) of this section) to the Administrator semiannually, except when: more frequent reporting is specifically required by an applicable subpart; or the Administrator, on a case-by-case basis, determines that more frequent reporting is necessary to accurately assess the compliance status of the source. All reports shall be postmarked by the 30th day following the end of each six-month period. Written reports of excess emissions shall include the following information:

(1) The magnitude of excess emissions computed in accordance with §60.13(h), any conversion factor(s) used, and the date and time of commencement and completion of each time period of excess emissions. The process operating time during the reporting period.

(2) Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the affected facility. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted.

(3) The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments.

(4) When no excess emissions have occurred or the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be stated in the report.

(d) The summary report form shall contain the information and be in the format shown in figure 1 unless otherwise specified by the Administrator. One summary report form shall be submitted for each pollutant monitored at each affected facility.

(1) If the total duration of excess emissions for the reporting period is less than 1 percent of the total operating time for the reporting period and CMS downtime for the reporting period is less than 5 percent of the total operating time for the reporting period, only the summary report form shall be submitted and the excess emission report described in §60.7(c) need not be submitted unless requested by the Administrator.

(2) If the total duration of excess emissions for the reporting period is 1 percent or greater of the total operating time for the reporting period or the total CMS downtime for the reporting period is 5 percent or greater of the total operating time for the reporting period, the summary report form and the excess emission report described in §60.7(c) shall both be submitted.

Figure 1—Summary Report—Gaseous and Opacity Excess Emission and Monitoring System Performance

Pollutant (Circle One—SO_2/NO_X/TRS/H_2S/CO/Opacity)

Reporting period dates: From _____ to _____

Company:

Emission Limitation_____

Address:

Monitor Manufacturer and Model No._____
Date of Latest CMS Certification or Audit_____

Process Unit(s) Description:

Total source operating time in reporting period[1] _____

Emission data summary[1]		**CMS performance summary[1]**	
1. Duration of excess emissions in reporting period due to:		1. CMS downtime in reporting period due to:	
a. Startup/shutdown		a. Monitor equipment malfunctions	
b. Control equipment problems		b. Non-Monitor equipment malfunctions	
c. Process problems		c. Quality assurance calibration	
d. Other known causes		d. Other known causes	
e. Unknown causes		e. Unknown causes	
2. Total duration of excess emission		2. Total CMS Downtime	
3. Total duration of excess emissions × (100) [Total source operating time]	%[2]	3. [Total CMS Downtime] × (100) [Total source operating time]	%[2]

[1]For opacity, record all times in minutes. For gases, record all times in hours.

[2]For the reporting period: If the total duration of excess emissions is 1 percent or greater of the total operating time or the total CMS downtime is 5 percent or greater of the total operating time, both the summary report form and the excess emission report described in §60.7(c) shall be submitted.

On a separate page, describe any changes since last quarter in CMS, process or controls. I certify that the information contained in this report is true, accurate, and complete.

_____

Name

_____

Signature

_____

Title

_____

Date

(e)

(1) Notwithstanding the frequency of reporting requirements specified in paragraph (c) of this section, an owner or operator who is required by an applicable subpart to submit excess emissions and monitoring systems performance reports (and summary reports) on a quarterly (or more frequent) basis may reduce the frequency of reporting for that standard to semiannual if the following conditions are met:

(i) For 1 full year (e.g., 4 quarterly or 12 monthly reporting periods) the affected facility's excess emissions and monitoring systems reports submitted to comply with a standard under this part continually demonstrate that the facility is in compliance with the applicable standard;

(ii) The owner or operator continues to comply with all recordkeeping and monitoring requirements specified in this subpart and the applicable standard; and

(iii) The Administrator does not object to a reduced frequency of reporting for the affected facility, as provided in paragraph (e)(2) of this section.

(2) The frequency of reporting of excess emissions and monitoring systems performance (and summary) reports 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 required recordkeeping period prior to the intended change, including performance test results, monitoring data, and evaluations of an owner or operator's conformance with operation and maintenance requirements. Such information may be used by the Administrator to make a judgment about the source's potential for noncompliance in the future. If the Administrator disapproves the owner or operator's request to reduce the frequency of reporting, 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.

(3) As soon as monitoring data indicate that the affected facility is not in compliance with any emission limitation or operating parameter specified in the applicable standard, the frequency of reporting shall revert to the frequency specified in the applicable standard, and the owner or operator shall submit an excess emissions and monitoring systems performance report (and summary report, if required) at the next appropriate reporting period following the noncomplying event. After demonstrating compliance with the applicable standard for another full year, the owner or operator may again request approval from the Administrator to reduce the frequency of reporting for that standard as provided for in paragraphs (e)(1) and (e)(2) of this section.

(f) Any owner or operator subject to the provisions of this part shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part recorded in a permanent form suitable for inspection. The file shall be retained for at least two years following the date of such measurements, maintenance, reports, and records, except as follows:

(1) This paragraph applies to owners or operators required to install a continuous emissions monitoring system (CEMS) where the CEMS installed is automated, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. An automated CEMS records and reduces the measured data to the form of the pollutant emission standard through the use of a computerized data acquisition system. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (f) of this section, the owner or operator shall retain the most recent consecutive three averaging periods of subhourly measurements and a file that contains a hard copy of the data acquisition system algorithm used to reduce the measured data into the reportable form of the standard.

(2) This paragraph applies to owners or operators required to install a CEMS where the measured data is manually reduced to obtain the reportable form of the standard, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (f) of this section, the owner or operator shall retain all subhourly measurements for the most recent reporting period. The subhourly measurements shall be retained for 120 days from the date of the most recent summary or excess emission report submitted to the Administrator.

(3) The Administrator or delegated authority, upon notification to the source, may require the owner or operator to maintain all measurements as required by paragraph (f) of this section, if the Administrator or the delegated authority determines these records are required to more accurately assess the compliance status of the affected source.

(g) If notification substantially similar to that in paragraph (a) of this section is required by any other State or local agency, sending the Administrator a copy of that notification will satisfy the requirements of paragraph (a) of this section.

(h) Individual subparts of this part may include specific provisions which clarify or make inapplicable the provisions set forth in this section.

[36 FR 24877, Dec. 28, 1971, as amended at 40 FR 46254, Oct. 6, 1975; 40 FR 58418, Dec. 16, 1975; 45 FR 5617, Jan. 23, 1980; 48 FR 48335, Oct. 18, 1983; 50 FR 53113, Dec. 27, 1985; 52 FR 9781, Mar. 26, 1987; 55 FR 51382, Dec. 13, 1990; 59 FR 12428, Mar. 16, 1994; 59 FR 47265, Sep. 15, 1994; 64 FR 7463, Feb. 12, 1999]

§ 60.8 Performance tests.

(a) Except as specified in paragraphs (a)(1),(a)(2), (a)(3), and (a)(4) of this section, within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility, or at such other times specified by this part, and at such other times as may be required by the Administrator under section 114 of the Act, the owner or operator of such facility shall conduct performance test(s) and furnish the Administrator a written report of the results of such performance test(s).

(1) If a force majeure is about to occur, occurs, or has occurred for which the affected owner or operator intends to assert a claim of force majeure, the owner or operator shall notify the Administrator, in writing as soon as practicable following the date the owner or operator first knew, or through due diligence should have known that the event may cause or caused a delay in testing beyond the regulatory deadline, but the notification must occur before the performance test deadline unless the initial force majeure or a subsequent force majeure event delays the notice, and in such cases, the notification shall occur as soon as practicable.

(2) The owner or operator shall provide to the Administrator a written description of the force majeure event and a rationale for attributing the delay in testing beyond the regulatory deadline to the force majeure; describe the measures taken or to be taken to minimize the delay; and identify a date by which the owner or operator proposes to conduct the performance test. The performance test shall be conducted as soon as practicable after the force majeure occurs.

(3) The decision as to whether or not to grant an extension to the performance test deadline is solely within the discretion of the Administrator. The Administrator will notify the owner or operator in writing of approval or disapproval of the request for an extension as soon as practicable.

(4) Until an extension of the performance test deadline has been approved by the Administrator under paragraphs (a)(1), (2), and (3) of this section, the owner or operator of the affected facility remains strictly subject to the requirements of this part.

(b) Performance tests shall be conducted and data reduced in accordance with the test methods and procedures contained in each applicable subpart unless the Administrator (1) specifies or approves, in specific cases, the use of a reference method with minor changes in methodology, (2) approves the use of an equivalent method, (3) approves the use of an alternative method the results of which he has determined to be adequate for indicating whether a specific source is in compliance, (4) waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the affected facility is in compliance with the standard, or (5) approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors. Nothing in this paragraph shall be construed to abrogate the Administrator's authority to require testing under section 114 of the Act.

(c) Performance tests shall be conducted under such conditions as the Administrator shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level of the applicable emission limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emission limit unless otherwise specified in the applicable standard.

(d) The owner or operator of an affected facility shall provide the Administrator at least 30 days prior notice of any performance test, except as specified under other subparts, to afford the Administrator the opportunity to have an observer present. If after 30 days notice for an initially scheduled performance test, there is a delay (due to operational

problems, etc.) in conducting the scheduled performance test, the owner or operator of an affected facility shall notify the Administrator (or delegated State or local agency) as soon as possible of any delay in the original test date, either by providing at least 7 days prior notice of the rescheduled date of the performance test, or by arranging a rescheduled date with the Administrator (or delegated State or local agency) by mutual agreement.

(e) The owner or operator of an affected facility shall provide, or cause to be provided, performance testing facilities as follows:

(1) Sampling ports adequate for test methods applicable to such facility. This includes (i) constructing the air pollution control system such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test methods and procedures and (ii) providing a stack or duct free of cyclonic flow during performance tests, as demonstrated by applicable test methods and procedures.

(2) Safe sampling platform(s).

(3) Safe access to sampling platform(s).

(4) Utilities for sampling and testing equipment.

(f) Unless otherwise specified in the applicable subpart, each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances, beyond the owner or operator's control, compliance may, upon the Administrator's approval, be determined using the arithmetic mean of the results of the two other runs.

[36 FR 24877, Dec. 23, 1971, as amended at 39 FR 9314, Mar. 8, 1974; 42 FR 57126, Nov. 1, 1977; 44 FR 33612, June 11, 1979; 54 FR 6662, Feb. 14, 1989; 54 FR 21344, May 17, 1989; 64 FR 7463, Feb. 12, 1999; 72 FR 27442, May 16, 2007]

§ 60.9 Availability of information.

The availability to the public of information provided to, or otherwise obtained by, the Administrator under this part shall be governed by part 2 of this chapter. (Information submitted voluntarily to the Administrator for the purposes of §§60.5 and 60.6 is governed by §§2.201 through 2.213 of this chapter and not by §2.301 of this chapter.)

§ 60.10 State authority.

The provisions of this part shall not be construed in any manner to preclude any State or political subdivision thereof from:

(a) Adopting and enforcing any emission standard or limitation applicable to an affected facility, provided that such emission standard or limitation is not less stringent than the standard applicable to such facility.

(b) Requiring the owner or operator of an affected facility to obtain permits, licenses, or approvals prior to initiating construction, modification, or operation of such facility.

§ 60.11 Compliance with standards and maintenance requirements.

(a) Compliance with standards in this part, other than opacity standards, shall be determined in accordance with performance tests established by §60.8, unless otherwise specified in the applicable standard.

(b) Compliance with opacity standards in this part shall be determined by conducting observations in accordance with Method 9 in appendix A of this part, any alternative method that is approved by the Administrator, or as provided in paragraph (e)(5) of this section. For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours (30 6-minute averages) for the performance test or other set of observations (meaning those fugitive-type emission sources subject only to an opacity standard).

(c) The opacity standards set forth in this part shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided in the applicable standard.

(d) At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating 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, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(e)

(1) For the purpose of demonstrating initial compliance, opacity observations shall be conducted concurrently with the initial performance test required in §60.8 unless one of the following conditions apply. If no performance test under §60.8 is required, then opacity observations shall be conducted within 60 days after achieving the maximum production rate at which the affected facility will be operated but no later than 180 days after initial startup of the facility. If visibility or other conditions prevent the opacity observations from being conducted concurrently with the initial performance test required under §60.8, the source owner or operator shall reschedule the opacity observations as soon after the initial performance test as possible, but not later than 30 days thereafter, and shall advise the Administrator of the rescheduled date. In these cases, the 30-day prior notification to the Administrator required in §60.7(a)(6) shall be waived. The rescheduled opacity observations shall be conducted (to the extent possible) under the same operating conditions that existed during the initial performance test conducted under §60.8. The visible emissions observer shall determine whether visibility or other conditions prevent the opacity observations from being made concurrently with the initial performance test in accordance with procedures contained in Method 9 of appendix B of this part. Opacity readings of portions of plumes which contain condensed, uncombined water vapor shall not be used for purposes of determining compliance with opacity standards. The owner or operator of an affected facility shall make available, upon request by the Administrator, such records as may be necessary to determine the conditions under which the visual observations were made and shall provide evidence indicating proof of current visible observer emission certification. Except as provided in paragraph (e)(5) of this section, the results of continuous monitoring by transmissometer which indicate that the opacity at the time visual observations were made was not in excess of the standard are probative but not conclusive evidence of the actual opacity of an emission, provided that the source shall meet the burden of proving that the instrument used meets (at the time of the alleged violation) Performance Specification 1 in appendix B of this part, has been properly maintained and (at the time of the alleged violation) that the resulting data have not been altered in any way.

(2) Except as provided in paragraph (e)(3) of this section, the owner or operator of an affected facility to which an opacity standard in this part applies shall conduct opacity observations in accordance with paragraph (b) of this section, shall record the opacity of emissions, and shall report to the Administrator the opacity results along with the results of the initial performance test required under §60.8. The inability of an owner or operator to secure a visible emissions observer shall not be considered a reason for not conducting the opacity observations concurrent with the initial performance test.

(3) The owner or operator of an affected facility to which an opacity standard in this part applies may request the Administrator to determine and to record the opacity of emissions from the affected facility during the initial performance test and at such times as may be required. The owner or operator of the affected facility shall report the opacity results. Any request to the Administrator to determine and to record the opacity of emissions from an affected facility shall be included in the notification required in §60.7(a)(6). If, for some reason, the Administrator cannot determine and record the opacity of emissions from the affected facility during the performance test, then the provisions of paragraph (e)(1) of this section shall apply.

(4) An owner or operator of an affected facility using a continuous opacity monitor (transmissometer) shall record the monitoring data produced during the initial performance test required by §60.8 and shall furnish the Administrator a written report of the monitoring results along with Method 9 and §60.8 performance test results.

(5) An owner or operator of an affected facility subject to an opacity standard may submit, for compliance purposes, continuous opacity monitoring system (COMS) data results produced during any performance test required under §60.8 in lieu of Method 9 observation data. If an owner or operator elects to submit COMS data for compliance with the opacity standard, he shall notify the Administrator of that decision, in writing, at least 30 days before any performance test required under §60.8 is conducted. Once the owner or operator of an affected facility has notified the Administrator to that effect, the COMS data results will be used to determine opacity compliance during subsequent tests required under §60.8 until the owner or operator notifies the Administrator, in writing, to the contrary. For the purpose of determining compliance with the opacity standard during a performance test required under §60.8 using COMS data, the minimum total time of COMS data collection shall be averages of all 6-minute continuous periods within the duration of the mass emission performance test. Results of the COMS opacity determinations shall be submitted along with the results of the performance test required under §60.8. The owner or operator of an affected facility using a COMS for compliance purposes is responsible for demonstrating that the COMS meets the requirements specified in §60.13(c) of this part, that the COMS has been properly maintained and operated, and that the resulting data have not been altered in any way. If COMS data results are submitted for compliance with the opacity standard for a period of time during which Method 9 data indicates noncompliance, the Method 9 data will be used to determine compliance with the opacity standard.

(6) Upon receipt from an owner or operator of the written reports of the results of the performance tests required by §60.8, the opacity observation results and observer certification required by §60.11(e)(1), and the COMS results, if applicable, the Administrator will make a finding concerning compliance with opacity and other applicable standards. If COMS data results are used to comply with an opacity standard, only those results are required to be submitted along with the performance test results required by §60.8. If the Administrator finds that an affected facility is in compliance with all applicable standards for which performance tests are conducted in accordance with §60.8 of this part but during the time such performance tests are being conducted fails to meet any applicable opacity standard, he shall notify the owner or operator and advise him that he may petition the Administrator within 10 days of receipt of notification to make appropriate adjustment to the opacity standard for the affected facility.

(7) The Administrator will grant such a petition upon a demonstration by the owner or operator that the affected facility and associated air pollution control equipment was operated and maintained in a manner to minimize the opacity of emissions during the performance tests; that the performance tests were performed under the conditions established by the Administrator; and that the affected facility and associated air pollution control equipment were incapable of being adjusted or operated to meet the applicable opacity standard.

(8) The Administrator will establish an opacity standard for the affected facility meeting the above requirements at a level at which the source will be able, as indicated by the performance and opacity tests, to meet the opacity standard at all times during which the source is meeting the mass or concentration emission standard. The Administrator will promulgate the new opacity standard in the Federal Register.

(f) Special provisions set forth under an applicable subpart shall supersede any conflicting provisions in paragraphs (a) through (e) of this section.

(g) For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard in this part, nothing in this part shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.

[38 FR 28565, Oct. 15, 1973, as amended at 39 FR 39873, Nov. 12, 1974; 43 FR 8800, Mar. 3, 1978; 45 FR 23379, Apr. 4, 1980; 48 FR 48335, Oct. 18, 1983; 50 FR 53113, Dec. 27, 1985; 51 FR 1790, Jan. 15, 1986; 52 FR 9781, Mar. 26, 1987; 62 FR 8328, Feb. 24, 1997; 65 FR 61749, Oct. 17, 2000]

§ 60.12 Circumvention.

No owner or operator subject to the provisions of this part shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.

[39 FR 9314, Mar. 8, 1974]

§ 60.13 Monitoring requirements.

(a) For the purposes of this section, all continuous monitoring systems required under applicable subparts shall be subject to the provisions of this section upon promulgation of performance specifications for continuous monitoring systems under appendix B to this part and, if the continuous monitoring system is used to demonstrate compliance with emission limits on a continuous basis, appendix F to this part, unless otherwise specified in an applicable subpart or by the Administrator. Appendix F is applicable December 4, 1987.

(b) All continuous monitoring systems and monitoring devices shall be installed and operational prior to conducting performance tests under §60.8. Verification of operational status shall, as a minimum, include completion of the manufacturer's written requirements or recommendations for installation, operation, and calibration of the device.

(c) If the owner or operator of an affected facility elects to submit continuous opacity monitoring system (COMS) data for compliance with the opacity standard as provided under §60.11(e)(5), he shall conduct a performance evaluation of the COMS as specified in Performance Specification 1, appendix B, of this part before the performance test required under §60.8 is conducted. Otherwise, the owner or operator of an affected facility shall conduct a performance evaluation of the COMS or continuous emission monitoring system (CEMS) during any performance test required under §60.8 or within 30 days thereafter in accordance with the applicable performance specification in appendix B of this part, The owner or operator of an affected facility shall conduct COMS or CEMS performance evaluations at such other times as may be required by the Administrator under section 114 of the Act.

(1) The owner or operator of an affected facility using a COMS to determine opacity compliance during any performance test required under §60.8 and as described in §60.11(e)(5) shall furnish the Administrator two or, upon

request, more copies of a written report of the results of the COMS performance evaluation described in paragraph (c) of this section at least 10 days before the performance test required under §60.8 is conducted.

(2) Except as provided in paragraph (c)(1) of this section, the owner or operator of an affected facility shall furnish the Administrator within 60 days of completion two or, upon request, more copies of a written report of the results of the performance evaluation.

(d)

(1) Owners and operators of a CEMS installed in accordance with the provisions of this part, must check the zero (or low level value between 0 and 20 percent of span value) and span (50 to 100 percent of span value) calibration drifts at least once daily in accordance with a written procedure. The zero and span must, as a minimum, be adjusted whenever either the 24-hour zero drift or the 24-hour span drift exceeds two times the limit of the applicable performance specification in appendix B of this part. The system must allow the amount of the excess zero and span drift to be recorded and quantified whenever specified. Owners and operators of a COMS installed in accordance with the provisions of this part, must automatically, intrinsic to the opacity monitor, check the zero and upscale (span) calibration drifts at least once daily. For a particular COMS, the acceptable range of zero and upscale calibration materials is as defined in the applicable version of PS–1 in appendix B of this part. For a COMS, the optical surfaces, exposed to the effluent gases, must be cleaned before performing the zero and upscale drift adjustments, except for systems using automatic zero adjustments. The optical surfaces must be cleaned when the cumulative automatic zero compensation exceeds 4 percent opacity.

(2) Unless otherwise approved by the Administrator, the following procedures must be followed for a COMS. Minimum procedures must include an automated method for producing a simulated zero opacity condition and an upscale opacity condition using a certified neutral density filter or other related technique to produce a known obstruction of the light beam. Such procedures must provide a system check of all active analyzer internal optics with power or curvature, all active electronic circuitry including the light source and photodetector assembly, and electronic or electro-mechanical systems and hardware and or software used during normal measurement operation.

(e) Except for system breakdowns, repairs, calibration checks, and zero and span adjustments required under paragraph (d) of this section, all continuous monitoring systems shall be in continuous operation and shall meet minimum frequency of operation requirements as follows:

(1) All continuous monitoring systems referenced by paragraph (c) of this section for measuring opacity of emissions shall complete a minimum of one cycle of sampling and analyzing for each successive 10-second period and one cycle of data recording for each successive 6-minute period.

(2) All continuous monitoring systems referenced by paragraph (c) of this section for measuring emissions, except opacity, shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.

(f) All continuous monitoring systems or monitoring devices shall be installed such that representative measurements of emissions or process parameters from the affected facility are obtained. Additional procedures for location of continuous monitoring systems contained in the applicable Performance Specifications of appendix B of this part shall be used.

(g) When the effluents from a single affected facility or two or more affected facilities subject to the same emission standards are combined before being released to the atmosphere, the owner or operator may install applicable continuous monitoring systems on each effluent or on the combined effluent. When the affected facilities are not subject to the same emission standards, separate continuous monitoring systems shall be installed on each effluent. When the effluent from one affected facility is released to the atmosphere through more than one point, the owner or operator shall install an applicable continuous monitoring system on each separate effluent unless the installation of fewer systems is approved by the Administrator. When more than one continuous monitoring system is used to measure the emissions from one affected facility (e.g., multiple breechings, multiple outlets), the owner or operator shall report the results as required from each continuous monitoring system.

(h)

(1) Owners or operators of all continuous monitoring systems for measurement of opacity shall reduce all data to 6-minute averages and for continuous monitoring systems other than opacity to 1-hour averages for time periods as defined in §60.2. Six-minute opacity averages shall be calculated from 36 or more data points equally spaced over each 6-minute period.

(2) For continuous monitoring systems other than opacity, 1-hour averages shall be computed as follows, except that the provisions pertaining to the validation of partial operating hours are only applicable for affected facilities that are required by the applicable subpart to include partial hours in the emission calculations:

(i) Except as provided under paragraph (h)(2)(iii) of this section, for a full operating hour (any clock hour with 60 minutes of unit operation), at least four valid data points are required to calculate the hourly average, *i.e.* , one data point in each of the 15-minute quadrants of the hour.

(ii) Except as provided under paragraph (h)(2)(iii) of this section, for a partial operating hour (any clock hour with less than 60 minutes of unit operation), at least one valid data point in each 15-minute quadrant of the hour in which the unit operates is required to calculate the hourly average.

(iii) For any operating hour in which required maintenance or quality-assurance activities are performed:

(A) If the unit operates in two or more quadrants of the hour, a minimum of two valid data points, separated by at least 15 minutes, is required to calculate the hourly average; or

(B) If the unit operates in only one quadrant of the hour, at least one valid data point is required to calculate the hourly average.

(iv) If a daily calibration error check is failed during any operating hour, all data for that hour shall be invalidated, unless a subsequent calibration error test is passed in the same hour and the requirements of paragraph (h)(2)(iii) of this section are met, based solely on valid data recorded after the successful calibration.

(v) For each full or partial operating hour, all valid data points shall be used to calculate the hourly average.

(vi) Except as provided under paragraph (h)(2)(vii) of this section, data recorded during periods of continuous monitoring system breakdown, repair, calibration checks, and zero and span adjustments shall not be included in the data averages computed under this paragraph.

(vii) Owners and operators complying with the requirements of §60.7(f)(1) or (2) must include any data recorded during periods of monitor breakdown or malfunction in the data averages.

(viii) When specified in an applicable subpart, hourly averages for certain partial operating hours shall not be computed or included in the emission averages (*e.g.* hours with < 30 minutes of unit operation under §60.47b(d)).

(ix) Either arithmetic or integrated averaging of all data may be used to calculate the hourly averages. The data may be recorded in reduced or nonreduced form (*e.g.* , ppm pollutant and percent O_2or ng/J of pollutant).

(3) All excess emissions shall be converted into units of the standard using the applicable conversion procedures specified in the applicable subpart. After conversion into units of the standard, the data may be rounded to the same number of significant digits used in the applicable subpart to specify the emission limit.

(i) After receipt and consideration of written application, the Administrator may approve alternatives to any monitoring procedures or requirements of this part including, but not limited to the following:

(1) Alternative monitoring requirements when installation of a continuous monitoring system or monitoring device specified by this part would not provide accurate measurements due to liquid water or other interferences caused by substances in the effluent gases.

(2) Alternative monitoring requirements when the affected facility is infrequently operated.

(3) Alternative monitoring requirements to accommodate continuous monitoring systems that require additional measurements to correct for stack moisture conditions.

(4) Alternative locations for installing continuous monitoring systems or monitoring devices when the owner or operator can demonstrate that installation at alternate locations will enable accurate and representative measurements.

(5) Alternative methods of converting pollutant concentration measurements to units of the standards.

(6) Alternative procedures for performing daily checks of zero and span drift that do not involve use of span gases or test cells.

(7) Alternatives to the A.S.T.M. test methods or sampling procedures specified by any subpart.

(8) Alternative continuous monitoring systems that do not meet the design or performance requirements in Performance Specification 1, appendix B, but adequately demonstrate a definite and consistent relationship between its measurements and the measurements of opacity by a system complying with the requirements in Performance Specification 1. The Administrator may require that such demonstration be performed for each affected facility.

(9) Alternative monitoring requirements when the effluent from a single affected facility or the combined effluent from two or more affected facilities is released to the atmosphere through more than one point.

(j) An alternative to the relative accuracy (RA) test specified in Performance Specification 2 of appendix B may be requested as follows:

(1) An alternative to the reference method tests for determining RA is available for sources with emission rates demonstrated to be less than 50 percent of the applicable standard. A source owner or operator may petition the Administrator to waive the RA test in Section 8.4 of Performance Specification 2 and substitute the procedures in Section 16.0 if the results of a performance test conducted according to the requirements in §60.8 of this subpart or other tests performed following the criteria in §60.8 demonstrate that the emission rate of the pollutant of interest in the units of the applicable standard is less than 50 percent of the applicable standard. For sources subject to standards expressed as control efficiency levels, a source owner or operator may petition the Administrator to waive the RA test and substitute the procedures in Section 16.0 of Performance Specification 2 if the control device exhaust emission rate is less than 50 percent of the level needed to meet the control efficiency requirement. The alternative procedures do not apply if the continuous emission monitoring system is used to determine compliance continuously with the applicable standard. The petition to waive the RA test shall include a detailed description of the procedures to be applied. Included shall be location and procedure for conducting the alternative, the concentration or response levels of the alternative RA materials, and the other equipment checks included in the alternative procedure. The Administrator will review the petition for completeness and applicability. The determination to grant a waiver will depend on the intended use of the CEMS data (e.g., data collection purposes other than NSPS) and may require specifications more stringent than in Performance Specification 2 (e.g., the applicable emission limit is more stringent than NSPS).

(2) The waiver of a CEMS RA test will be reviewed and may be rescinded at such time, following successful completion of the alternative RA procedure, that the CEMS data indicate that the source emissions are approaching the level. The criterion for reviewing the waiver is the collection of CEMS data showing that emissions have exceeded 70 percent of the applicable standard for seven, consecutive, averaging periods as specified by the applicable regulation(s). For sources subject to standards expressed as control efficiency levels, the criterion for reviewing the waiver is the collection of CEMS data showing that exhaust emissions have exceeded 70 percent of the level needed to meet the control efficiency requirement for seven, consecutive, averaging periods as specified by the applicable regulation(s) [e.g., §60.45(g) (2) and (3), §60.73(e), and §60.84(e)]. It is the responsibility of the source operator to maintain records and determine the level of emissions relative to the criterion on the waiver of RA testing. If this criterion is exceeded, the owner or operator must notify the Administrator within 10 days of such occurrence and include a description of the nature and cause of the increasing emissions. The Administrator will review the notification and may rescind the waiver and require the owner or operator to conduct a RA test of the CEMS as specified in Section 8.4 of Performance Specification 2.

[40 FR 46255, Oct. 6, 1975; 40 FR 59205, Dec. 22, 1975, as amended at 41 FR 35185, Aug. 20, 1976; 48 FR 13326, Mar. 30, 1983; 48 FR 23610, May 25, 1983; 48 FR 32986, July 20, 1983; 52 FR 9782, Mar. 26, 1987; 52 FR 17555, May 11, 1987; 52 FR 21007, June 4, 1987; 64 FR 7463, Feb. 12, 1999; 65 FR 48920, Aug. 10, 2000; 65 FR 61749, Oct. 17, 2000; 66 FR 44980, Aug. 27, 2001; 71 FR 31102, June 1, 2006; 72 FR 32714, June 13, 2007]

Editorial Note: At 65 FR 61749, Oct. 17, 2000, §60.13 was amended by revising the words “ng/J of pollutant” to read “ng of pollutant per J of heat input” in the sixth sentence of paragraph (h). However, the amendment could not be incorporated because the words “ng/J of pollutant” do not exist in the sixth sentence of paragraph (h).

§ 60.14 Modification.

(a) Except as provided under paragraphs (e) and (f) of this section, any physical or operational change to an existing facility which results in an increase in the emission rate to the atmosphere of any pollutant to which a standard applies shall be considered a modification within the meaning of section 111 of the Act. Upon modification, an existing facility shall become an affected facility for each pollutant to which a standard applies and for which there is an increase in the emission rate to the atmosphere.

(b) Emission rate shall be expressed as kg/hr of any pollutant discharged into the atmosphere for which a standard is applicable. The Administrator shall use the following to determine emission rate:

(1) Emission factors as specified in the latest issue of “Compilation of Air Pollutant Emission Factors,” EPA Publication No. AP–42, or other emission factors determined by the Administrator to be superior to AP–42 emission factors, in cases where utilization of emission factors demonstrates that the emission level resulting from the physical or operational change will either clearly increase or clearly not increase.

(2) Material balances, continuous monitor data, or manual emission tests in cases where utilization of emission factors as referenced in paragraph (b)(1) of this section does not demonstrate to the Administrator's satisfaction whether the emission level resulting from the physical or operational change will either clearly increase or clearly not increase, or where an owner or operator demonstrates to the Administrator's satisfaction that there are reasonable grounds to dispute the result obtained by the Administrator utilizing emission factors as referenced in paragraph (b)(1) of this section. When the emission rate is based on results from manual emission tests or continuous monitoring systems, the procedures specified in appendix C of this part shall be used to determine whether an increase in emission rate has occurred. Tests shall be conducted under such conditions as the Administrator shall specify to the owner or operator based on representative performance of the facility. At least three valid test runs must be conducted before and at least three after the physical or operational change. All operating parameters which may affect emissions must be held constant to the maximum feasible degree for all test runs.

(c) The addition of an affected facility to a stationary source as an expansion to that source or as a replacement for an existing facility shall not by itself bring within the applicability of this part any other facility within that source.

(d) [Reserved]

(e) The following shall not, by themselves, be considered modifications under this part:

(1) Maintenance, repair, and replacement which the Administrator determines to be routine for a source category, subject to the provisions of paragraph (c) of this section and §60.15.

(2) An increase in production rate of an existing facility, if that increase can be accomplished without a capital expenditure on that facility.

(3) An increase in the hours of operation.

(4) Use of an alternative fuel or raw material if, prior to the date any standard under this part becomes applicable to that source type, as provided by §60.1, the existing facility was designed to accommodate that alternative use. A facility shall be considered to be designed to accommodate an alternative fuel or raw material if that use could be accomplished under the facility's construction specifications as amended prior to the change. Conversion to coal required for energy considerations, as specified in section 111(a)(8) of the Act, shall not be considered a modification.

(5) The addition or use of any system or device whose primary function is the reduction of air pollutants, except when an emission control system is removed or is replaced by a system which the Administrator determines to be less environmentally beneficial.

(6) The relocation or change in ownership of an existing facility.

(f) Special provisions set forth under an applicable subpart of this part shall supersede any conflicting provisions of this section.

(g) Within 180 days of the completion of any physical or operational change subject to the control measures specified in paragraph (a) of this section, compliance with all applicable standards must be achieved.

(h) No physical change, or change in the method of operation, at an existing electric utility steam generating unit shall be treated as a modification for the purposes of this section provided that such change does not increase the maximum hourly emissions of any pollutant regulated under this section above the maximum hourly emissions achievable at that unit during the 5 years prior to the change.

(i) Repowering projects that are awarded funding from the Department of Energy as permanent clean coal technology demonstration projects (or similar projects funded by EPA) are exempt from the requirements of this section provided that such change does not increase the maximum hourly emissions of any pollutant regulated under this section above the maximum hourly emissions achievable at that unit during the five years prior to the change.

(j)

(1) Repowering projects that qualify for an extension under section 409(b) of the Clean Air Act are exempt from the requirements of this section, provided that such change does not increase the actual hourly emissions of any pollutant regulated under this section above the actual hourly emissions achievable at that unit during the 5 years prior to the change.

(2) This exemption shall not apply to any new unit that:

(i) Is designated as a replacement for an existing unit;

(ii) Qualifies under section 409(b) of the Clean Air Act for an extension of an emission limitation compliance date under section 405 of the Clean Air Act; and

(iii) Is located at a different site than the existing unit.

(k) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project is exempt from the requirements of this section. A *temporary clean coal control technology demonstration project,* for the purposes of this section is a clean coal technology demonstration project that is operated for a period of 5 years or less, and which complies with the State implementation plan for the State in which the project is located and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

(l) The reactivation of a very clean coal-fired electric utility steam generating unit is exempt from the requirements of this section.

[40 FR 58419, Dec. 16, 1975, as amended at 43 FR 34347, Aug. 3, 1978; 45 FR 5617, Jan. 23, 1980; 57 FR 32339, July 21, 1992; 65 FR 61750, Oct. 17, 2000]

§ 60.15 Reconstruction.

(a) An existing facility, upon reconstruction, becomes an affected facility, irrespective of any change in emission rate.

(b) "Reconstruction" means the replacement of components of an existing facility to such an extent that:

(1) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility, and

(2) It is technologically and economically feasible to meet the applicable standards set forth in this part.

(c) "Fixed capital cost" means the capital needed to provide all the depreciable components.

(d) If an owner or operator of an existing facility proposes to replace components, and the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility, he shall notify the Administrator of the proposed replacements. The notice must be postmarked 60 days (or as soon as practicable) before construction of the replacements is commenced and must include the following information:

(1) Name and address of the owner or operator.

(2) The location of the existing facility.

(3) A brief description of the existing facility and the components which are to be replaced.

(4) A description of the existing air pollution control equipment and the proposed air pollution control equipment.

(5) An estimate of the fixed capital cost of the replacements and of constructing a comparable entirely new facility.

(6) The estimated life of the existing facility after the replacements.

(7) A discussion of any economic or technical limitations the facility may have in complying with the applicable standards of performance after the proposed replacements.

(e) The Administrator will determine, within 30 days of the receipt of the notice required by paragraph (d) of this section and any additional information he may reasonably require, whether the proposed replacement constitutes reconstruction.

(f) The Administrator's determination under paragraph (e) shall be based on:

(1) The fixed capital cost of the replacements in comparison to the fixed capital cost that would be required to construct a comparable entirely new facility;

(2) The estimated life of the facility after the replacements compared to the life of a comparable entirely new facility;

(3) The extent to which the components being replaced cause or contribute to the emissions from the facility; and

(4) Any economic or technical limitations on compliance with applicable standards of performance which are inherent in the proposed replacements.

(g) Individual subparts of this part may include specific provisions which refine and delimit the concept of reconstruction set forth in this section.

[40 FR 58420, Dec. 16, 1975]

§ 60.16 Priority list.

A list of prioritized major source categories may be found at the following EPA web site:
http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&rgn=div6&view=text&node=40:6.0.1.1.1.1&idno=40

[47 FR 951, Jan. 8, 1982, as amended at 47 FR 31876, July 23, 1982; 51 FR 42796, Nov. 25, 1986; 52 FR 11428, Apr. 8, 1987; 61 FR 9919, Mar. 12, 1996]

§ 60.17 Incorporations by reference.

The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267–01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

(a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428–2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.

(1) ASTM A99–76, 82 (Reapproved 1987), Standard Specification for Ferromanganese, incorporation by reference (IBR) approved for §60.261.

(2) ASTM A100–69, 74, 93, Standard Specification for Ferrosilicon, IBR approved for §60.261.

(3) ASTM A101–73, 93, Standard Specification for Ferrochromium, IBR approved for §60.261.

(4) ASTM A482–76, 93, Standard Specification for Ferrochromesilicon, IBR approved for §60.261.

(5) ASTM A483–64, 74 (Reapproved 1988), Standard Specification for Silicomanganese, IBR approved for §60.261.

(6) ASTM A495–76, 94, Standard Specification for Calcium-Silicon and Calcium Manganese-Silicon, IBR approved for §60.261.

(7) ASTM D86–78, 82, 90, 93, 95, 96, Distillation of Petroleum Products, IBR approved for §§60.562–2(d), 60.593(d), 60.593a(d), and 60.633(h).

(8) ASTM D129–64, 78, 95, 00, Standard Test Method for Sulfur in Petroleum Products (General Bomb Method), IBR approved for §§60.106(j)(2), 60.335(b)(10)(i), and Appendix A: Method 19, 12.5.2.2.3.

(9) ASTM D129–00 (Reapproved 2005), Standard Test Method for Sulfur in Petroleum Products (General Bomb Method), IBR approved for §60.4415(a)(1)(i).

(10) ASTM D240–76, 92, Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter, IBR approved for §§60.46(c), 60.296(b), and Appendix A: Method 19, Section 12.5.2.2.3.

(11) ASTM D270–65, 75, Standard Method of Sampling Petroleum and Petroleum Products, IBR approved for Appendix A: Method 19, Section 12.5.2.2.1.

(12) ASTM D323–82, 94, Test Method for Vapor Pressure of Petroleum Products (Reid Method), IBR approved for §§60.111(l), 60.111a(g), 60.111b(g), and 60.116b(f)(2)(ii).

(13) ASTM D388–77, 90, 91, 95, 98a, 99 (Reapproved 2004)ε^1 , Standard Specification for Classification of Coals by Rank, IBR approved for §§60.24(h)(8), 60.41 of subpart D of this part, 60.45(f)(4)(i), 60.45(f)(4)(ii), 60.45(f)(4)(vi), 60.41Da of subpart Da of this part, 60.41b of subpart Db of this part, 60.41c of subpart Dc of this part, and 60.4102.

(14) ASTM D388–77, 90, 91, 95, 98a, Standard Specification for Classification of Coals by Rank, IBR approved for §§60.251(b) and (c) of subpart Y of this part.

(15) ASTM D396–78, 89, 90, 92, 96, 98, Standard Specification for Fuel Oils, IBR approved for §§60.41b of subpart Db of this part, 60.41c of subpart Dc of this part, 60.111(b) of subpart K of this part, and 60.111a(b) of subpart Ka of this part.

(16) ASTM D975–78, 96, 98a, Standard Specification for Diesel Fuel Oils, IBR approved for §§60.111(b) of subpart K of this part and 60.111a(b) of subpart Ka of this part.

(17) ASTM D1072–80, 90 (Reapproved 1994), Standard Test Method for Total Sulfur in Fuel Gases, IBR approved for §60.335(b)(10)(ii).

(18) ASTM D1072–90 (Reapproved 1999), Standard Test Method for Total Sulfur in Fuel Gases, IBR approved for §60.4415(a)(1)(ii).

(19) ASTM D1137–53, 75, Standard Method for Analysis of Natural Gases and Related Types of Gaseous Mixtures by the Mass Spectrometer, IBR approved for §60.45(f)(5)(i).

(20) ASTM D1193–77, 91, Standard Specification for Reagent Water, IBR approved for Appendix A: Method 5, Section 7.1.3; Method 5E, Section 7.2.1; Method 5F, Section 7.2.1; Method 6, Section 7.1.1; Method 7, Section 7.1.1; Method 7C, Section 7.1.1; Method 7D, Section 7.1.1; Method 10A, Section 7.1.1; Method 11, Section 7.1.3; Method 12, Section 7.1.3; Method 13A, Section 7.1.2; Method 26, Section 7.1.2; Method 26A, Section 7.1.2; and Method 29, Section 7.2.2.

(21) ASTM D1266–87, 91, 98, Standard Test Method for Sulfur in Petroleum Products (Lamp Method), IBR approved for §§60.106(j)(2) and 60.335(b)(10)(i).

(22) ASTM D1266–98 (Reapproved 2003)e1, Standard Test Method for Sulfur in Petroleum Products (Lamp Method), IBR approved for §60.4415(a)(1)(i).

(23) ASTM D1475–60 (Reapproved 1980), 90, Standard Test Method for Density of Paint, Varnish Lacquer, and Related Products, IBR approved for §60.435(d)(1), Appendix A: Method 24, Section 6.1; and Method 24A, Sections 6.5 and 7.1.

(24) ASTM D1552–83, 95, 01, Standard Test Method for Sulfur in Petroleum Products (High-Temperature Method), IBR approved for §§60.106(j)(2), 60.335(b)(10)(i), and Appendix A: Method 19, Section 12.5.2.2.3.

(25) ASTM D1552–03, Standard Test Method for Sulfur in Petroleum Products (High-Temperature Method), IBR approved for §60.4415(a)(1)(i).

(26) ASTM D1826–77, 94, Standard Test Method for Calorific Value of Gases in Natural Gas Range by Continuous Recording Calorimeter, IBR approved for §§60.45(f)(5)(ii), 60.46(c)(2), 60.296(b)(3), and Appendix A: Method 19, Section 12.3.2.4.

(27) ASTM D1835–87, 91, 97, 03a, Standard Specification for Liquefied Petroleum (LP) Gases, IBR approved for §§60.41Da of subpart Da of this part, 60.41b of subpart Db of this part, and 60.41c of subpart Dc of this part.

(28) ASTM D1945–64, 76, 91, 96, Standard Method for Analysis of Natural Gas by Gas Chromatography, IBR approved for §60.45(f)(5)(i).

(29) ASTM D1946–77, 90 (Reapproved 1994), Standard Method for Analysis of Reformed Gas by Gas Chromatography, IBR approved for §§60.18(f)(3), 60.45(f)(5)(i), 60.564(f)(1), 60.614(e)(2)(ii), 60.614(e)(4), 60.664(e)(2)(ii), 60.664(e)(4), 60.704(d)(2)(ii), and 60.704(d)(4).

(30) ASTM D2013–72, 86, Standard Method of Preparing Coal Samples for Analysis, IBR approved for Appendix A: Method 19, Section 12.5.2.1.3.

(31) ASTM D2015–77 (Reapproved 1978), 96, Standard Test Method for Gross Calorific Value of Solid Fuel by the Adiabatic Bomb Calorimeter, IBR approved for §60.45(f)(5)(ii), 60.46(c)(2), and Appendix A: Method 19, Section 12.5.2.1.3.

(32) ASTM D2016–74, 83, Standard Test Methods for Moisture Content of Wood, IBR approved for Appendix A: Method 28, Section 16.1.1.

(33) ASTM D2234–76, 96, 97b, 98, Standard Methods for Collection of a Gross Sample of Coal, IBR approved for Appendix A: Method 19, Section 12.5.2.1.1.

(34) ASTM D2369–81, 87, 90, 92, 93, 95, Standard Test Method for Volatile Content of Coatings, IBR approved for Appendix A: Method 24, Section 6.2.

(35) ASTM D2382–76, 88, Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High-Precision Method), IBR approved for §§60.18(f)(3), 60.485(g)(6), 60.485a(g)(6), 60.564(f)(3), 60.614(e)(4), 60.664(e)(4), and 60.704(d)(4).

(36) ASTM D2504–67, 77, 88 (Reapproved 1993), Noncondensible Gases in C3 and Lighter Hydrocarbon Products by Gas Chromatography, IBR approved for §§60.485(g)(5) and 60.485a(g)(5).

(37) ASTM D2584–68 (Reapproved 1985), 94, Standard Test Method for Ignition Loss of Cured Reinforced Resins, IBR approved for §60.685(c)(3)(i).

(38) ASTM D2597–94 (Reapproved 1999), Standard Test Method for Analysis of Demethanized Hydrocarbon Liquid Mixtures Containing Nitrogen and Carbon Dioxide by Gas Chromatography, IBR approved for §60.335(b)(9)(i).

(39) ASTM D2622–87, 94, 98, Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-Ray Fluorescence Spectrometry, IBR approved for §§60.106(j)(2) and 60.335(b)(10)(i).

(40) ASTM D2622–05, Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-Ray Fluorescence Spectrometry, IBR approved for §60.4415(a)(1)(i).

(41) ASTM D2879–83, 96, 97, Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, IBR approved for §§60.111b(f)(3), 60.116b(e)(3)(ii), 60.116b(f)(2)(i), 60.485(e)(1), and 60.485a(e)(1).

(42) ASTM D2880–78, 96, Standard Specification for Gas Turbine Fuel Oils, IBR approved for §§60.111(b), 60.111a(b), and 60.335(d).

(43) ASTM D2908–74, 91, Standard Practice for Measuring Volatile Organic Matter in Water by Aqueous-Injection Gas Chromatography, IBR approved for §60.564(j).

(44) ASTM D2986–71, 78, 95a, Standard Method for Evaluation of Air, Assay Media by the Monodisperse DOP (Dioctyl Phthalate) Smoke Test, IBR approved for Appendix A: Method 5, Section 7.1.1; Method 12, Section 7.1.1; and Method 13A, Section 7.1.1.2.

(45) ASTM D3173–73, 87, Standard Test Method for Moisture in the Analysis Sample of Coal and Coke, IBR approved for Appendix A: Method 19, Section 12.5.2.1.3.

(46) ASTM D3176–74, 89, Standard Method for Ultimate Analysis of Coal and Coke, IBR approved for §60.45(f)(5)(i) and Appendix A: Method 19, Section 12.3.2.3.

(47) ASTM D3177–75, 89, Standard Test Method for Total Sulfur in the Analysis Sample of Coal and Coke, IBR approved for Appendix A: Method 19, Section 12.5.2.1.3.

(48) ASTM D3178–73 (Reapproved 1979), 89, Standard Test Methods for Carbon and Hydrogen in the Analysis Sample of Coal and Coke, IBR approved for §60.45(f)(5)(i).

(49) ASTM D3246–81, 92, 96, Standard Test Method for Sulfur in Petroleum Gas by Oxidative Microcoulometry, IBR approved for §60.335(b)(10)(ii).

(50) ASTM D3246–05, Standard Test Method for Sulfur in Petroleum Gas by Oxidative Microcoulometry, IBR approved for §60.4415(a)(1)(ii).

(51) ASTM D3270–73T, 80, 91, 95, Standard Test Methods for Analysis for Fluoride Content of the Atmosphere and Plant Tissues (Semiautomated Method), IBR approved for Appendix A: Method 13A, Section 16.1.

(52) ASTM D3286–85, 96, Standard Test Method for Gross Calorific Value of Coal and Coke by the Isoperibol Bomb Calorimeter, IBR approved for Appendix A: Method 19, Section 12.5.2.1.3.

(53) ASTM D3370–76, 95a, Standard Practices for Sampling Water, IBR approved for §60.564(j).

(54) ASTM D3792–79, 91, Standard Test Method for Water Content of Water-Reducible Paints by Direct Injection into a Gas Chromatograph, IBR approved for Appendix A: Method 24, Section 6.3.

(55) ASTM D4017–81, 90, 96a, Standard Test Method for Water in Paints and Paint Materials by the Karl Fischer Titration Method, IBR approved for Appendix A: Method 24, Section 6.4.

(56) ASTM D4057–81, 95, Standard Practice for Manual Sampling of Petroleum and Petroleum Products, IBR approved for Appendix A: Method 19, Section 12.5.2.2.3.

(57) ASTM D4057–95 (Reapproved 2000), Standard Practice for Manual Sampling of Petroleum and Petroleum Products, IBR approved for §60.4415(a)(1).

(58) ASTM D4084–82, 94, Standard Test Method for Analysis of Hydrogen Sulfide in Gaseous Fuels (Lead Acetate Reaction Rate Method), IBR approved for §60.334(h)(1).

(59) ASTM D4084–05, Standard Test Method for Analysis of Hydrogen Sulfide in Gaseous Fuels (Lead Acetate Reaction Rate Method), IBR approved for §§60.4360 and 60.4415(a)(1)(ii).

(60) ASTM D4177–95, Standard Practice for Automatic Sampling of Petroleum and Petroleum Products, IBR approved for Appendix A: Method 19, Section 12.5.2.2.1.

(61) ASTM D4177–95 (Reapproved 2000), Standard Practice for Automatic Sampling of Petroleum and Petroleum Products, IBR approved for §60.4415(a)(1).

(62) ASTM D4239–85, 94, 97, Standard Test Methods for Sulfur in the Analysis Sample of Coal and Coke Using High Temperature Tube Furnace Combustion Methods, IBR approved for Appendix A: Method 19, Section 12.5.2.1.3.

(63) ASTM D4294–02, Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-Ray Fluorescence Spectrometry, IBR approved for §60.335(b)(10)(i).

(64) ASTM D4294–03, Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-Ray Fluorescence Spectrometry, IBR approved for §60.4415(a)(1)(i).

(65) ASTM D4442–84, 92, Standard Test Methods for Direct Moisture Content Measurement in Wood and Wood-base Materials, IBR approved for Appendix A: Method 28, Section 16.1.1.

(66) ASTM D4444–92, Standard Test Methods for Use and Calibration of Hand-Held Moisture Meters, IBR approved for Appendix A: Method 28, Section 16.1.1.

(67) ASTM D4457–85 (Reapproved 1991), Test Method for Determination of Dichloromethane and 1, 1, 1-Trichloroethane in Paints and Coatings by Direct Injection into a Gas Chromatograph, IBR approved for Appendix A: Method 24, Section 6.5.

(68) ASTM D4468–85 (Reapproved 2000), Standard Test Method for Total Sulfur in Gaseous Fuels by Hydrogenolysis and Rateometric Colorimetry, IBR approved for §§60.335(b)(10)(ii) and 60.4415(a)(1)(ii).

(69) ASTM D4629–02, Standard Test Method for Trace Nitrogen in Liquid Petroleum Hydrocarbons by Syringe/Inlet Oxidative Combustion and Chemiluminescence Detection, IBR approved for §§60.49b(e) and 60.335(b)(9)(i).

(70) ASTM D4809–95, Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter (Precision Method), IBR approved for §§60.18(f)(3), 60.485(g)(6), 60.485a(g)(6), 60.564(f)(3), 60.614(d)(4), 60.664(e)(4), and 60.704(d)(4).

(71) ASTM D4810–88 (Reapproved 1999), Standard Test Method for Hydrogen Sulfide in Natural Gas Using Length of Stain Detector Tubes, IBR approved for §§60.4360 and 60.4415(a)(1)(ii).

(72) ASTM D5287–97 (Reapproved 2002), Standard Practice for Automatic Sampling of Gaseous Fuels, IBR approved for §60.4415(a)(1).

(73) ASTM D5403–93, Standard Test Methods for Volatile Content of Radiation Curable Materials, IBR approved for Appendix A: Method 24, Section 6.6.

(74) ASTM D5453–00, Standard Test Method for Determination of Total Sulfur in Light Hydrocarbons, Motor Fuels and Oils by Ultraviolet Fluorescence, IBR approved for §60.335(b)(10)(i).

(75) ASTM D5453–05, Standard Test Method for Determination of Total Sulfur in Light Hydrocarbons, Motor Fuels and Oils by Ultraviolet Fluorescence, IBR approved for §60.4415(a)(1)(i).

(76) ASTM D5504–01, Standard Test Method for Determination of Sulfur Compounds in Natural Gas and Gaseous Fuels by Gas Chromatography and Chemiluminescence, IBR approved for §§60.334(h)(1) and 60.4360.

(77) ASTM D5762–02, Standard Test Method for Nitrogen in Petroleum and Petroleum Products by Boat-Inlet Chemiluminescence, IBR approved for §60.335(b)(9)(i).

(78) ASTM D5865–98, Standard Test Method for Gross Calorific Value of Coal and Coke, IBR approved for §60.45(f)(5)(ii), 60.46(c)(2), and Appendix A: Method 19, Section 12.5.2.1.3.

(79) ASTM D6216–98, Standard Practice for Opacity Monitor Manufacturers to Certify Conformance with Design and Performance Specifications, IBR approved for Appendix B, Performance Specification 1.

(80) ASTM D6228–98, Standard Test Method for Determination of Sulfur Compounds in Natural Gas and Gaseous Fuels by Gas Chromatography and Flame Photometric Detection, IBR approved for §60.334(h)(1).

(81) ASTM D6228–98 (Reapproved 2003), Standard Test Method for Determination of Sulfur Compounds in Natural Gas and Gaseous Fuels by Gas Chromatography and Flame Photometric Detection, IBR approved for §§60.4360 and 60.4415.

(82) ASTM D6348–03, Standard Test Method for Determination of Gaseous Compounds by Extractive Direct Interface Fourier Transform Infrared (FTIR) Spectroscopy, IBR approved for table 7 of Subpart IIII of this part and table 2 of subpart JJJJ of this part.

(83) ASTM D6366–99, Standard Test Method for Total Trace Nitrogen and Its Derivatives in Liquid Aromatic Hydrocarbons by Oxidative Combustion and Electrochemical Detection, IBR approved for §60.335(b)(9)(i).

(84) ASTM D6420–99 (Reapproved 2004) Standard Test Method for Determination of Gaseous Organic Compounds by Direct Interface Gas Chromatography-Mass Spectrometry, IBR approved for table 2 of subpart JJJJ of this part.

(85) ASTM D6522–00, Standard Test Method for Determination of Nitrogen Oxides, Carbon Monoxide, and Oxygen Concentrations in Emissions from Natural Gas-Fired Reciprocating Engines, Combustion Turbines, Boilers, and Process Heaters Using Portable Analyzers, IBR approved for §60.335(a).

(86) ASTM D6522–00 (Reapproved 2005), Standard Test Method for Determination of Nitrogen Oxides, Carbon Monoxide, and Oxygen Concentrations in Emissions from Natural Gas-Fired Reciprocating Engines, Combustion Turbines, Boilers, and Process Heaters Using Portable Analyzers, IBR approved for table 2 of subpart JJJJ of this part.

(87) ASTM D6667–01, Standard Test Method for Determination of Total Volatile Sulfur in Gaseous Hydrocarbons and Liquefied Petroleum Gases by Ultraviolet Fluorescence, IBR approved for §60.335(b)(10)(ii).

(88) ASTM D6667–04, Standard Test Method for Determination of Total Volatile Sulfur in Gaseous Hydrocarbons and Liquefied Petroleum Gases by Ultraviolet Fluorescence, IBR approved for §60.4415(a)(1)(ii).

(89) ASTM D6784–02, Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method), IBR approved for Appendix B to part 60, Performance Specification 12A, Section 8.6.2.

(90) ASTM E168–67, 77, 92, General Techniques of Infrared Quantitative Analysis, IBR approved for §§60.485a(d)(1), 60.593(b)(2), 60.593a(b)(2), and 60.632(f).

(91) ASTM E169–63, 77, 93, General Techniques of Ultraviolet Quantitative Analysis, IBR approved for §§60.485a(d)(1), 60.593(b)(2), 60.593a(b)(2), and 60.632(f).

(92) ASTM E260–73, 91, 96, General Gas Chromatography Procedures, IBR approved for §§60.485a(d)(1), 60.593(b)(2), 60.593a(b)(2), and 60.632(f).

(b) The following material is available for purchase from the Association of Official Analytical Chemists, 1111 North 19th Street, Suite 210, Arlington, VA 22209.

(1) AOAC Method 9, Official Methods of Analysis of the Association of Official Analytical Chemists, 11th edition, 1970, pp. 11–12, IBR approved January 27, 1983 for §§60.204(b)(3), 60.214(b)(3), 60.224(b)(3), 60.234(b)(3).

(c) The following material is available for purchase from the American Petroleum Institute, 1220 L Street NW., Washington, DC 20005.

(1) API Publication 2517, Evaporation Loss from External Floating Roof Tanks, Second Edition, February 1980, IBR approved January 27, 1983, for §§60.111(i), 60.111a(f), 60.111a(f)(1) and 60.116b(e)(2)(i).

(d) The following material is available for purchase from the Technical Association of the Pulp and Paper Industry (TAPPI), Dunwoody Park, Atlanta, GA 30341.

(1) TAPPI Method T624 os–68, IBR approved January 27, 1983 for §60.285(d)(3).

(e) The following material is available for purchase from the Water Pollution Control Federation (WPCF), 2626 Pennsylvania Avenue NW., Washington, DC 20037.

(1) Method 209A, Total Residue Dried at 103–105 °C, in Standard Methods for the Examination of Water and Wastewater, 15th Edition, 1980, IBR approved February 25, 1985 for §60.683(b).

(f) The following material is available for purchase from the following address: Underwriter's Laboratories, Inc. (UL), 333 Pfingsten Road, Northbrook, IL 60062.

(1) UL 103, Sixth Edition revised as of September 3, 1986, Standard for Chimneys, Factory-built, Residential Type and Building Heating Appliance.

(g) The following material is available for purchase from the following address: West Coast Lumber Inspection Bureau, 6980 SW. Barnes Road, Portland, OR 97223.

(1) West Coast Lumber Standard Grading Rules No. 16, pages 5–21 and 90 and 91, September 3, 1970, revised 1984.

(h) The following material is available for purchase from the American Society of Mechanical Engineers (ASME), Three Park Avenue, New York, NY 10016–5990.

(1) ASME QRO–1–1994, Standard for the Qualification and Certification of Resource Recovery Facility Operators, IBR approved for §§60.56a, 60.54b(a), 60.54b(b), 60.1185(a), 60.1185(c)(2), 60.1675(a), and 60.1675(c)(2).

(2) ASME PTC 4.1–1964 (Reaffirmed 1991), Power Test Codes: Test Code for Steam Generating Units (with 1968 and 1969 Addenda), IBR approved for §§60.46b of subpart Db of this part, 60.58a(h)(6)(ii), 60.58b(i)(6)(ii), 60.1320(a)(3) and 60.1810(a)(3).

(3) ASME Interim Supplement 19.5 on Instruments and Apparatus: Application, Part II of Fluid Meters, 6th Edition (1971), IBR approved for §§60.58a(h)(6)(ii), 60.58b(i)(6)(ii), 60.1320(a)4), and 60.1810(a)(4).

(4) ANSI/ASME PTC 19.10–1981, Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus], IBR approved for Tables 1 and 3 of subpart EEEE, Tables 2 and 4 of subpart FFFF, Table 2 of subpart JJJJ, and §§60.4415(a)(2) and 60.4415(a)(3) of subpart KKKK of this part.

(i) Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW–846 Third Edition (November 1986), as amended by Updates I (July 1992), II (September 1994), IIA (August, 1993), IIB (January 1995), and III (December 1996). This document may be obtained from the U.S. EPA, Office of Solid Waste and Emergency Response, Waste Characterization Branch, Washington, DC 20460, and is incorporated by reference for appendix A to part 60, Method 29, Sections 7.5.34; 9.2.1; 9.2.3; 10.2; 10.3; 11.1.1; 11.1.3; 13.2.1; 13.2.2; 13.3.1; and Table 29–3.

(j) "Standard Methods for the Examination of Water and Wastewater," 16th edition, 1985. Method 303F: "Determination of Mercury by the Cold Vapor Technique." This document may be obtained from the American Public Health Association, 1015 18th Street, NW., Washington, DC 20036, and is incorporated by reference for appendix A to part 60, Method 29, Sections 9.2.3; 10.3; and 11.1.3.

(k) This material is available for purchase from the American Hospital Association (AHA) Service, Inc., Post Office Box 92683, Chicago, Illinois 60675–2683. You may inspect a copy at EPA's Air and Radiation Docket and Information Center (Docket A–91–61, Item IV–J–124), Room M–1500, 1200 Pennsylvania Ave., NW., Washington, DC.

(1) An Ounce of Prevention: Waste Reduction Strategies for Health Care Facilities. American Society for Health Care Environmental Services of the American Hospital Association. Chicago, Illinois. 1993. AHA Catalog No. 057007. ISBN 0–87258–673–5. IBR approved for §60.35e and §60.55c.

(l) This material is available for purchase from the National Technical Information Services, 5285 Port Royal Road, Springfield, Virginia 22161. You may inspect a copy at EPA's Air and Radiation Docket and Information Center (Docket A–91–61, Item IV–J–125), Room M–1500, 1200 Pennsylvania Ave., NW., Washington, DC.

(1) OMB Bulletin No. 93–17: Revised Statistical Definitions for Metropolitan Areas. Office of Management and Budget, June 30, 1993. NTIS No. PB 93–192–664. IBR approved for §60.31e.

(m) This material is available for purchase from at least one of the following addresses: The Gas Processors Association, 6526 East 60th Street, Tulsa, OK, 74145; or Information Handling Services, 15 Inverness Way East, PO Box 1154, Englewood, CO 80150–1154. You may inspect a copy at EPA's Air and Radiation Docket and Information Center, Room B108, 1301 Constitution Ave., NW., Washington, DC 20460.

(1) Gas Processors Association Method 2377–86, Test for Hydrogen Sulfide and Carbon Dioxide in Natural Gas Using Length of Stain Tubes, IBR approved for §§60.334(h)(1), 60.4360, and 60.4415(a)(1)(ii).

(2) [Reserved]

(n) This material is available for purchase from IHS Inc., 15 Inverness Way East, Englewood, CO 80112.

(1) International Organization for Standards 8178–4: 1996(E), Reciprocating Internal Combustion Engines—Exhaust Emission Measurement—Part 4: Test Cycles for Different Engine Applications, IBR approved for §60.4241(b).

(2) [Reserved]

[48 FR 3735, Jan. 27, 1983]

Editorial Note: For Federal Register citations affecting §60.17, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 60.18 General control device and work practice requirements.

(a) *Introduction.*

(1) This section contains requirements for control devices used to comply with applicable subparts of 40 CFR parts 60 and 61. The requirements are placed here for administrative convenience and apply only to facilities covered by subparts referring to this section.

(2) This section also contains requirements for an alternative work practice used to identify leaking equipment. This alternative work practice is placed here for administrative convenience and is available to all subparts in 40 CFR parts 60, 61, 63, and 65 that require monitoring of equipment with a 40 CFR part 60, Appendix A–7, Method 21 monitor.

(b) *Flares.* Paragraphs (c) through (f) apply to flares.

(c)

(1) Flares shall be designed for and operated with no visible emissions as determined by the methods specified in paragraph (f), except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.

(2) Flares shall be operated with a flame present at all times, as determined by the methods specified in paragraph (f).

(3) An owner/operator has the choice of adhering to either the heat content specifications in paragraph (c)(3)(ii) of this section and the maximum tip velocity specifications in paragraph (c)(4) of this section, or adhering to the requirements in paragraph (c)(3)(i) of this section.

(i)

(A) Flares shall be used that have a diameter of 3 inches or greater, are nonassisted, have a hydrogen content of 8.0 percent (by volume), or greater, and are designed for and operated with an exit velocity less than 37.2 m/sec (122 ft/sec) and less than the velocity, V_{max}, as determined by the following equation:

$$V_{max}=(X_{H2}-K_1)* K_2$$

Where:

V_{max} = Maximum permitted velocity, m/sec.

K_1 = Constant, 6.0 volume-percent hydrogen.

K_2 = Constant, 3.9(m/sec)/volume-percent hydrogen.

X_{H2} = The volume-percent of hydrogen, on a wet basis, as calculated by using the American Society for Testing and Materials (ASTM) Method D1946–77. (Incorporated by reference as specified in §60.17).

(B) The actual exit velocity of a flare shall be determined by the method specified in paragraph (f)(4) of this section.

(ii) Flares shall be used only with the net heating value of the gas being combusted being 11.2 MJ/scm (300 Btu/scf) or greater if the flare is steam-assisted or air-assisted; or with the net heating value of the gas being combusted being 7.45 MJ/scm (200 Btu/scf) or greater if the flare is nonassisted. The net heating value of the gas being combusted shall be determined by the methods specified in paragraph (f)(3) of this section.

(4)

(i) Steam-assisted and nonassisted flares shall be designed for and operated with an exit velocity, as determined by the methods specified in paragraph (f)(4) of this section, less than 18.3 m/sec (60 ft/sec), except as provided in paragraphs (c)(4) (ii) and (iii) of this section.

(ii) Steam-assisted and nonassisted flares designed for and operated with an exit velocity, as determined by the methods specified in paragraph (f)(4), equal to or greater than 18.3 m/sec (60 ft/sec) but less than 122 m/sec (400 ft/sec) are allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1,000 Btu/scf).

(iii) Steam-assisted and nonassisted flares designed for and operated with an exit velocity, as determined by the methods specified in paragraph (f)(4), less than the velocity, V_{max}, as determined by the method specified in paragraph (f)(5), and less than 122 m/sec (400 ft/sec) are allowed.

(5) Air-assisted flares shall be designed and operated with an exit velocity less than the velocity, V_{max}, as determined by the method specified in paragraph (f)(6).

(6) Flares used to comply with this section shall be steam-assisted, air-assisted, or nonassisted.

(d) Owners or operators of flares used to comply with the provisions of this subpart shall monitor these control devices to ensure that they are operated and maintained in conformance with their designs. Applicable subparts will provide provisions stating how owners or operators of flares shall monitor these control devices.

(e) Flares used to comply with provisions of this subpart shall be operated at all times when emissions may be vented to them.

(f)

(1) Method 22 of appendix A to this part shall be used to determine the compliance of flares with the visible emission provisions of this subpart. The observation period is 2 hours and shall be used according to Method 22.

(2) The presence of a flare pilot flame shall be monitored using a thermocouple or any other equivalent device to detect the presence of a flame.

(3) The net heating value of the gas being combusted in a flare shall be calculated using the following equation:

$$H_T = K \sum_{i=1}^{n} C_i H_i$$

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where:

H_T = Net heating value of the sample, MJ/scm; where the net enthalpy per mole of offgas is based on combustion at 25 °C and 760 mm Hg, but the standard temperature for determining the volume corresponding to one mole is 20 °C;

$$K = \text{Constant}, \; 1.740 \times 10^{-7} \left(\frac{1}{ppm}\right) \left(\frac{g\ mole}{scm}\right) \left(\frac{MJ}{kcal}\right)$$

where the standard temperature for $\left(\frac{g\ mole}{scm}\right)$ is 20°C;

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C_i = Concentration of sample component i in ppm on a wet basis, as measured for organics by Reference Method 18 and measured for hydrogen and carbon monoxide by ASTM D1946–77 or 90 (Reapproved 1994) (Incorporated by reference as specified in §60.17); and

H_i = Net heat of combustion of sample component i, kcal/g mole at 25 °C and 760 mm Hg. The heats of combustion may be determined using ASTM D2382–76 or 88 or D4809–95 (incorporated by reference as specified in §60.17) if published values are not available or cannot be calculated.

(4) The actual exit velocity of a flare shall be determined by dividing the volumetric flowrate (in units of standard temperature and pressure), as determined by Reference Methods 2, 2A, 2C, or 2D as appropriate; by the unobstructed (free) cross sectional area of the flare tip.

(5) The maximum permitted velocity, V_{max}, for flares complying with paragraph (c)(4)(iii) shall be determined by the following equation.

$$\text{Log}_{10}(V_{max})=(H_T+28.8)/31.7$$

V_{max} = Maximum permitted velocity, M/sec

28.8 = Constant

31.7 = Constant

H_T = The net heating value as determined in paragraph (f)(3).

(6) The maximum permitted velocity, V_{max}, for air-assisted flares shall be determined by the following equation.

$$V_{max}=8.706+0.7084\ (H_T)$$

V_{max} = Maximum permitted velocity, m/sec

8.706 = Constant

0.7084 = Constant

H_T = The net heating value as determined in paragraph (f)(3).

(g) *Alternative work practice for monitoring equipment for leaks.* Paragraphs (g), (h), and (i) of this section apply to all equipment for which the applicable subpart requires monitoring with a 40 CFR part 60, Appendix A–7, Method 21 monitor, except for closed vent systems, equipment designated as leakless, and equipment identified in the applicable

subpart as having no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background. An owner or operator may use an optical gas imaging instrument instead of a 40 CFR part 60, Appendix A–7, Method 21 monitor. Requirements in the existing subparts that are specific to the Method 21 instrument do not apply under this section. All other requirements in the applicable subpart that are not addressed in paragraphs (g), (h), and (i) of this section apply to this standard. For example, equipment specification requirements, and non-Method 21 instrument recordkeeping and reporting requirements in the applicable subpart continue to apply. The terms defined in paragraphs (g)(1) through (5) of this section have meanings that are specific to the alternative work practice standard in paragraphs (g), (h), and (i) of this section.

(1) *Applicable subpart* means the subpart in 40 CFR parts 60, 61, 63, or 65 that requires monitoring of equipment with a 40 CFR part 60, Appendix A–7, Method 21 monitor.

(2) *Equipment* means pumps, valves, pressure relief valves, compressors, open-ended lines, flanges, connectors, and other equipment covered by the applicable subpart that require monitoring with a 40 CFR part 60, Appendix A–7, Method 21 monitor.

(3) *Imaging* means making visible emissions that may otherwise be invisible to the naked eye.

(4) *Optical gas imaging instrument* means an instrument that makes visible emissions that may otherwise be invisible to the naked eye.

(5) *Repair* means that equipment is adjusted, or otherwise altered, in order to eliminate a leak.

(6) *Leak* means:

(i) Any emissions imaged by the optical gas instrument;

(ii) Indications of liquids dripping;

(iii) Indications by a sensor that a seal or barrier fluid system has failed; or

(iv) Screening results using a 40 CFR part 60, Appendix A–7, Method 21 monitor that exceed the leak definition in the applicable subpart to which the equipment is subject.

(h) The alternative work practice standard for monitoring equipment for leaks is available to all subparts in 40 CFR parts 60, 61, 63, and 65 that require monitoring of equipment with a 40 CFR part 60, Appendix A–7, Method 21 monitor.

(1) An owner or operator of an affected source subject to CFR parts 60, 61, 63, or 65 can choose to comply with the alternative work practice requirements in paragraph (i) of this section instead of using the 40 CFR part 60, Appendix A–7, Method 21 monitor to identify leaking equipment. The owner or operator must document the equipment, process units, and facilities for which the alternative work practice will be used to identify leaks.

(2) Any leak detected when following the leak survey procedure in paragraph (i)(3) of this section must be identified for repair as required in the applicable subpart.

(3) If the alternative work practice is used to identify leaks, re-screening after an attempted repair of leaking equipment must be conducted using either the alternative work practice or the 40 CFR part 60, Appendix A–7, Method 21 monitor at the leak definition required in the applicable subpart to which the equipment is subject.

(4) The schedule for repair is as required in the applicable subpart.

(5) When this alternative work practice is used for detecting leaking equipment, choose one of the monitoring frequencies listed in Table 1 to subpart A of this part in lieu of the monitoring frequency specified for regulated equipment in the applicable subpart. Reduced monitoring frequencies for good performance are not applicable when using the alternative work practice.

(6) When this alternative work practice is used for detecting leaking equipment the following are not applicable for the equipment being monitored:

(i) Skip period leak detection and repair;

(ii) Quality improvement plans; or

(iii) Complying with standards for allowable percentage of valves and pumps to leak.

(7) When the alternative work practice is used to detect leaking equipment, the regulated equipment in paragraph (h)(1)(i) of this section must also be monitored annually using a 40 CFR part 60, Appendix A–7, Method 21 monitor at the leak definition required in the applicable subpart. The owner or operator may choose the specific monitoring period (for example, first quarter) to conduct the annual monitoring. Subsequent monitoring must be conducted

every 12 months from the initial period. Owners or operators must keep records of the annual Method 21 screening results, as specified in paragraph (i)(4)(vii) of this section.

(i) An owner or operator of an affected source who chooses to use the alternative work practice must comply with the requirements of paragraphs (i)(1) through (i)(5) of this section.

(1) Instrument Specifications. The optical gas imaging instrument must comply with the requirements in (i)(1)(i) and (i)(1)(ii) of this section.

(i) Provide the operator with an image of the potential leak points for each piece of equipment at both the detection sensitivity level and within the distance used in the daily instrument check described in paragraph (i)(2) of this section. The detection sensitivity level depends upon the frequency at which leak monitoring is to be performed.

(ii) Provide a date and time stamp for video records of every monitoring event.

(2) Daily Instrument Check. On a daily basis, and prior to beginning any leak monitoring work, test the optical gas imaging instrument at the mass flow rate determined in paragraph (i)(2)(i) of this section in accordance with the procedure specified in paragraphs (i)(2)(ii) through (i)(2)(iv) of this section for each camera configuration used during monitoring (for example, different lenses used), unless an alternative method to demonstrate daily instrument checks has been approved in accordance with paragraph (i)(2)(v) of this section.

(i) Calculate the mass flow rate to be used in the daily instrument check by following the procedures in paragraphs (i)(2)(i)(A) and (i)(2)(i)(B) of this section.

(A) For a specified population of equipment to be imaged by the instrument, determine the piece of equipment in contact with the lowest mass fraction of chemicals that are detectable, within the distance to be used in paragraph (i)(2)(iv)(B) of this section, at or below the standard detection sensitivity level.

(B) Multiply the standard detection sensitivity level, corresponding to the selected monitoring frequency in Table 1 of subpart A of this part, by the mass fraction of detectable chemicals from the stream identified in paragraph (i)(2)(i)(A) of this section to determine the mass flow rate to be used in the daily instrument check, using the following equation.

$$E_{dic} = \left(E_{sds}\right)\sum_{i=1}^{k} x_i$$

Where:

E_{dic} = Mass flow rate for the daily instrument check, grams per hour

x_i = Mass fraction of detectable chemical(s) i seen by the optical gas imaging instrument, within the distance to be used in paragraph (i)(2)(iv)(B) of this section, at or below the standard detection sensitivity level, E_{sds}.

E_{sds} = Standard detection sensitivity level from Table 1 to subpart A, grams per hour

k = Total number of detectable chemicals emitted from the leaking equipment and seen by the optical gas imaging instrument.

(ii) Start the optical gas imaging instrument according to the manufacturer's instructions, ensuring that all appropriate settings conform to the manufacturer's instructions.

(iii) Use any gas chosen by the user that can be viewed by the optical gas imaging instrument and that has a purity of no less than 98 percent.

(iv) Establish a mass flow rate by using the following procedures:

(A) Provide a source of gas where it will be in the field of view of the optical gas imaging instrument.

(B) Set up the optical gas imaging instrument at a recorded distance from the outlet or leak orifice of the flow meter that will not be exceeded in the actual performance of the leak survey. Do not exceed the operating parameters of the flow meter.

(C) Open the valve on the flow meter to set a flow rate that will create a mass emission rate equal to the mass rate specified in paragraph (i)(2)(i) of this section while observing the gas flow through the optical gas imaging instrument viewfinder. When an image of the gas emission is seen through the viewfinder at the required emission rate, make a record of the reading on the flow meter.

(v) Repeat the procedures specified in paragraphs (i)(2)(ii) through (i)(2)(iv) of this section for each configuration of the optical gas imaging instrument used during the leak survey.

(vi) To use an alternative method to demonstrate daily instrument checks, apply to the Administrator for approval of the alternative under §60.13(i).

(3) Leak Survey Procedure. Operate the optical gas imaging instrument to image every regulated piece of equipment selected for this work practice in accordance with the instrument manufacturer's operating parameters. All emissions imaged by the optical gas imaging instrument are considered to be leaks and are subject to repair. All emissions visible to the naked eye are also considered to be leaks and are subject to repair.

(4) Recordkeeping. You must keep the records described in paragraphs (i)(4)(i) through (i)(4)(vii) of this section:

(i) The equipment, processes, and facilities for which the owner or operator chooses to use the alternative work practice.

(ii) The detection sensitivity level selected from Table 1 to subpart A of this part for the optical gas imaging instrument.

(iii) The analysis to determine the piece of equipment in contact with the lowest mass fraction of chemicals that are detectable, as specified in paragraph (i)(2)(i)(A) of this section.

(iv) The technical basis for the mass fraction of detectable chemicals used in the equation in paragraph (i)(2)(i)(B) of this section.

(v) The daily instrument check. Record the distance, per paragraph (i)(2)(iv)(B) of this section, and the flow meter reading, per paragraph (i)(2)(iv)(C) of this section, at which the leak was imaged. Keep a video record of the daily instrument check for each configuration of the optical gas imaging instrument used during the leak survey (for example, the daily instrument check must be conducted for each lens used). The video record must include a time and date stamp for each daily instrument check. The video record must be kept for 5 years.

(vi) Recordkeeping requirements in the applicable subpart. A video record must be used to document the leak survey results. The video record must include a time and date stamp for each monitoring event. A video record can be used to meet the recordkeeping requirements of the applicable subparts if each piece of regulated equipment selected for this work practice can be identified in the video record. The video record must be kept for 5 years.

(vii) The results of the annual Method 21 screening required in paragraph (h)(7) of this section. Records must be kept for all regulated equipment specified in paragraph (h)(1) of this section. Records must identify the equipment screened, the screening value measured by Method 21, the time and date of the screening, and calibration information required in the existing applicable subpart.

(5) Reporting. Submit the reports required in the applicable subpart. Submit the records of the annual Method 21 screening required in paragraph (h)(7) of this section to the Administrator via e-mail to *CCG-AWP@EPA.GOV*.

[51 FR 2701, Jan. 21, 1986, as amended at 63 FR 24444, May 4, 1998; 65 FR 61752, Oct. 17, 2000; 73 FR 78209, Dec. 22, 2008]

§ 60.19 General notification and reporting requirements.

(a) For the purposes of this part, time periods specified in days shall be measured in calendar days, even if the word "calendar" is absent, unless otherwise specified in an applicable requirement.

(b) For the purposes of this part, if an explicit postmark deadline is not specified in an applicable requirement for the submittal of a notification, application, report, or other written communication to the Administrator, the owner or operator shall postmark the submittal on or before the number of days specified in the applicable requirement. For example, if a notification must be submitted 15 days before a particular event is scheduled to take place, the notification shall be postmarked on or before 15 days preceding the event; likewise, if a notification must be submitted 15 days after a particular event takes place, the notification shall be delivered or postmarked on or before 15 days following the end of the event. The use of reliable non-Government mail carriers that provide indications of verifiable delivery of information required to be submitted to the Administrator, similar to the postmark provided by the U.S. Postal Service, or alternative means of delivery, including the use of electronic media, agreed to by the permitting authority, is acceptable.

(c) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. Procedures governing the implementation of this provision are specified in paragraph (f) of this section.

(d) If an owner or operator of an affected facility in a State with delegated authority is required to submit periodic reports under this part to the State, and if the State has an established timeline for the submission of periodic reports that is consistent with the reporting frequency(ies) specified for such facility under this part, the owner or operator may change the dates by which periodic reports under this part shall be submitted (without changing the frequency of reporting) to be consistent with the State's schedule by mutual agreement between the owner or operator and the State. The allowance in the previous sentence applies in each State beginning 1 year after the affected facility is required to be in compliance with the applicable subpart in this part. Procedures governing the implementation of this provision are specified in paragraph (f) of this section.

(e) If an owner or operator supervises one or more stationary sources affected by standards set under this part and standards set under part 61, part 63, or both such parts of this chapter, he/she may arrange by mutual agreement between the owner or operator and the Administrator (or the State with an approved permit program) a common schedule on which periodic reports required by each applicable standard shall be submitted throughout the year. The allowance in the previous sentence applies in each State beginning 1 year after the stationary source is required to be in compliance with the applicable subpart in this part, or 1 year after the stationary source is required to be in compliance with the applicable 40 CFR part 61 or part 63 of this chapter standard, whichever is latest. Procedures governing the implementation of this provision are specified in paragraph (f) of this section.

(f)

(1)

(i) Until an adjustment of a time period or postmark deadline has been approved by the Administrator under paragraphs (f)(2) and (f)(3) of this section, the owner or operator of an affected facility remains strictly subject to the requirements of this part.

(ii) An owner or operator shall request the adjustment provided for in paragraphs (f)(2) and (f)(3) of this section each time he or she wishes to change an applicable time period or postmark deadline specified in this part.

(2) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. An owner or operator who wishes to request a change in a time period or postmark deadline for a particular requirement shall request the adjustment in writing as soon as practicable before the subject activity is required to take place. The owner or operator shall include in the request whatever information he or she considers useful to convince the Administrator that an adjustment is warranted.

(3) If, in the Administrator's judgment, an owner or operator's request for an adjustment to a particular time period or postmark deadline is warranted, the Administrator will approve the adjustment. The Administrator will notify the owner or operator in writing of approval or disapproval of the request for an adjustment within 15 calendar days of receiving sufficient information to evaluate the request.

(4) If the Administrator is unable to meet a specified deadline, he or she will notify the owner or operator of any significant delay and inform the owner or operator of the amended schedule.

[59 FR 12428, Mar. 16, 1994, as amended at 64 FR 7463, Feb. 12, 1998]

Table 1 to Subpart A to Part 60–Detection Sensitivity Levels (grams per hour)

Monitoring frequency per subpart[a]	Detection sensitivity level
Bi-Monthly	60
Semi-Quarterly	85
Monthly	100

[a]When this alternative work practice is used to identify leaking equipment, the owner or operator must choose one of the monitoring frequencies listed in this table in lieu of the monitoring frequency specified in the applicable subpart. Bi-monthly means every other month. Semi-quarterly means twice per quarter. Monthly means once per month.

[73 FR 78211, Dec. 22, 2008]

Title 40: Protection of Environment

Appendix B to Part 60—Performance Specifications

Performance Specification 2—Specifications and Test Procedures for SO_2 and NO_X Continuous Emission Monitoring Systems in Stationary Sources

1.0 Scope and Application

1.1 Analytes

Analyte	CAS Nos.
Sulfur Dioxide (SO_2)	7449–09–5
Nitrogen Oxides (NO_X)	10102–44–0 (NO_2), 10024–97–2 (NO)

1.2 Applicability.

1.2.1 This specification is for evaluating the acceptability of SO_2 and NO_X continuous emission monitoring systems (CEMS) at the time of installation or soon after and whenever specified in the regulations. The CEMS may include, for certain stationary sources, a diluent (O_2 or CO_2) monitor.

1.2.2 This specification is not designed to evaluate the installed CEMS performance over an extended period of time nor does it identify specific calibration techniques and other auxiliary procedures to assess the CEMS performance. The source owner or operator is responsible to calibrate, maintain, and operate the CEMS properly. The Administrator may require, under Section 114 of the Act, the operator to conduct CEMS performance evaluations at other times besides the initial test to evaluate the CEMS performance. See 40 CFR Part 60, §60.13(c).

2.0 Summary of Performance Specification

Procedures for measuring CEMS relative accuracy and calibration drift are outlined. CEMS installation and measurement location specifications, equipment specifications, performance specifications, and data reduction procedures are included. Conformance of the CEMS with the Performance Specification is determined.

3.0 Definitions

3.1 *Calibration Drift (CD)* means the difference in the CEMS output readings from the established reference value after a stated period of operation during which no unscheduled maintenance, repair, or adjustment took place.

3.2 *Centroidal Area* means a concentric area that is geometrically similar to the stack or duct cross section and is no greater than l percent of the stack or duct cross-sectional area.

3.3 *Continuous Emission Monitoring System* means the total equipment required for the determination of a gas concentration or emission rate. The sample interface, pollutant analyzer, diluent analyzer, and data recorder are the major subsystems of the CEMS.

3.4 *Data Recorder* means that portion of the CEMS that provides a permanent record of the analyzer output. The data recorder may include automatic data reduction capabilities.

3.5 *Diluent Analyzer* means that portion of the CEMS that senses the diluent gas (i.e., CO_2 or O_2) and generates an output proportional to the gas concentration.

3.6 *Path CEMS* means a CEMS that measures the gas concentration along a path greater than 10 percent of the equivalent diameter of the stack or duct cross section.

3.7 *Point CEMS* means a CEMS that measures the gas concentration either at a single point or along a path equal to or less than 10 percent of the equivalent diameter of the stack or duct cross section.

3.8 *Pollutant Analyzer* means that portion of the CEMS that senses the pollutant gas and generates an output proportional to the gas concentration.

3.9 *Relative Accuracy (RA)* means the absolute mean difference between the gas concentration or emission rate determined by the CEMS and the value determined by the reference method (RM), plus the 2.5 percent error confidence coefficient of a series of tests, divided by the mean of the RM tests or the applicable emission limit.

3.10 *Sample Interface* means that portion of the CEMS used for one or more of the following: sample acquisition, sample delivery, sample conditioning, or protection of the monitor from the effects of the stack effluent.

3.11 *Span Value* means the concentration specified for the affected source category in an applicable subpart of the regulations that is used to set the calibration gas concentration and in determining calibration drift.

4.0 Interferences [Reserved]

5.0 Safety

The procedures required under this performance specification may involve hazardous materials, operations, and equipment. This performance specification may not address all of the safety problems associated with these procedures. It is the responsibility of the user to establish appropriate safety and health practices and determine the applicable regulatory limitations prior to performing these procedures. The CEMS user's manual and materials recommended by the reference method should be consulted for specific precautions to be taken.

6.0 Equipment and Supplies

6.1 CEMS Equipment Specifications.

6.1.1 Data Recorder Scale. The CEMS data recorder output range must include zero and a high-level value. The high-level value is chosen by the source owner or operator and is defined as follows:

6.1.1.1 For a CEMS intended to measure an uncontrolled emission (*e.g.,* SO_2measurements at the inlet of a flue gas desulfurization unit), the high-level value should be between 1.25 and 2 times the maximum potential emission level over the appropriate averaging time, unless otherwise specified in an applicable subpart of the regulations.

6.1.1.2 For a CEMS installed to measure controlled emissions or emissions that are in compliance with an applicable regulation, the high-level value between 1.5 times the pollutant concentration corresponding to the emission standard level and the span value given in the applicable regulations is adequate.

6.1.1.3 Alternative high-level values may be used, provided the source can measure emissions which exceed the full-scale limit in accordance with the requirements of applicable regulations.

6.1.1.4 If an analog data recorder is used, the data recorder output must be established so that the high-level value would read between 90 and 100 percent of the data recorder full scale. (This scale requirement may not be applicable to digital data recorders.) The zero and high level calibration gas, optical filter, or cell values should be used to establish the data recorder scale.

6.1.2 The CEMS design should also allow the determination of calibration drift at the zero and high-level values. If this is not possible or practical, the design must allow these determinations to be conducted at a low-level value (zero to 20 percent of the high-level value) and at a value between 50 and 100 percent of the high-level value. In special cases, the Administrator may approve a single-point calibration-drift determination.

6.2 Other equipment and supplies, as needed by the applicable reference method(s) (see Section 8.4.2 of this Performance Specification), may be required.

7.0 Reagents and Standards

7.1 Reference Gases, Gas Cells, or Optical Filters. As specified by the CEMS manufacturer for calibration of the CEMS (these need not be certified).

7.2 Reagents and Standards. May be required as needed by the applicable reference method(s) (see Section 8.4.2 of this Performance Specification).

8.0 Performance Specification Test Procedure

8.1 Installation and Measurement Location Specifications.

8.1.1 CEMS Installation. Install the CEMS at an accessible location where the pollutant concentration or emission rate measurements are directly representative or can be corrected so as to be representative of the total emissions from the affected facility or at the measurement location cross section. Then select representative measurement points or paths for monitoring in locations that the CEMS will pass the RA test (see Section 8.4). If the cause of failure to meet the RA test is determined to be the measurement location and a satisfactory correction technique cannot be established, the Administrator may require the CEMS to be relocated. Suggested measurement locations and points or paths that are most likely to provide data that will meet the RA requirements are listed below.

8.1.2 CEMS Measurement Location. It is suggested that the measurement location be (1) at least two equivalent diameters downstream from the nearest control device, the point of pollutant generation, or other point at which a change in the pollutant concentration or emission rate may occur and (2) at least a half equivalent diameter upstream from the effluent exhaust or control device.

8.1.2.1 Point CEMS. It is suggested that the measurement point be (1) no less than 1.0 meter (3.3 ft) from the stack or duct wall or (2) within or centrally located over the centroidal area of the stack or duct cross section.

8.1.2.2 Path CEMS. It is suggested that the effective measurement path (1) be totally within the inner area bounded by a line 1.0 meter (3.3 ft) from the stack or duct wall, or (2) have at least 70 percent of the path within the inner 50 percent of the stack or duct cross-sectional area, or (3) be centrally located over any part of the centroidal area.

8.1.3 Reference Method Measurement Location and Traverse Points.

8.1.3.1 Select, as appropriate, an accessible RM measurement point at least two equivalent diameters downstream from the nearest control device, the point of pollutant generation, or other point at which a change in the pollutant concentration or emission rate may occur, and at least a half equivalent diameter upstream from the effluent exhaust or control device. When pollutant concentration changes are due solely to diluent leakage (e.g*.,* air heater leakages) and pollutants and diluents are simultaneously measured at the same location, a half diameter may be used in lieu of two equivalent diameters. The CEMS and RM locations need not be the same.

8.1.3.2 Select traverse points that assure acquisition of representative samples over the stack or duct cross section. The minimum requirements are as follows: Establish a “measurement line” that passes through the centroidal area and in the direction of any expected stratification. If this line interferes with the CEMS measurements, displace the line up to 30 cm (12 in.) (or 5 percent of the equivalent diameter of the cross section, whichever is less) from the centroidal area. Locate three traverse points at 16.7, 50.0, and 83.3 percent of the measurement line. If the measurement line is longer than 2.4 meters (7.8 ft) and pollutant stratification is not expected, the three traverse points may be located on the line at 0.4, 1.2, and 2.0 meters from the stack or duct wall. This option must not be used after wet scrubbers or at points where two streams with different pollutant concentrations are combined. If stratification is suspected, the following procedure is suggested. For rectangular ducts, locate at least nine sample points in the cross section such that sample points are the centroids of similarly-shaped, equal area divisions of the cross section. Measure the pollutant concentration, and, if applicable, the diluent concentration at each point using appropriate reference methods or other appropriate instrument methods that give responses relative to pollutant concentrations. Then calculate the mean value for all sample points. For circular ducts, conduct a 12-point traverse (*i.e.,* six points on each of the two perpendicular diameters) locating the sample points as described in 40 CFR 60, Appendix A, Method 1. Perform the measurements and calculations as described above. Determine if the mean pollutant concentration is more than 10% different from any single point. If so, the cross section is considered to be stratified, and the tester may not use the alternative traverse point locations (...0.4, 1.2, and 2.0 meters from the stack

or duct wall.) but must use the three traverse points at 16.7, 50.0, and 83.3 percent of the entire measurement line. Other traverse points may be selected, provided that they can be shown to the satisfaction of the Administrator to provide a representative sample over the stack or duct cross section. Conduct all necessary RM tests within 3 cm (1.2 in.) of the traverse points, but no closer than 3 cm (1.2 in.) to the stack or duct wall.

8.2 Pretest Preparation. Install the CEMS, prepare the RM test site according to the specifications in Section 8.1, and prepare the CEMS for operation according to the manufacturer's written instructions.

8.3 Calibration Drift Test Procedure.

8.3.1 *CD Test Period.* While the affected facility is operating, determine the magnitude of the CD once each day (at 24-hour intervals) for 7 consecutive calendar days according to the procedure given in Sections 8.3.2 through 8.3.4. Alternatively, the CD test may be conducted over 7 consecutive unit operating days.

8.3.2 The purpose of the CD measurement is to verify the ability of the CEMS to conform to the established CEMS calibration used for determining the emission concentration or emission rate. Therefore, if periodic automatic or manual adjustments are made to the CEMS zero and calibration settings, conduct the CD test immediately before these adjustments, or conduct it in such a way that the CD can be determined.

8.3.3 Conduct the CD test at the two points specified in Section 6.1.2. Introduce to the CEMS the reference gases, gas cells, or optical filters (these need not be certified). Record the CEMS response and subtract this value from the reference value (see example data sheet in Figure 2–1).

8.4 Relative Accuracy Test Procedure.

8.4.1 RA Test Period. Conduct the RA test according to the procedure given in Sections 8.4.2 through 8.4.6 while the affected facility is operating at more than 50 percent of normal load, or as specified in an applicable subpart. The RA test may be conducted during the CD test period.

8.4.2 Reference Methods. Unless otherwise specified in an applicable subpart of the regulations, Methods 3B, 4, 6, and 7, or their approved alternatives, are the reference methods for diluent ($O_2$and CO_2), moisture, SO_2, and NO_X, respectively.

8.4.3 Sampling Strategy for RM Tests. Conduct the RM tests in such a way that they will yield results representative of the emissions from the source and can be correlated to the CEMS data. It is preferable to conduct the diluent (if applicable), moisture (if needed), and pollutant measurements simultaneously. However, diluent and moisture measurements that are taken within an hour of the pollutant measurements may be used to calculate dry pollutant concentration and emission rates. In order to correlate the CEMS and RM data properly, note the beginning and end of each RM test period of each run (including the exact time of day) on the CEMS chart recordings or other permanent record of output. Use the following strategies for the RM tests:

8.4.3.1 For integrated samples (e.g*.,* Methods 6 and Method 4), make a sample traverse of at least 21 minutes, sampling for an equal time at each traverse point (see Section 8.1.3.2 for discussion of traverse points.

8.4.3.2 For grab samples (e.g*.,* Method 7), take one sample at each traverse point, scheduling the grab samples so that they are taken simultaneously (within a 3-minute period) or at an equal interval of time apart over the span of time the CEM pollutant is measured. A test run for grab samples must be made up of at least three separate measurements.

Note: At times, CEMS RA tests are conducted during new source performance standards performance tests. In these cases, RM results obtained during CEMS RA tests may be used to determine compliance as long as the source and test conditions are consistent with the applicable regulations.

8.4.4 Number of RM Tests. Conduct a minimum of nine sets of all necessary RM test runs.

Note: More than nine sets of RM tests may be performed. If this option is chosen, a maximum of three sets of the test results may be rejected so long as the total number of test results used to determine the RA is greater than or equal to nine. However, all data must be reported, including the rejected data.

8.4.5 Correlation of RM and CEMS Data. Correlate the CEMS and the RM test data as to the time and duration by first determining from the CEMS final output (the one used for reporting) the integrated average pollutant concentration or emission rate for each pollutant RM test period. Consider system response time, if important, and confirm that the pair of results are on a consistent moisture, temperature, and diluent concentration basis. Then, compare each integrated CEMS value against the corresponding average RM value. Use the following guidelines to make these comparisons.

8.4.5.1 If the RM has an integrated sampling technique, make a direct comparison of the RM results and CEMS integrated average value.

8.4.5.2 If the RM has a grab sampling technique, first average the results from all grab samples taken during the test run, and then compare this average value against the integrated value obtained from the CEMS chart recording or output during the run. If the pollutant concentration is varying with time over the run, the arithmetic average of the CEMS value recorded at the time of each grab sample may be used.

8.4.6 Calculate the mean difference between the RM and CEMS values in the units of the emission standard, the standard deviation, the confidence coefficient, and the relative accuracy according to the procedures in Section 12.0.

8.5 Reporting. At a minimum (check with the appropriate regional office, State, or Local agency for additional requirements, if any), summarize in tabular form the results of the CD tests and the RA tests or alternative RA procedure, as appropriate. Include all data sheets, calculations, charts (records of CEMS responses), cylinder gas concentration certifications, and calibration cell response certifications (if applicable) necessary to confirm that the performance of the CEMS met the performance specifications.

9.0 Quality Control [Reserved]

10.0 Calibration and Standardization [Reserved]

11.0 Analytical Procedure

Sample collection and analysis are concurrent for this Performance Specification (see Section 8.0). Refer to the RM for specific analytical procedures.

12.0 Calculations and Data Analysis

Summarize the results on a data sheet similar to that shown in Figure 2–2 (in Section 18.0).

12.1 All data from the RM and CEMS must be on a consistent dry basis and, as applicable, on a consistent diluent basis and in the units of the emission standard. Correct the RM and CEMS data for moisture and diluent as follows:

12.1.1 Moisture Correction (as applicable). Correct each wet RM run for moisture with the corresponding Method 4 data; correct each wet CEMS run using the corresponding CEMS moisture monitor date using Equation 2–1.

$$\text{Concentration}_{(\text{dry})} = \frac{Concentration_{wet}}{(1 - B_{ws})} \qquad \text{Eq. 2-1}$$

12.1.2 Correction to Units of Standard (as applicable). Correct each dry RM run to the units of the emission standard with the corresponding Method 3B data; correct each dry CEMS run using the corresponding CEMS diluent monitor data as follows:

12.1.2.1 Correct to Diluent Basis. The following is an example of concentration (ppm) correction to 7% oxygen.

$$ppm_{(corr)} = ppm_{(uncorr)}\left[\frac{20.9-7.0}{20.9-\%O_{2(dry)}}\right] \qquad \text{Eq. 2-2}$$

The following is an example of mass/gross calorific value (lbs/million Btu) correction.

lbs/MMBtu=Conc(dry)(F-factor) (20.9/20.9-%0_2)

12.2 Arithmetic Mean. Calculate the arithmetic mean of the difference, d, of a data set as follows:

$$\bar{d} = \frac{1}{n}\sum_{i=1}^{n} d_i \qquad \text{Eq. 2-3}$$

Where:

n=Number of data points.

$$\sum_{i=1}^{n} d_i = \text{Algebraic summation of the individual differences } d_i.$$

12.3 Standard Deviation. Calculate the standard deviation, S_d, as follows:

$$S_d = \left[\frac{\sum_{i=1}^{n} d_i^2 - \frac{\left[\sum_{i=1}^{n} d_i\right]^2}{n}}{n-1}\right]^{\frac{1}{2}} \qquad Eq.\ 2\text{-}4$$

12.4 Confidence Coefficient. Calculate the 2.5 percent error confidence coefficient (one-tailed), CC, as follows:

$$CC = t_{0.975}\frac{S_d}{\sqrt{n}} \qquad Eq.\ 2\text{-}5$$

Where:

$t_{0.975}$=t-value (see Table 2–1).

12.5 Relative Accuracy. Calculate the RA of a set of data as follows:

$$RA = \frac{\left[\left|\bar{d}\right| + \left|CC\right|\right]}{\overline{RM}} \times 100 \qquad Eq.\ 2\text{-}6$$

Where:

|d|=Absolute value of the mean differences (from Equation 2–3).

|CC|=Absolute value of the confidence coefficient (from Equation 2–3).

RM=Average RM value. In cases where the average emissions for the test are less than 50 percent of the applicable standard, substitute the emission standard value in the denominator of Eq. 2–6 in place of RM. In all other cases, use RM.

13.0 Method Performance

13.1 Calibration Drift Performance Specification. The CEMS calibration must not drift or deviate from the reference value of the gas cylinder, gas cell, or optical filter by more than 2.5 percent of the span value. If the CEMS includes pollutant and diluent monitors, the CD must be determined separately for each in terms of concentrations (See Performance Specification 3 for the diluent specifications), and none of the CDs may exceed the specification.

13.2 Relative Accuracy Performance Specification. The RA of the CEMS must be no greater than 20 percent when RM is used in the denominator of Eq. 2–6 (average emissions during test are greater than 50 percent of the emission standard) or 10 percent when the applicable emission standard is used in the denominator of Eq. 2–6 (average emissions during test are less than 50 percent of the emission standard). For SO_2emission standards of 130 to and including 86 ng/J (0.30 and 0.20 lb/million Btu), inclusive, use 15 percent of the applicable standard; below 86 ng/J (0.20 lb/million Btu), use 20 percent of the emission standard.

13.3 For instruments that use common components to measure more than one effluent gas constituent, all channels must simultaneously pass the RA requirement, unless it can be demonstrated that any adjustments made to one channel did not affect the others.

14.0 Pollution Prevention[Reserved]

15.0 Waste Management[Reserved]

16.0 Alternative Procedures

Paragraphs 60.13(j)(1) and (2) of 40 CFR part 60 contain criteria for which the reference method procedure for determining relative accuracy (see Section 8.4 of this Performance Specification) may be waived and the following procedure substituted.

16.1 Conduct a complete CEMS status check following the manufacturer's written instructions. The check should include operation of the light source, signal receiver, timing mechanism functions, data acquisition and data reduction functions, data recorders, mechanically operated functions (mirror movements, zero pipe operation, calibration gas valve operations, etc.), sample filters, sample line heaters, moisture traps, and other related functions of the CEMS, as applicable. All parts of the CEMS shall be functioning properly before proceeding to the alternative RA procedure.

16.2 Alternative RA Procedure.

16.2.1 Challenge each monitor (both pollutant and diluent, if applicable) with cylinder gases of known concentrations or calibration cells that produce known responses at two measurement points within the ranges shown in Table 2–2 (Section 18).

16.2.2 Use a separate cylinder gas (for point CEMS only) or calibration cell (for path CEMS or where compressed gas cylinders can not be used) for measurement points 1 and 2. Challenge the CEMS and record the responses three times at each measurement point. The Administrator may allow dilution of cylinder gas using the performance criteria in Test Method 205, 40 CFR Part 51, Appendix M. Use the average of the three responses in determining relative accuracy.

16.2.3 Operate each monitor in its normal sampling mode as nearly as possible. When using cylinder gases, pass the cylinder gas through all filters, scrubbers, conditioners, and other monitor components used during normal sampling and as much of the sampling probe as practical. When using calibration cells, the CEMS components used

in the normal sampling mode should not be by-passed during the RA determination. These include light sources, lenses, detectors, and reference cells. The CEMS should be challenged at each measurement point for a sufficient period of time to assure adsorption-desorption reactions on the CEMS surfaces have stabilized.

16.2.4 Use cylinder gases that have been certified by comparison to National Institute of Standards and Technology (NIST) gaseous standard reference material (SRM) or NIST/EPA approved gas manufacturer's certified reference material (CRM) (See Reference 2 in Section 17.0) following EPA Traceability Protocol Number 1 (See Reference 3 in Section 17.0). As an alternative to Protocol Number 1 gases, CRM's may be used directly as alternative RA cylinder gases. A list of gas manufacturers that have prepared approved CRM's is available from EPA at the address shown in Reference 2. Procedures for preparation of CRM's are described in Reference 2.

16.2.5 Use calibration cells certified by the manufacturer to produce a known response in the CEMS. The cell certification procedure shall include determination of CEMS response produced by the calibration cell in direct comparison with measurement of gases of known concentration. This can be accomplished using SRM or CRM gases in a laboratory source simulator or through extended tests using reference methods at the CEMS location in the exhaust stack. These procedures are discussed in Reference 4 in Section 17.0. The calibration cell certification procedure is subject to approval of the Administrator.

16.3 The differences between the known concentrations of the cylinder gases and the concentrations indicated by the CEMS are used to assess the accuracy of the CEMS. The calculations and limits of acceptable relative accuracy are as follows:

16.3.1 For pollutant CEMS:

$$RA = \left| \left(\frac{\bar{d}}{AC} \right) 100 \right| \leq 15 \text{ percent} \qquad \text{Eq. 2-7}$$

Where:

d=Average difference between responses and the concentration/responses (see Section 16.2.2).

AC=The known concentration/response of the cylinder gas or calibration cell.

16.3.2 For diluent CEMS:

RA=|d| ≤ O.7 percent O_2or CO_2, as applicable.

Note: Waiver of the relative accuracy test in favor of the alternative RA procedure does not preclude the requirements to complete the CD tests nor any other requirements specified in an applicable subpart for reporting CEMS data and performing CEMS drift checks or audits.

17.0 References

1. Department of Commerce. Experimental Statistics. Handbook 91. Washington, D.C. p. 3–31, paragraphs 3–3.1.4.

2. “A Procedure for Establishing Traceability of Gas Mixtures to Certain National Bureau of Standards Standard Reference Materials.” Joint publication by NBS and EPA. EPA 600/7–81–010. Available from U.S. Environmental Protection Agency, Quality Assurance Division (MD–77), Research Triangle Park, North Carolina 27711.

3. “Traceability Protocol for Establishing True Concentrations of Gases Used for Calibration and Audits of Continuous Source Emission Monitors. (Protocol Number 1).” June 1978. Protocol Number 1 is included in the Quality Assurance Handbook for Air Pollution Measurement Systems, Volume III, Stationary Source Specific Methods. EPA–600/4–77–027b. August 1977.

4. “Gaseous Continuous Emission Monitoring Systems—Performance Specification Guidelines for SO_2, NO_X, CO_2, O_2, and TRS.” EPA–450/3–82–026. Available from the U.S. EPA, Emission Measurement Center, Emission Monitoring and Data Analysis Division (MD–19), Research Triangle Park, North Carolina 27711.

18.0 Tables, Diagrams, Flowcharts, and Validation Data

Figure 2–1. Calibration Drift Determination

Table 2-1—t-Values

n^a	$t_{0.975}$	n^a	$t_{0.975}$	n^a	$t_{0.975}$
2	12.706	7	2.447	12	2.201
3	4.303	8	2.365	13	2.179
4	3.182	9	2.306	14	2.160
5	2.776	10	2.262	15	2.145
6	2.571	11	2.228	16	2.131

[a]The values in this table are already corrected for n-1 degrees of freedom. Use n equal to the number of individual values.

Table 2–2—Measurement Range

Measurement point	Pollutant monitor	Diluent monitor for	
		CO_2	O_2
1	20–30% of span value	5–8% by volume	4–6% by volume.
2	50–60% of span value	10–14% by volume	8–12% by volume.

	Day	Date and time	Calibration value (C)	Monitor value (M)	Difference (C-M)	Percent of span value (C-M)/span value × 100
Low-level						

High-level						

Figure 2–2. Relative Accuracy Determination.

Run No.	Date and time	SO_2			NO_X[b]			CO_2 or O_2[a]		SO_2[a]			NO_X[a]		
		RM	CEMS	Diff	RM	CEMS	Diff	RM	CEMS	RM	CEMS	Diff	RM	CEMS	Diff
		ppm[c]			ppm[c]			%[c]	%[c]	mass/GCV			mass/GCV		
1															
2															
3															
4															
5															
6															
7															
8															
9															
10															
11															
12															
Average															

Confidence Interval															
Accuracy															

[a]For steam generators.

[b]Average of three samples.

[c]Make sure that RM and CEMS data are on a consistent basis, either wet or dry.

[Last Updated 10/15/03]
{Source: Federal Register dated 7/1/98, revised 2/7/02 to reflect FR 10/17/00 and FR 12/14/00, revised 10/15/03 to reflect FR 10/15/03 changes}

Subpart Kb — Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984

§ 60.110b Applicability and designation of affected facility.

(a) Except as provided in paragraph (b) of this section, the affected facility to which this subpart applies is each storage vessel with a capacity greater than or equal to 75 cubic meters (m^3) that is used to store volatile organic liquids (VOL) for which construction, reconstruction, or modification is commenced after July 23, 1984.

(b) This subpart does not apply to storage vessels with a capacity greater than or equal to 151m3 storing a liquid with a maximum true vapor pressure less than 3.5 kilopascals (kPa) or with a capacity greater than or equal to 75 m^3 but less than 151 m^3 storing a liquid with a maximum true vapor pressure less than 15.0 kPa.

(c) [Reserved]

(d) This subpart does not apply to the following:

(1) Vessels at coke oven by-product plants.

(2) Pressure vessels designed to operate in excess of 204.9 kPa and without emissions to the atmosphere.

(3) Vessels permanently attached to mobile vehicles such as trucks, rail-cars, barges, or ships.

(4) Vessels with a design capacity less than or equal to 1,589.874 m^3 used for petroleum or condensate stored, processed, or treated prior to custody transfer.

(5) Vessels located at bulk gasoline plants.

(6) Storage vessels located at gasoline service stations.

(7) Vessels used to store beverage alcohol.

(8) Vessels subject to subpart GGGG of 40 CFR part 63.

(e) *Alternative means of compliance* -- (1) *Option to comply with part 65.* Owners or operators may choose to comply with 40 CFR part 65, subpart C, to satisfy the requirements of §§ 60.112b through 60.117b for storage vessels that are subject to this subpart that meet the specifications in paragraphs (e)(1)(i) and (ii) of this section. When choosing to comply with 40 CFR part 65, subpart C, the monitoring requirements of § 60.116b(c), (e), (f)(1), and (g) still apply. Other provisions applying to owners or operators who choose to comply with 40 CFR part 65 are provided in 40 CFR 65.1.

(i) A storage vessel with a design capacity greater than or equal to 151 m3 containing a VOL that, as stored, has a maximum true vapor pressure equal to or greater than 5.2 kPa; or

(ii) A storage vessel with a design capacity greater than 75 m3 but less than 151 m3 containing a VOL that, as stored, has a maximum true vapor pressure equal to or greater than 27.6 kPa.

(2) *Part 60, subpart A.* Owners or operators who choose to comply with 40 CFR part 65, subpart C, must also comply with §§ 60.1, 60.2, 60.5, 60.6, 60.7(a)(1) and (4), 60.14, 60.15, and 60.16 for those storage vessels. All sections and paragraphs of subpart A of this part that are not mentioned in this paragraph (e)(2) do not apply to owners or operators of storage vessels complying with 40 CFR part 65, subpart C, except that provisions required to be met prior to implementing 40 CFR part 65 still apply. Owners and operators who choose to comply with 40 CFR part 65, subpart C, must comply with 40 CFR part 65, subpart A.

(3) *Internal floating roof report.* If an owner or operator installs an internal floating roof and, at initial startup, chooses to comply with 40 CFR part 65, subpart C, a report shall be furnished to the Administrator stating that the control equipment meets the specifications of 40 CFR 65.43. This report shall be an attachment to the notification required by 40 CFR 65.5(b).

(4) *External floating roof report.* If an owner or operator installs an external floating roof and, at initial startup, chooses to comply with 40 CFR part 65, subpart C, a report shall be furnished to the Administrator stating that the control equipment meets the specifications of 40 CFR 65.44. This report shall be an attachment to the notification required by 40 CFR 65.5(b).

§ 60.111b Definitions.

Terms used in this subpart are defined in the Act, in subpart A of this part, or in this subpart as follows:

Bulk gasoline plant means any gasoline distribution facility that has a gasoline throughput less than or equal to 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 requirement or Federal, State or local law, and discoverable by the Administrator and any other person.

Condensate means hydrocarbon liquid separated from natural gas that condenses due to changes in the temperature or pressure, or both, and remains liquid at standard conditions.

Custody transfer means the transfer of produced petroleum and/or condensate, after processing and/or treatment in the producing operations, from storage vessels or automatic transfer facilities to pipelines or any other forms of transportation.

Fill means the introduction of VOL into a storage vessel but not necessarily to complete capacity.

Gasoline service station means any site where gasoline is dispensed to motor vehicle fuel tanks from stationary storage tanks.

Maximum true vapor pressure means the equilibrium partial pressure exerted by the volatile organic compounds (as defined in 40 CFR 51.100) in the stored VOL at the temperature equal to the highest calendar-month average of the VOL storage temperature for VOL's stored above or below the ambient temperature or at the local maximum monthly average temperature as reported by the National Weather Service for VOL's stored at the ambient temperature, as determined:

(1) In accordance with methods de-scribed in American Petroleum institute Bulletin 2517, Evaporation Loss From External Floating Roof Tanks, (incorporated by reference—see § 60.17); or

(2) As obtained from standard reference texts; or

(3) As determined by ASTM Method D2879–83, 96, or 97 (incorporated by reference— see § 60.17);

(4) Any other method approved by the Administrator.

Reid vapor pressure means the absolute vapor pressure of volatile crude oil and volatile nonviscous petroleum liquids except liquified petroleum gases, as determined by ASTM D323–82 or 94 (incorporated by reference—see § 60.17).

Petroleum means the crude oil removed from the earth and the oils derived from tar sands, shale, and coal.

Petroleum liquids means petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery.

Process tank means a tank that is used within a process (including a solvent or raw material recovery process) to collect material discharged from a feedstock storage vessel or equipment within the process before the material is transferred to other equipment within the process, to a product or by-product storage vessel, or to a vessel used to store recovered solvent or raw material. In many process tanks, unit operations such as reactions and blending are conducted. Other process tanks, such as surge control vessels and bottoms receivers, however, may not involve unit operations.

Storage vessel means each tank, reservoir, or container used for the storage of volatile organic liquids but does not include:

(1) Frames, housing, auxiliary supports, or other components that are not directly involved in the containment of liquids or vapors;

(2) Subsurface caverns or porous rock reservoirs; or

(3) Process tanks.

Volatile organic liquid (VOL) means any organic liquid which can emit volatile organic compounds (as defined in 40 CFR 51.100) into the atmosphere.

Waste means any liquid resulting from industrial, commercial, mining or agricultural operations, or from community activities that is discarded or is being accumulated, stored, or physically, chemically, or biologically treated prior to being discarded or recycled.

[52 FR 11429, Apr. 8, 1987, as amended at 54 FR 32973, Aug. 11, 1989]

§ 60.112b Standard for volatile organic compounds (VOC).

(a) The owner or operator of each storage vessel either with a design capacity greater than or equal to 151 m^3 containing a VOL that, as stored, has a maximum true vapor pressure equal to or greater than 5.2 kPa but less than 76.6 kPa or with a design capacity greater than or equal to 75 m^3 but less than 151 m^3 containing a VOL that, as stored, has a maximum true vapor pressure equal to or greater than 27.6 kPa but less than 76.6 kPa, shall equip each storage vessel with one of the following:

(1) A fixed roof in combination with an internal floating roof meeting the following specifications:

(i) The internal floating roof shall rest or float on the liquid surface (but not necessarily in complete contact with it) inside a storage vessel that has a fixed roof. The internal floating roof shall be floating on the liquid surface at all times, except during initial fill and during those intervals when the storage vessel is completely emptied or subsequently emptied and refilled. When the roof is resting on the leg supports, the process of filling, emptying, or refilling shall be continuous and shall be accomplished as rapidly as possible.

(ii) Each internal floating roof shall be equipped with one of the following closure devices between the wall of the storage vessel and the edge of the internal floating roof:

(A) A foam- or liquid-filled seal mounted in contact with the liquid (liquid-mounted seal). A liquid-mounted seal means a foam- or liquid-filled seal mounted in contact with the liquid between the wall of the storage vessel and the floating roof continuously around the circumference of the tank.

(B) Two seals mounted one above the other so that each forms a continuous closure that completely covers the space between the wall of the storage vessel and the edge of the internal floating roof. The lower seal may be vapor-mounted, but both must be continuous.

(C) A mechanical shoe seal. A mechanical shoe seal is a metal sheet held vertically against the wall of the storage vessel by springs or weighted levers and is connected by braces to the floating roof. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.

(iii) Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the liquid surface.

(iv) Each opening in the internal floating roof except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains is to be equipped with a cover or lid which is to be maintained in a closed position at all times (i.e., no visible gap) except when the device is in actual use. The cover or lid shall be equipped with a gasket. Covers on each access hatch and automatic gauge float well shall be bolted except when they are in use.

(v) Automatic bleeder vents shall be equipped with a gasket and are to be closed at all times when the roof is floating except when the roof is being floated off or is being landed on the roof leg supports.

(vi) Rim space vents shall be equipped with a gasket and are to be set to open only when the internal floating roof is not floating or at the manufacturer's recommended setting.

(vii) Each penetration of the internal floating roof for the purpose of sampling shall be a sample well. The sample well shall have a slit fabric cover that covers at least 90 percent of the opening.

(viii) Each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof shall have a flexible fabric sleeve seal or a gasketed sliding cover.

(ix) Each penetration of the internal floating roof that allows for passage of a ladder shall have a gasketed sliding cover.

(2) An external floating roof. An external floating roof means a pontoon-type or double-deck type cover that rests on the liquid surface in a vessel with no fixed roof. Each external floating roof must meet the following specifications:

(i) Each external floating roof shall be equipped with a closure device between the wall of the storage vessel and the roof edge. The closure device is to consist of two seals, one above the other. The lower seal is referred to as the primary seal, and the upper seal is referred to as the secondary seal.

(A) The primary seal shall be either a mechanical shoe seal or a liquid-mounted seal. Except as provided in § 60.113b(b)(4), the seal shall completely cover the annular space between the edge of the floating roof and tank wall.

(B) The secondary seal shall completely cover the annular space between the external floating roof and the wall of the storage vessel in a continuous fashion except as allowed in § 60.113b(b)(4).

(ii) Except for automatic bleeder vents and rim space vents, each opening in a noncontact external floating roof shall provide a projection below the liquid surface. Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof is to be equipped with a gasketed cover, seal, or lid that is to be maintained in a closed position at all times (i.e., no visible gap) except when the device is in actual use. Automatic bleeder vents are to be closed at all times when the roof is floating except when the roof is being floated off or is being landed on the roof leg supports. Rim vents are to be set to open when the roof is being floated off the roof legs supports or at the manufacturer's recommended setting. Automatic bleeder vents and rim space vents are to be gasketed. Each emergency roof drain is to be provided with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening.

(iii) The roof shall be floating on the liquid at all times (i.e., off the roof leg supports) except during initial fill until the roof is lifted off leg supports and when the tank is completely emptied and subsequently refilled. The process of filling, emptying, or refilling when the roof is resting on the leg supports shall be continuous and shall be accomplished as rapidly as possible.

(3) A closed vent system and control device meeting the following specifications:

(i) The closed vent system shall be designed to collect all VOC vapors and gases discharged from the storage vessel and operated with no detectable emissions as indicated by an instrument reading of less than 500 ppm above background and visual inspections, as determined in part 60, subpart VV, § 60.485(b).

(ii) The control device shall be designed and operated to reduce inlet VOC emissions by 95 percent or greater. If a flare is used as the control device, it shall meet the specifications described in the general control device requirements (§ 60.18) of the General Provisions.

(4) A system equivalent to those described in paragraphs (a)(1), (a)(2), or (a)(3) of this section as provided in § 60.114b of this subpart.

(b) The owner or operator of each storage vessel with a design capacity greater than or equal to 75 m^3 which contains a VOL that, as stored, has a maximum true vapor pressure greater than or equal to 76.6 kPa shall equip each storage vessel with one of the following:

(1) A closed vent system and control device as specified in § 60.112b(a)(3).

(2) A system equivalent to that described in paragraph (b)(1) as provided in § 60.114b of this subpart.

(c) *Site-specific standard for Merck & Co., Inc.'s Stonewall Plant in Elkton, Virginia.* This paragraph applies only to the pharmaceutical manufacturing facility, commonly referred to as the Stonewall Plant, located at Route 340 South, in Elkton, Virginia (''site'').

(1) For any storage vessel that otherwise would be subject to the control technology requirements of paragraphs (a) or (b) of this section, the site shall have the option of either complying directly with the requirements of this subpart, or reducing the site-wide total criteria pollutant emissions cap (total emissions cap) in accordance with the procedures set forth in a permit issued pursuant to 40 CFR 52.2454. If the site chooses the option of reducing the total emissions cap in accordance with the procedures set forth in such permit, the requirements of such permit shall apply in lieu of the otherwise applicable requirements of this subpart for such storage vessel.

(2) For any storage vessel at the site not subject to the requirements of 40 CFR 60.112b (a) or (b), the requirements of 40 CFR 60.116b (b) and (c) and the General Provisions (subpart A of this part) shall not apply.

[52 FR 11429, Apr. 8, 1987, as amended at 62 FR 52641, Oct. 8, 1997]

§ 60.113b Testing and procedures.

The owner or operator of each storage vessel as specified in § 60.112b(a) shall meet the requirements of paragraph (a), (b), or (c) of this section. The applicable paragraph for a particular storage vessel depends on the control equipment installed to meet the requirements of § 60.112b.

(a) After installing the control equipment required to meet § 60.112b(a)(1) (permanently affixed roof and internal floating roof), each owner or operator shall:

(1) Visually inspect the internal floating roof, the primary seal, and the secondary seal (if one is in service), prior to filling the storage vessel with VOL. If there are holes, tears, or other openings in the primary seal, the secondary seal, or the seal fabric or defects in the internal floating roof, or both, the owner or operator shall repair the items before filling the storage vessel.

(2) For Vessels equipped with a liquid-mounted or mechanical shoe primary seal, visually inspect the internal floating roof and the primary seal or the secondary seal (if one is in service) through manholes and roof hatches on the fixed roof at least once every 12 months after initial fill. If the internal floating roof is not resting on the surface of the VOL inside the storage vessel, or there is liquid accumulated on the roof, or the seal is detached, or there are holes or tears in the seal fabric, the owner or operator shall repair the items or empty and remove the storage vessel from service within 45 days. If a failure that is detected during inspections required in this paragraph cannot be repaired within 45 days and if the vessel cannot be emptied within 45 days, a 30-day extension may be requested from the Administrator in the inspection report required in § 60.115b(a)(3). Such a request for an extension must document that alternate storage capacity is unavailable and specify a schedule of actions the company will take that will assure that the control equipment will be repaired or the vessel will be emptied as soon as possible.

(3) For vessels equipped with a double-seal system as specified in § 60.112b(a)(1)(ii)(B):

(i) Visually inspect the vessel as specified in paragraph (a)(4) of this section at least every 5 years; or

(ii) Visually inspect the vessel as specified in paragraph (a)(2) of this section.

(4) Visually inspect the internal floating roof, the primary seal, the secondary seal (if one is in service), gaskets, slotted membranes and sleeve seals (if any) each time the storage vessel is emptied and

degassed. If the internal floating roof has defects, the primary seal has holes, tears, or other openings in the seal or the seal fabric, or the secondary seal has holes, tears, or other openings in the seal or the seal fabric, or the gaskets no longer close off the liquid surfaces from the atmosphere, or the slotted membrane has more than 10 percent open area, the owner or operator shall repair the items as necessary so that none of the conditions specified in this paragraph exist before refilling the storage vessel with VOL. In no event shall inspections conducted in accordance with this provision occur at intervals greater than 10 years in the case of vessels conducting the annual visual inspection as specified in paragraphs (a)(2) and (a)(3)(ii) of this section and at intervals no greater than 5 years in the case of vessels specified in paragraph (a)(3)(i) of this section.

(5) Notify the Administrator in writing at least 30 days prior to the filling or refilling of each storage vessel for which an inspection is required by paragraphs (a)(1) and (a)(4) of this section to afford the Administrator the opportunity to have an observer present. If the inspection required by paragraph (a)(4) of this section is not planned and the owner or operator could not have known about the inspection 30 days in advance or refilling the tank, the owner or operator shall notify the Administrator at least 7 days prior to the refilling of the storage vessel. Notification shall be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification including the written documentation may be made in writing and sent by express mail so that it is received by the Administrator at least 7 days prior to the refilling.

(b) After installing the control equipment required to meet § 60.112b(a)(2) (external floating roof), the owner or operator shall:

(1) Determine the gap areas and maximum gap widths, between the primary seal and the wall of the storage vessel and between the secondary seal and the wall of the storage vessel according to the following frequency.

(i) Measurements of gaps between the tank wall and the primary seal (seal gaps) shall be performed during the hydrostatic testing of the vessel or within 60 days of the initial fill with VOL and at least once every 5 years thereafter.

(ii) Measurements of gaps between the tank wall and the secondary seal shall be performed within 60 days of the initial fill with VOL and at least once per year thereafter.

(iii) If any source ceases to store VOL for a period of 1 year or more, subsequent introduction of VOL into the vessel shall be considered an initial fill for the purposes of paragraphs (b)(1)(i) and (b)(1)(ii) of this section.

(2) Determine gap widths and areas in the primary and secondary seals individually by the following procedures:

(i) Measure seal gaps, if any, at one or more floating roof levels when the roof is floating off the roof leg supports.

(ii) Measure seal gaps around the entire circumference of the tank in each place where a 0.32-cm diameter uniform probe passes freely (without forcing or binding against seal) between the seal and the wall of the storage vessel and measure the circumferential distance of each such location.

(iii) The total surface area of each gap described in paragraph (b)(2)(ii) of this section shall be determined by using probes of various widths to measure accurately the actual distance from the tank wall to the seal and multiplying each such width by its respective circumferential distance.

(3) Add the gap surface area of each gap location for the primary seal and the secondary seal individually and divide the sum for each seal by the nominal diameter of the tank and compare each ratio to the respective standards in paragraph (b)(4) of this section.

(4) Make necessary repairs or empty the storage vessel within 45 days of identification in any inspection for seals not meeting the requirements listed in (b)(4) (i) and (ii) of this section:

(i) The accumulated area of gaps between the tank wall and the mechanical shoe or liquid-mounted primary seal shall not exceed 212 Cm^2 per meter of tank diameter, and the width of any portion of any gap shall not exceed 3.81 cm.

(A) One end of the mechanical shoe is to extend into the stored liquid, and the other end is to extend a minimum vertical distance of 61 cm above the stored liquid surface.

(B) There are to be no holes, tears, or other openings in the shoe, seal fabric, or seal envelope.

(ii) The secondary seal is to meet the following requirements:

(A) The secondary seal is to be installed above the primary seal so that it completely covers the space between the roof edge and the tank wall except as provided in paragraph (b)(2)(iii) of this section.

(B) The accumulated area of gaps between the tank wall and the secondary seal shall not exceed 21.2 cm 2 per meter of tank diameter, and the width of any portion of any gap shall not exceed 1.27 cm.

(C) There are to be no holes, tears, or other openings in the seal or seal fabric.

(iii) If a failure that is detected during inspections required in paragraph (b)(1) of § 60.113b(b) cannot be repaired within 45 days and if the vessel cannot be emptied within 45 days, a 30-day extension may be requested from the Administrator in the inspection report required in § 60.115b(b)(4). Such extension request must include a demonstration of unavailability of alternate storage capacity and a specification of a schedule that will assure that the control equipment will be repaired or the vessel will be emptied as soon as possible.

(5) Notify the Administrator 30 days in advance of any gap measurements required by paragraph (b)(1) of this section to afford the Administrator the opportunity to have an observer present.

(6) Visually inspect the external floating roof, the primary seal, secondary seal, and fittings each time the vessel is emptied and degassed.

(i) If the external floating roof has defects, the primary seal has holes, tears, or other openings in the seal or the seal fabric, or the secondary seal has holes, tears, or other openings in the seal or the seal fabric, the owner or operator shall repair the items as necessary so that none of the conditions specified in this paragraph exist before filling or refilling the storage vessel with VOL.

(ii) For all the inspections required by paragraph (b)(6) of this section, the owner or operator shall notify the Administrator in writing at least 30 days prior to the filling or refilling of each storage vessel to afford the Administrator the opportunity to inspect the storage vessel prior to refilling. If the inspection required by paragraph (b)(6) of this section is not planned and the owner or operator could not have known about the inspection 30 days in advance of refilling the tank, the owner or operator shall notify the Administrator at least 7 days prior to the refilling of the storage vessel. Notification shall be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification including the written documentation may be made in writing and sent by express mail so that it is received by the Administrator at least 7 days prior to the refilling.

(c) The owner or operator of each source that is equipped with a closed vent system and control device as required in § 60.112b (a)(3) or (b)(2) (other than a flare) is exempt from § 60.8 of the General Provisions and shall meet the following requirements.

(1) Submit for approval by the Administrator as an attachment to the notification required by § 60.7(a)(1) or, if the facility is exempt from § 60.7(a)(1), as an attachment to the notification required by § 60.7(a)(2), an operating plan containing the information listed below.

(i) Documentation demonstrating that the control device will achieve the required control efficiency during maximum loading conditions. This documentation is to include a description of the gas stream which enters the control device, including flow and VOC content under varying liquid level conditions (dynamic and static) and manufacturer’s design specifications for the control device. If the control device or the closed vent capture system receives vapors, gases, or liquids other than fuels from sources that are not designated sources under this subpart, the efficiency demonstration is to include consideration of all vapors, gases, and liquids received by the closed vent capture system and control device. If an enclosed combustion device with a minimum residence time of 0.75 seconds and a minimum temperature of 816 °C is used to meet the 95 percent requirement, documentation that those conditions will exist is sufficient to meet the requirements of this paragraph.

(ii) A description of the parameter or parameters to be monitored to ensure that the control device will be operated in conformance with its design and an explanation of the criteria used for selection of that parameter (or parameters).

(2) Operate the closed vent system and control device and monitor the parameters of the closed vent system and control device in accordance with the operating plan submitted to the Administrator in accordance with paragraph (c)(1) of this section, unless the plan was modified by the Administrator during the review process. In this case, the modified plan applies.

(d) The owner or operator of each source that is equipped with a closed vent system and a flare to meet the requirements in § 60.112b (a)(3) or (b)(2) shall meet the requirements as specified in the general control device requirements, § 60.18 (e) and (f).
[52 FR 11429, Apr. 8, 1987, as amended at 54 FR 32973, Aug. 11, 1989]

§ 60.114b Alternative means of emission limitation.

(a) If, in the Administrator's judgment, an alternative means of emission limitation will achieve a reduction in emissions at least equivalent to the reduction in emissions achieved by any requirement in § 60.112b, the Administrator will publish in the FEDERAL REGISTER a notice permitting the use of the alternative means for purposes of compliance with that requirement.

(b) Any notice under paragraph (a) of this section will be published only after notice and an opportunity for a hearing.

(c) Any person seeking permission under this section shall submit to the Administrator a written application including:

(1) An actual emissions test that uses a full-sized or scale-model storage vessel that accurately collects and measures all VOC emissions from a given control device and that accurately simulates wind and accounts for other emission variables such as temperature and barometric pressure.

(2) An engineering evaluation that the Administrator determines is an accurate method of determining equivalence.

(d) The Administrator may condition the permission on requirements that may be necessary to ensure operation and maintenance to achieve the same emissions reduction as specified in § 60.112b.

§ 60.115b Reporting and recordkeeping requirements.

The owner or operator of each storage vessel as specified in § 60.112b(a) shall keep records and furnish reports as required by paragraphs (a), (b), or (c) of this section depending upon the control equipment installed to meet the requirements of § 60.112b. The owner or operator shall keep copies of all reports and records required by this section, except for the record required by (c)(1), for at least 2 years. The record required by (c)(1) will be kept for the life of the control equipment.

(a) After installing control equipment in accordance with § 60.112b(a)(1) (fixed roof and internal floating roof), the owner or operator shall meet the following requirements.

(1) Furnish the Administrator with a report that describes the control equipment and certifies that the control equipment meets the specifications of § 60.112b(a)(1) and § 60.113b(a)(1). This report shall be an attachment to the notification required by § 60.7(a)(3).

(2) Keep a record of each inspection performed as required by § 60.113b (a)(1), (a)(2), (a)(3), and (a)(4). Each record shall identify the storage vessel on which the inspection was performed and shall contain the date the vessel was inspected and the observed condition of each component of the control equipment (seals, internal floating roof, and fittings).

(3) If any of the conditions described in § 60.113b(a)(2) are detected during the annual visual inspection required by § 60.113b(a)(2), a report shall be furnished to the Administrator within 30 days of the inspection. Each report shall identify the storage vessel, the nature of the defects, and the date the storage vessel was emptied or the nature of and date the repair was made.

(4) After each inspection required by § 60.113b(a)(3) that finds holes or tears in the seal or seal fabric, or defects in the internal floating roof, or other control equipment defects listed in § 60.113b(a)(3)(ii), a report shall be furnished to the Administrator within 30 days of the inspection. The report shall identify the storage vessel and the reason it did not meet the specifications of § 61.112b(a)(1) or § 60.113b(a)(3) and list each repair made.

(b) After installing control equipment in accordance with § 61.112b(a)(2) (external floating roof), the owner or operator shall meet the following requirements.

(1) Furnish the Administrator with a report that describes the control equipment and certifies that the control equipment meets the specifications of § 60.112b(a)(2) and § 60.113b(b)(2), (b)(3), and (b)(4). This report shall be an attachment to the notification required by § 60.7(a)(3).

(2) Within 60 days of performing the seal gap measurements required by § 60.113b(b)(1), furnish the Administrator with a report that contains:

(i) The date of measurement.

(ii) The raw data obtained in the measurement.

(iii) The calculations described in § 60.113b (b)(2) and (b)(3).

(3) Keep a record of each gap measurement performed as required by § 60.113b(b). Each record shall identify the storage vessel in which the measurement was performed and shall contain:

(i) The date of measurement.

(ii) The raw data obtained in the measurement.

(iii) The calculations described in § 60.113b (b)(2) and (b)(3).

(4) After each seal gap measurement that detects gaps exceeding the limitations specified by § 60.113b(b)(4), submit a report to the Administrator within 30 days of the inspection. The report will identify the vessel and contain the information specified in paragraph (b)(2) of this section and the date the vessel was emptied or the repairs made and date of repair.

(c) After installing control equipment in accordance with § 60.112b (a)(3) or (b)(1) (closed vent system and control device other than a flare), the owner or operator shall keep the following records.

(1) A copy of the operating plan.

(2) A record of the measured values of the parameters monitored in accordance with § 60.113b(c)(2).

(d) After installing a closed vent system and flare to comply with § 60.112b, the owner or operator shall meet the following requirements.

(1) A report containing the measurements required by § 60.18(f) (1), (2), (3), (4), (5), and (6) shall be furnished to the Administrator as required by § 60.8 of the General Provisions. This report shall be submitted within 6 months of the initial start-up date.

(2) Records shall be kept of all periods of operation during which the flare pilot flame is absent.

(3) Semiannual reports of all periods recorded under § 60.115b(d)(2) in which the pilot flame was absent shall be furnished to the Administrator.

§ 60.116b Monitoring of operations.

(a) The owner or operator shall keep copies of all records required by this section, except for the record required by paragraph (b) of this section, for at least 2 years. The record required by paragraph (b) of this section will be kept for the life of the source.

(b) The owner or operator of each storage vessel as specified in § 60.110b(a) shall keep readily accessible records showing the dimension of the storage vessel and an analysis showing the capacity of the storage vessel.

(c) Except as provided in paragraphs (f) and (g) of this section, the owner or operator of each storage vessel either with a design capacity greater than or equal to 151 m^3 storing a liquid with a maximum true vapor pressure greater than or equal to 3.5 kPa or with a design capacity greater than or equal to 75 m^3 but less than 151 m^3 storing a liquid with a maximum true vapor pressure greater than or equal to 15.0 kPa shall maintain a record of the VOL stored, the period of storage, and the maximum true vapor pressure of that VOL during the respective storage period.

(d) Except as provided in paragraph (g) of this section, the owner or operator of each storage vessel either with a design capacity greater than or equal to 151 m^3 storing a liquid with a maximum true vapor pressure that is normally less than 5.2 kPa or with a design capacity greater than or equal to 75 m^3 but less than 151 m^3 storing a liquid with a maximum true vapor pressure that is normally less than 27.6 kPa shall notify the Administrator within 30 days when the maximum true vapor pressure of the liquid exceeds the respective maximum true vapor vapor pressure values for each volume range.

(e) Available data on the storage temperature may be used to determine the maximum true vapor pressure as determined below.

(1) For vessels operated above or below ambient temperatures, the maximum true vapor pressure is calculated based upon the highest expected calendar-month average of the storage temperature. For vessels operated at ambient temperatures, the maximum true vapor pressure is calculated based upon the maximum local monthly average ambient temperature as reported by the National Weather Service.

(2) For crude oil or refined petroleum products the vapor pressure may be obtained by the following:

(i) Available data on the Reid vapor pressure and the maximum expected storage temperature based on the highest expected calendar-month average temperature of the stored product may be used to determine the maximum true vapor pressure from nomographs contained in API Bulletin 2517 (incorporated by reference—see § 60.17), unless the Administrator specifically requests that the liquid be sampled, the actual storage temperature determined, and the Reid vapor pressure determined from the sample(s).

(ii) The true vapor pressure of each type of crude oil with a Reid vapor pressure less than 13.8 kPa or with physical properties that preclude determination by the recommended method is to be determined from available data and recorded if the estimated maximum true vapor pressure is greater than 3.5 kPa.

(3) For other liquids, the vapor pressure:

(i) May be obtained from standard reference texts, or

(ii) Determined by ASTM Method D2879–83, 96, or 97 (incorporated by reference— see § 60.17); or

(iii) Measured by an appropriate method approved by the Administrator; or

(iv) Calculated by an appropriate method approved by the Administrator.

(f) The owner or operator of each vessel storing a waste mixture of indeterminate or variable composition shall be subject to the following requirements.

(1) Prior to the initial filling of the vessel, the highest maximum true vapor pressure for the range of anticipated liquid compositions to be stored will be determined using the methods described in paragraph (e) of this section.

(2) For vessels in which the vapor pressure of the anticipated liquid composition is above the cutoff for monitoring but below the cutoff for controls as defined in §60.112b(a), an initial physical test of the vapor pressure is required; and a physical test at least once every 6 months thereafter is required as determined by the following methods:

(i) ASTM Method D2879–83, 96, or 97 (incorporated by reference—see § 60.17); or

(ii) ASTM Method D323–82 or 94 (incorporated by reference—see §60.17); or

(iii) As measured by an appropriate method as approved by the Administrator.

(g) The owner or operator of each vessel equipped with a closed vent system and control device meeting the specifications of § 60.112b or with emissions reduction equipment as specified in 40 CFR 65.5(b)(4), (b)(5), (b)(6), or (c) is exempt from the requirements of paragraphs (c) and (d) of this section.

§ 60.117b Delegation of authority.

(a) In delegating implementation and enforcement authority to a State under section 111(c) of the Act, the authorities contained in paragraph (b) of this section shall be retained by the Administrator and not transferred to a State.

(b) Authorities which will not be delegated to States: §§ 60.111b(f)(4), 60.114b, 60.116b(e)(3)(iii), 60.116b(e)(3)(iv), and 60.116b(f)(2)(iii).
[52 FR 11429, Apr. 8, 1987, as amended at 52 FR 22780, June 16, 1987]

Federal Regulations Adopted by Reference

In accordance with Rule 62-204.800, F.A.C., the following federal regulation in Title 40 of the Code of Federal Regulations (CFR) was adopted by reference. The original federal rule numbering has been retained.

Federal Revision Date: June 2, 2008

Rule Effective Date: October 1, 2008

Standardized Conditions Revision Date: October 9, 2008

40 CFR Part 60, Subpart VV—Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006

Source: 48 FR 48335, Oct. 18, 1983, unless otherwise noted.

§ 60.480 Applicability and designation of affected facility.

(a)

(1) The provisions of this subpart apply to affected facilities in the synthetic organic chemicals manufacturing industry.

(2) The group of all equipment (defined in §60.481) within a process unit is an affected facility.

(b) Any affected facility under paragraph (a) of this section that commences construction, reconstruction, or modification after January 5, 1981, and on or before November 7, 2006, shall be subject to the requirements of this subpart.

(c) Addition or replacement of equipment for the purpose of process improvement which is accomplished without a capital expenditure shall not by itself be considered a modification under this subpart.

(d)

(1) If an owner or operator applies for one or more of the exemptions in this paragraph, then the owner or operator shall maintain records as required in §60.486(i).

(2) Any affected facility that has the design capacity to produce less than 1,000 Mg/yr (1,102 ton/yr) of a chemical listed in §60.489 is exempt from §§60.482–1 through 60.482–10.

(3) If an affected facility produces heavy liquid chemicals only from heavy liquid feed or raw materials, then it is exempt from §§60.482–1 through 60.482–10.

(4) Any affected facility that produces beverage alcohol is exempt from §§60.482–1 through 60.482–10.

(5) Any affected facility that has no equipment in volatile organic compounds (VOC) service is exempt from §§60.482–1 through 60.482–10.

(e) *Alternative means of compliance:*

(1) *Option to comply with part 65:*

(i) Owners or operators may choose to comply with the provisions of 40 CFR part 65, subpart F, to satisfy the requirements of §§60.482 through 60.487 for an affected facility. When choosing to comply with 40 CFR part 65, subpart F, the requirements of §60.485(d), (e), and (f) and §60.486(i) and (j) still apply. Other provisions applying to an owner or operator who chooses to comply with 40 CFR part 65 are provided in 40 CFR 65.1.

(ii) *Part 60, subpart A*. Owners or operators who choose to comply with 40 CFR part 65, subpart F must also comply with §§60.1, 60.2, 60.5, 60.6, 60.7(a)(1) and (4), 60.14, 60.15, and 60.16 for that equipment. All sections and paragraphs of subpart A of this part that are not mentioned in this paragraph (e)(1)(ii) do not apply to owners and operators of equipment subject to this subpart complying with 40 CFR part 65, subpart F, except that provisions required to be met prior to implementing 40 CFR part 65 still apply. Owners and operators who choose to comply with 40 CFR part 65, subpart F, must comply with 40 CFR part 65, subpart A.

(2) *Subpart VVa*. Owners or operators may choose to comply with the provisions of subpart VVa of this part 60 to satisfy the requirements of this subpart VV for an affected facility.

(f) *Stay of standards.* Owners or operators are not required to comply with the definition of "process unit" in §60.481 and the requirements in §60.482–1(g) of this subpart until the EPA takes final action to require compliance and publishes a

document in the Federal Register. While the definition of "process unit" is stayed, owners or operators should use the following definition:

Process unit means components assembled to produce, as intermediate or final products, one or more of the chemicals listed in §60.489 of this part. A process unit can operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the product.

[48 FR 48335, Oct. 18, 1983, as amended at 49 FR 22607, May 30, 1984; 65 FR 61762, Oct. 17, 2000; 65 FR 78276, Dec. 14, 2000; 72 FR 64879, Nov. 16, 2007, 73 FR 31379, June 2, 2008; 73 FR 31375, June 2, 2008]

§ 60.481 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act or in subpart A of part 60, and the following terms shall have the specific meanings given them.

Capital expenditure means, in addition to the definition in 40 CFR 60.2, an expenditure for a physical or operational change to an existing facility that:

(a) Exceeds P, the product of the facility's replacement cost, R, and an adjusted annual asset guideline repair allowance, A, as reflected by the following equation: $P = R \times A$, where

(1) The adjusted annual asset guideline repair allowance, A, is the product of the percent of the replacement cost, Y, and the applicable basic annual asset guideline repair allowance, B, divided by 100 as reflected by the following equation:

$$A = Y \times (B \div 100);$$

(2) The percent Y is determined from the following equation: $Y = 1.0 - 0.575 \log X$, where X is 1982 minus the year of construction; and

(3) The applicable basic annual asset guideline repair allowance, B, is selected from the following table consistent with the applicable subpart:

Table for Determining Applicable Value for B

Subpart applicable to facility	Value of B to be used in equation
VV	12.5
DDD	12.5
GGG	7.0
KKK	4.5

Closed-loop system means an enclosed system that returns process fluid to the process.

Closed-purge system means a system or combination of systems and portable containers to capture purged liquids. Containers for purged liquids must be covered or closed when not being filled or emptied.

Closed vent system means a system that is not open to the atmosphere and that is composed of hard-piping, ductwork, connections, and, if necessary, flow-inducing devices that transport gas or vapor from a piece or pieces of equipment to a control device or back to a process.

Connector means flanged, screwed, or other joined fittings used to connect two pipe lines or a pipe line and a piece of process equipment or that close an opening in a pipe that could be connected to another pipe. Joined fittings welded completely around the circumference of the interface are not considered connectors for the purpose of this subpart.

Control device means an enclosed combustion device, vapor recovery system, or flare.

Distance piece means an open or enclosed casing through which the piston rod travels, separating the compressor cylinder from the crankcase.

Double block and bleed system means two block valves connected in series with a bleed valve or line that can vent the line between the two block valves.

Duct work means a conveyance system such as those commonly used for heating and ventilation systems. It is often made of sheet metal and often has sections connected by screws or crimping. Hard-piping is not ductwork.

Equipment means each pump, compressor, pressure relief device, sampling connection system, open-ended valve or line, valve, and flange or other connector in VOC service and any devices or systems required by this subpart.

First attempt at repair means to take action for the purpose of stopping or reducing leakage of organic material to the atmosphere using best practices.

Fuel gas means gases that are combusted to derive useful work or heat.

Fuel gas system means the offsite and onsite piping and flow and pressure control system that gathers gaseous stream(s) generated by onsite operations, may blend them with other sources of gas, and transports the gaseous stream for use as fuel gas in combustion devices or in-process combustion equipment, such as furnaces and gas turbines, either singly or in combination.

Hard-piping means pipe or tubing that is manufactured and properly installed using good engineering judgment and standards such as ASME B31.3, Process Piping (available from the American Society of Mechanical Engineers, PO Box 2300, Fairfield, NJ 07007–2300).

In gas/vapor service means that the piece of equipment contains process fluid that is in the gaseous state at operating conditions.

In heavy liquid service means that the piece of equipment is not in gas/vapor service or in light liquid service.

In light liquid service means that the piece of equipment contains a liquid that meets the conditions specified in §60.485(e).

In-situ sampling systems means nonextractive samplers or in-line samplers.

In vacuum service means that equipment is operating at an internal pressure which is at least 5 kilopascals (kPa)(0.7 psia) below ambient pressure.

In VOC service means that the piece of equipment contains or contacts a process fluid that is at least 10 percent VOC by weight. (The provisions of §60.485(d) specify how to determine that a piece of equipment is not in VOC service.)

Liquids dripping means any visible leakage from the seal including spraying, misting, clouding, and ice formation.

Open-ended valve or line means any valve, except safety relief valves, having one side of the valve seat in contact with process fluid and one side open to the atmosphere, either directly or through open piping.

Pressure release means the emission of materials resulting from system pressure being greater than set pressure of the pressure relief device.

Process improvement means routine changes made for safety and occupational health requirements, for energy savings, for better utility, for ease of maintenance and operation, for correction of design deficiencies, for bottleneck removal, for changing product requirements, or for environmental control.

Process unit means the components assembled and connected by pipes or ducts to process raw materials and to produce, as intermediate or final products, one or more of the chemicals listed in §60.489. A process unit can operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the product. For the purpose of this subpart, process unit includes any feed, intermediate and final product storage vessels (except as specified in §60.482–1(g)), product transfer racks, and connected ducts and piping. A process unit includes all equipment as defined in this subpart.

Process unit shutdown means a work practice or operational procedure that stops production from a process unit or part of a process unit during which it is technically feasible to clear process material from a process unit or part of a process unit consistent with safety constraints and during which repairs can be accomplished. The following are not considered process unit shutdowns:

(1) An unscheduled work practice or operational procedure that stops production from a process unit or part of a process unit for less than 24 hours.

(2) An unscheduled work practice or operational procedure that would stop production from a process unit or part of a process unit for a shorter period of time than would be required to clear the process unit or part of the process unit of materials and start up the unit, and would result in greater emissions than delay of repair of leaking components until the next scheduled process unit shutdown.

(3) The use of spare equipment and technically feasible bypassing of equipment without stopping production.

Quarter means a 3-month period; the first quarter concludes on the last day of the last full month during the 180 days following initial startup.

Repaired means that equipment is adjusted, or otherwise altered, in order to eliminate a leak as defined in the applicable sections of this subpart and, except for leaks identified in accordance with §§60.482–2(b)(2)(ii) and (d)(6)(ii) and (iii), 60.482–3(f), and 60.482–10(f)(1)(ii), is re-monitored as specified in §60.485(b) to verify that emissions from the equipment are below the applicable leak definition.

Replacement cost means the capital needed to purchase all the depreciable components in a facility.

Sampling connection system means an assembly of equipment within a process unit used during periods of representative operation to take samples of the process fluid. Equipment used to take nonroutine grab samples is not considered a sampling connection system.

Sensor means a device that measures a physical quantity or the change in a physical quantity such as temperature, pressure, flow rate, pH, or liquid level.

Storage vessel means a tank or other vessel that is used to store organic liquids that are used in the process as raw material feedstocks, produced as intermediates or final products, or generated as wastes. Storage vessel does not include vessels permanently attached to motor vehicles, such as trucks, railcars, barges, or ships.

Synthetic organic chemicals manufacturing industry means the industry that produces, as intermediates or final products, one or more of the chemicals listed in §60.489.

Transfer rack means the collection of loading arms and loading hoses, at a single loading rack, that are used to fill tank trucks and/or railcars with organic liquids.

Volatile organic compounds or VOC means, for the purposes of this subpart, any reactive organic compounds as defined in §60.2 Definitions.

[48 FR 48335, Oct. 18, 1983, as amended at 49 FR 22607, May 30, 1984; 49 FR 26738, June 29, 1984; 60 FR 43258, Aug. 18, 1995; 65 FR 61762, Oct. 17, 2000; 65 FR 78276, Dec. 14, 2000; 72 FR 64879, Nov. 16, 2007]

Effective Date Note: At 73 FR 31375, June 2, 2008, in §60.481, the definition of “process unit” was stayed until further notice.

§ 60.482-1 Standards: General.

(a) Each owner or operator subject to the provisions of this subpart shall demonstrate compliance with the requirements of §§60.482–1 through 60.482–10 or §60.480(e) for all equipment within 180 days of initial startup.

(b) Compliance with §§60.482–1 to 60.482–10 will be determined by review of records and reports, review of performance test results, and inspection using the methods and procedures specified in §60.485.

(c)

(1) An owner or operator may request a determination of equivalence of a means of emission limitation to the requirements of §§60.482–2, 60.482–3, 60.482–5, 60.482–6, 60.482–7, 60.482–8, and 60.482–10 as provided in §60.484.

(2) If the Administrator makes a determination that a means of emission limitation is at least equivalent to the requirements of §§60.482–2, 60.482–3, 60.482–5, 60.482–6, 60.482–7, 60.482–8, or 60.482–10, an owner or operator shall comply with the requirements of that determination.

(d) Equipment that is in vacuum service is excluded from the requirements of §§60.482–2 to 60.482–10 if it is identified as required in §60.486(e)(5).

(e) Equipment that an owner or operator designates as being in VOC service less than 300 hours (hr)/yr is excluded from the requirements of §§60.482–2 through 60.482–10 if it is identified as required in §60.486(e)(6) and it meets any of the conditions specified in paragraphs (e)(1) through (3) of this section.

(1) The equipment is in VOC service only during startup and shutdown, excluding startup and shutdown between batches of the same campaign for a batch process.

(2) The equipment is in VOC service only during process malfunctions or other emergencies.

(3) The equipment is backup equipment that is in VOC service only when the primary equipment is out of service.

(f)

(1) If a dedicated batch process unit operates less than 365 days during a year, an owner or operator may monitor to detect leaks from pumps and valves at the frequency specified in the following table instead of monitoring as specified in §§60.482–2, 60.482–7, and 60.483–2:

Operating time (percent of hours during year)	Equivalent monitoring frequency time in use		
	Monthly	**Quarterly**	**Semiannually**
0 to <25	Quarterly	Annually	Annually.
25 to <50	Quarterly	Semiannually	Annually.
50 to <75	Bimonthly	Three quarters	Semiannually.
75 to 100	Monthly	Quarterly	Semiannually.

(2) Pumps and valves that are shared among two or more batch process units that are subject to this subpart may be monitored at the frequencies specified in paragraph (f)(1) of this section, provided the operating time of all such process units is considered.

(3) The monitoring frequencies specified in paragraph (f)(1) of this section are not requirements for monitoring at specific intervals and can be adjusted to accommodate process operations. An owner or operator may monitor at any time during the specified monitoring period (e.g., month, quarter, year), provided the monitoring is conducted at a reasonable interval after completion of the last monitoring campaign. Reasonable intervals are defined in paragraphs (f)(3)(i) through (iv) of this section.

(i) When monitoring is conducted quarterly, monitoring events must be separated by at least 30 calendar days.

(ii) When monitoring is conducted semiannually (*i.e.* , once every 2 quarters), monitoring events must be separated by at least 60 calendar days.

(iii) When monitoring is conducted in 3 quarters per year, monitoring events must be separated by at least 90 calendar days.

(iv) When monitoring is conducted annually, monitoring events must be separated by at least 120 calendar days.

(g) If the storage vessel is shared with multiple process units, the process unit with the greatest annual amount of stored materials (predominant use) is the process unit the storage vessel is assigned to. If the storage vessel is shared equally among process units, and one of the process units has equipment subject to subpart VVa of this part, the storage vessel is assigned to that process unit. If the storage vessel is shared equally among process units, none of which have equipment subject to subpart VVa of this part, the storage vessel is assigned to any process unit subject to this subpart. If the predominant use of the storage vessel varies from year to year, then the owner or operator must estimate the predominant use initially and reassess every 3 years. The owner or operator must keep records of the information and supporting calculations that show how predominant use is determined. All equipment on the storage vessel must be monitored when in VOC service.

[48 FR 48335, Oct. 18, 1983, as amended at 49 FR 22608, May 30, 1984; 65 FR 78276, Dec. 14, 2000; 72 FR 64880, Nov. 16, 2007]

Effective Date Note: At 73 FR 31375, June 2, 2008, in §60.482–1, paragraph (g) was stayed until further notice.

§ 60.482-2 Standards: Pumps in light liquid service.

(a)

(1) Each pump in light liquid service shall be monitored monthly to detect leaks by the methods specified in §60.485(b), except as provided in §60.482–1(c) and (f) and paragraphs (d), (e), and (f) of this section. A pump that begins operation in light liquid service after the initial startup date for the process unit must be monitored for the first time within 30 days after the end of its startup period, except for a pump that replaces a leaking pump and except as provided in §60.482–1(c) and (f) and paragraphs (d), (e), and (f) of this section.

(2) Each pump in light liquid service shall be checked by visual inspection each calendar week for indications of liquids dripping from the pump seal, except as provided in §60.482–1(f).

(b)

(1) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

(2) If there are indications of liquids dripping from the pump seal, the owner or operator shall follow the procedure specified in either paragraph (b)(2)(i) or (ii) of this section. This requirement does not apply to a pump that was monitored after a previous weekly inspection if the instrument reading for that monitoring event was less than 10,000 ppm and the pump was not repaired since that monitoring event.

(i) Monitor the pump within 5 days as specified in §60.485(b). If an instrument reading of 10,000 ppm or greater is measured, a leak is detected. The leak shall be repaired using the procedures in paragraph (c) of this section.

(ii) Designate the visual indications of liquids dripping as a leak, and repair the leak within 15 days of detection by eliminating the visual indications of liquids dripping.

(c)

(1) When a leak is detected, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in §60.482–9.

(2) A first attempt at repair shall be made no later than 5 calendar days after each leak is detected. First attempts at repair include, but are not limited to, the practices described in paragraphs (c)(2)(i) and (ii) of this section, where practicable.

(i) Tightening the packing gland nuts;

(ii) Ensuring that the seal flush is operating at design pressure and temperature.

(d) Each pump equipped with a dual mechanical seal system that includes a barrier fluid system is exempt from the requirements of paragraph (a) of this section, provided the requirements specified in paragraphs (d)(1) through (6) of this section are met.

(1) Each dual mechanical seal system is:

(i) Operated with the barrier fluid at a pressure that is at all times greater than the pump stuffing box pressure; or

(ii) Equipped with a barrier fluid degassing reservoir that is routed to a process or fuel gas system or connected by a closed vent system to a control device that complies with the requirements of §60.482–10; or

(iii) Equipped with a system that purges the barrier fluid into a process stream with zero VOC emissions to the atmosphere.

(2) The barrier fluid system is in heavy liquid service or is not in VOC service.

(3) Each barrier fluid system is equipped with a sensor that will detect failure of the seal system, the barrier fluid system, or both.

(4)

(i) Each pump is checked by visual inspection, each calendar week, for indications of liquids dripping from the pump seals.

(ii) If there are indications of liquids dripping from the pump seal at the time of the weekly inspection, the owner or operator shall follow the procedure specified in either paragraph (d)(4)(ii)(A) or (B) of this section.

(A) Monitor the pump within 5 days as specified in §60.485(b) to determine if there is a leak of VOC in the barrier fluid. If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

(B) Designate the visual indications of liquids dripping as a leak.

(5)

(i) Each sensor as described in paragraph (d)(3) of this section is checked daily or is equipped with an audible alarm.

(ii) The owner or operator determines, based on design considerations and operating experience, a criterion that indicates failure of the seal system, the barrier fluid system, or both.

(iii) If the sensor indicates failure of the seal system, the barrier fluid system, or both, based on the criterion established in paragraph (d)(5)(ii) of this section, a leak is detected.

(6)

(i) When a leak is detected pursuant to paragraph (d)(4)(ii)(A) of this section, it shall be repaired as specified in paragraph (c) of this section.

(ii) A leak detected pursuant to paragraph (d)(5)(iii) of this section shall be repaired within 15 days of detection by eliminating the conditions that activated the sensor.

(iii) A designated leak pursuant to paragraph (d)(4)(ii)(B) of this section shall be repaired within 15 days of detection by eliminating visual indications of liquids dripping.

(e) Any pump that is designated, as described in §60.486(e)(1) and (2), for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of paragraphs (a), (c), and (d) of this section if the pump:

(1) Has no externally actuated shaft penetrating the pump housing,

(2) Is demonstrated to be operating with no detectable emissions as indicated by an instrument reading of less than 500 ppm above background as measured by the methods specified in §60.485(c), and

(3) Is tested for compliance with paragraph (e)(2) of this section initially upon designation, annually, and at other times requested by the Administrator.

(f) If any pump is equipped with a closed vent system capable of capturing and transporting any leakage from the seal or seals to a process or to a fuel gas system or to a control device that complies with the requirements of §60.482–10, it is exempt from paragraphs (a) through (e) of this section.

(g) Any pump that is designated, as described in §60.486(f)(1), as an unsafe-to-monitor pump is exempt from the monitoring and inspection requirements of paragraphs (a) and (d)(4) through (6) of this section if:

(1) The owner or operator of the pump demonstrates that the pump is unsafe-to-monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with paragraph (a) of this section; and

(2) The owner or operator of the pump has a written plan that requires monitoring of the pump as frequently as practicable during safe-to-monitor times but not more frequently than the periodic monitoring schedule otherwise applicable, and repair of the equipment according to the procedures in paragraph (c) of this section if a leak is detected.

(h) Any pump that is located within the boundary of an unmanned plant site is exempt from the weekly visual inspection requirement of paragraphs (a)(2) and (d)(4) of this section, and the daily requirements of paragraph (d)(5) of this section, provided that each pump is visually inspected as often as practicable and at least monthly.

[48 FR 48335, Oct. 18, 1983, as amended at 65 FR 61762, Oct. 17, 2000; 65 FR 78276, Dec. 14, 2000; 72 FR 64880, Nov. 16, 2007]

§ 60.482-3 Standards: Compressors.

(a) Each compressor shall be equipped with a seal system that includes a barrier fluid system and that prevents leakage of VOC to the atmosphere, except as provided in §60.482–1(c) and paragraphs (h), (i), and (j) of this section.

(b) Each compressor seal system as required in paragraph (a) shall be:

(1) Operated with the barrier fluid at a pressure that is greater than the compressor stuffing box pressure; or

(2) Equipped with a barrier fluid system degassing reservoir that is routed to a process or fuel gas system or connected by a closed vent system to a control device that complies with the requirements of §60.482–10; or

(3) Equipped with a system that purges the barrier fluid into a process stream with zero VOC emissions to the atmosphere.

(c) The barrier fluid system shall be in heavy liquid service or shall not be in VOC service.

(d) Each barrier fluid system as described in paragraph (a) shall be equipped with a sensor that will detect failure of the seal system, barrier fluid system, or both.

(e)

(1) Each sensor as required in paragraph (d) shall be checked daily or shall be equipped with an audible alarm.

(2) The owner or operator shall determine, based on design considerations and operating experience, a criterion that indicates failure of the seal system, the barrier fluid system, or both.

(f) If the sensor indicates failure of the seal system, the barrier system, or both based on the criterion determined under paragraph (e)(2), a leak is detected.

(g)

(1) When a leak is detected, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in §60.482–9.

(2) A first attempt at repair shall be made no later than 5 calendar days after each leak is detected.

(h) A compressor is exempt from the requirements of paragraphs (a) and (b) of this section, if it is equipped with a closed vent system to capture and transport leakage from the compressor drive shaft back to a process or fuel gas system or to a control device that complies with the requirements of §60.482–10, except as provided in paragraph (i) of this section.

(i) Any compressor that is designated, as described in §60.486(e) (1) and (2), for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of paragraphs (a)–(h) if the compressor:

(1) Is demonstrated to be operating with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as measured by the methods specified in §60.485(c); and

(2) Is tested for compliance with paragraph (i)(1) of this section initially upon designation, annually, and at other times requested by the Administrator.

(j) Any existing reciprocating compressor in a process unit which becomes an affected facility under provisions of §60.14 or §60.15 is exempt from paragraphs (a) through (e) and (h) of this section, provided the owner or operator demonstrates that recasting the distance piece or replacing the compressor are the only options available to bring the compressor into compliance with the provisions of paragraphs (a) through (e) and (h) of this section.

[48 FR 48335, Oct. 18, 1983, as amended at 65 FR 61762, Oct. 17, 2000; 65 FR 78277, Dec. 14, 2000; 72 FR 64881, Nov. 16, 2007]

§ 60.482-4 Standards: Pressure relief devices in gas/vapor service.

(a) Except during pressure releases, each pressure relief device in gas/vapor service shall be operated with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as determined by the methods specified in §60.485(c).

(b)

(1) After each pressure release, the pressure relief device shall be returned to a condition of no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as soon as practicable, but no later than 5 calendar days after the pressure release, except as provided in §60.482–9.

(2) No later than 5 calendar days after the pressure release, the pressure relief device shall be monitored to confirm the conditions of no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, by the methods specified in §60.485(c).

(c) Any pressure relief device that is routed to a process or fuel gas system or equipped with a closed vent system capable of capturing and transporting leakage through the pressure relief device to a control device as described in §60.482–10 is exempted from the requirements of paragraphs (a) and (b) of this section.

(d)

(1) Any pressure relief device that is equipped with a rupture disk upstream of the pressure relief device is exempt from the requirements of paragraphs (a) and (b) of this section, provided the owner or operator complies with the requirements in paragraph (d)(2) of this section.

(2) After each pressure release, a new rupture disk shall be installed upstream of the pressure relief device as soon as practicable, but no later than 5 calendar days after each pressure release, except as provided in §60.482–9.

[48 FR 48335, Oct. 18, 1983, as amended at 65 FR 61762, Oct. 17, 2000; 65 FR 78277, Dec. 14, 2000]

§ 60.482-5 Standards: Sampling connection systems.

(a) Each sampling connection system shall be equipped with a closed-purge, closed-loop, or closed-vent system, except as provided in §60.482–1(c) and paragraph (c) of this section.

(b) Each closed-purge, closed-loop, or closed-vent system as required in paragraph (a) of this section shall comply with the requirements specified in paragraphs (b)(1) through (4) of this section.

(1) Gases displaced during filling of the sample container are not required to be collected or captured.

(2) Containers that are part of a closed-purge system must be covered or closed when not being filled or emptied.

(3) Gases remaining in the tubing or piping between the closed-purge system valve(s) and sample container valve(s) after the valves are closed and the sample container is disconnected are not required to be collected or captured.

(4) Each closed-purge, closed-loop, or closed-vent system shall be designed and operated to meet requirements in either paragraph (b)(4)(i), (ii), (iii), or (iv) of this section.

(i) Return the purged process fluid directly to the process line.

(ii) Collect and recycle the purged process fluid to a process.

(iii) Capture and transport all the purged process fluid to a control device that complies with the requirements of §60.482–10.

(iv) Collect, store, and transport the purged process fluid to any of the following systems or facilities:

(A) A waste management unit as defined in §63.111, if the waste management unit is subject to and operated in compliance with the provisions of 40 CFR part 63, subpart G, applicable to Group 1 wastewater streams;

(B) A treatment, storage, or disposal facility subject to regulation under 40 CFR part 262, 264, 265, or 266;

(C) A facility permitted, licensed, or registered by a state to manage municipal or industrial solid waste, if the process fluids are not hazardous waste as defined in 40 CFR part 261;

(D) A waste management unit subject to and operated in compliance with the treatment requirements of §61.348(a), provided all waste management units that collect, store, or transport the purged process fluid to the treatment unit are subject to and operated in compliance with the management requirements of §§61.343 through 61.347; or

(E) A device used to burn off-specification used oil for energy recovery in accordance with 40 CFR part 279, subpart G, provided the purged process fluid is not hazardous waste as defined in 40 CFR part 261.

(c) In situ sampling systems and sampling systems without purges are exempt from the requirements of paragraphs (a) and (b) of this section.

[60 FR 43258, Aug. 18, 1995, as amended at 65 FR 61762, Oct. 17, 2000; 65 FR 78277, Dec. 14, 2000; 72 FR 64881, Nov. 16, 2007]

§ 60.482-6 Standards: Open-ended valves or lines.

(a)

(1) Each open-ended valve or line shall be equipped with a cap, blind flange, plug, or a second valve, except as provided in §60.482–1(c) and paragraphs (d) and (e) of this section.

(2) The cap, blind flange, plug, or second valve shall seal the open end at all times except during operations requiring process fluid flow through the open-ended valve or line.

(b) Each open-ended valve or line equipped with a second valve shall be operated in a manner such that the valve on the process fluid end is closed before the second valve is closed.

(c) When a double block-and-bleed system is being used, the bleed valve or line may remain open during operations that require venting the line between the block valves but shall comply with paragraph (a) at all other times.

(d) Open-ended valves or lines in an emergency shutdown system which are designed to open automatically in the event of a process upset are exempt from the requirements of paragraphs (a), (b) and (c) of this section.

(e) Open-ended valves or lines containing materials which would autocatalytically polymerize or would present an explosion, serious overpressure, or other safety hazard if capped or equipped with a double block and bleed system as specified in paragraphs (a) through (c) of this section are exempt from the requirements of paragraphs (a) through (c) of this section.

[48 FR 48335, Oct. 18, 1983, as amended at 49 FR 22607, May 30, 1984; 65 FR 78277, Dec. 14, 2000; 72 FR 64881, Nov. 16, 2007]

§ 60.482-7 Standards: Valves in gas/vapor service and in light liquid service.

(a)

(1) Each valve shall be monitored monthly to detect leaks by the methods specified in §60.485(b) and shall comply with paragraphs (b) through (e) of this section, except as provided in paragraphs (f), (g), and (h) of this section, §60.482–1(c) and (f), and §§60.483–1 and 60.483–2.

(2) A valve that begins operation in gas/vapor service or light liquid service after the initial startup date for the process unit must be monitored according to paragraphs (a)(2)(i) or (ii), except for a valve that replaces a leaking valve and except as provided in paragraphs (f), (g), and (h) of this section, §60.482–1(c), and §§60.483–1 and 60.483–2.

(i) Monitor the valve as in paragraph (a)(1) of this section. The valve must be monitored for the first time within 30 days after the end of its startup period to ensure proper installation.

(ii) If the valves on the process unit are monitored in accordance with §60.483–1 or §60.483–2, count the new valve as leaking when calculating the percentage of valves leaking as described in §60.483–2(b)(5). If less than 2.0 percent of the valves are leaking for that process unit, the valve must be monitored for the first time during the next scheduled monitoring event for existing valves in the process unit or within 90 days, whichever comes first.

(b) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

(c)

(1)

(i) Any valve for which a leak is not detected for 2 successive months may be monitored the first month of every quarter, beginning with the next quarter, until a leak is detected.

(ii) As an alternative to monitoring all of the valves in the first month of a quarter, an owner or operator may elect to subdivide the process unit into 2 or 3 subgroups of valves and monitor each subgroup in a different month during the quarter, provided each subgroup is monitored every 3 months. The owner or operator must keep records of the valves assigned to each subgroup.

(2) If a leak is detected, the valve shall be monitored monthly until a leak is not detected for 2 successive months.

(d)

(1) When a leak is detected, it shall be repaired as soon as practicable, but no later than 15 calendar days after the leak is detected, except as provided in §60.482–9.

(2) A first attempt at repair shall be made no later than 5 calendar days after each leak is detected.

(e) First attempts at repair include, but are not limited to, the following best practices where practicable:

(1) Tightening of bonnet bolts;

(2) Replacement of bonnet bolts;

(3) Tightening of packing gland nuts;

(4) Injection of lubricant into lubricated packing.

(f) Any valve that is designated, as described in §60.486(e)(2), for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of paragraph (a) if the valve:

(1) Has no external actuating mechanism in contact with the process fluid,

(2) Is operated with emissions less than 500 ppm above background as determined by the method specified in §60.485(c), and

(3) Is tested for compliance with paragraph (f)(2) of this section initially upon designation, annually, and at other times requested by the Administrator.

(g) Any valve that is designated, as described in §60.486(f)(1), as an unsafe-to-monitor valve is exempt from the requirements of paragraph (a) if:

(1) The owner or operator of the valve demonstrates that the valve is unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with paragraph (a), and

(2) The owner or operator of the valve adheres to a written plan that requires monitoring of the valve as frequently as practicable during safe-to-monitor times.

(h) Any valve that is designated, as described in §60.486(f)(2), as a difficult-to-monitor valve is exempt from the requirements of paragraph (a) if:

(1) The owner or operator of the valve demonstrates that the valve cannot be monitored without elevating the monitoring personnel more than 2 meters above a support surface.

(2) The process unit within which the valve is located either becomes an affected facility through §60.14 or §60.15 or the owner or operator designates less than 3.0 percent of the total number of valves as difficult-to-monitor, and

(3) The owner or operator of the valve follows a written plan that requires monitoring of the valve at least once per calendar year.

[48 FR 48335, Oct. 18, 1983, as amended at 49 FR 22608, May 30, 1984; 65 FR 61762, Oct. 17, 2000; 72 FR 64881, Nov. 16, 2007]

§ 60.482-8 Standards: Pumps and valves in heavy liquid service, pressure relief devices in light liquid or heavy liquid service, and connectors.

(a) If evidence of a potential leak is found by visual, audible, olfactory, or any other detection method at pumps and valves in heavy liquid service, pressure relief devices in light liquid or heavy liquid service, and connectors, the owner or operator shall follow either one of the following procedures:

(1) The owner or operator shall monitor the equipment within 5 days by the method specified in §60.485(b) and shall comply with the requirements of paragraphs (b) through (d) of this section.

(2) The owner or operator shall eliminate the visual, audible, olfactory, or other indication of a potential leak within 5 calendar days of detection.

(b) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

(c)

(1) When a leak is detected, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in §60.482–9.

(2) The first attempt at repair shall be made no later than 5 calendar days after each leak is detected.

(d) First attempts at repair include, but are not limited to, the best practices described under §§60.482–2(c)(2) and 60.482–7(e).

[48 CFR 48335, Oct. 18, 1983, as amended at 65 FR 78277, Dec. 14, 2000; 72 FR 64882, Nov. 16, 2007]

§ 60.482-9 Standards: Delay of repair.

(a) Delay of repair of equipment for which leaks have been detected will be allowed if repair within 15 days is technically infeasible without a process unit shutdown. Repair of this equipment shall occur before the end of the next process unit shutdown. Monitoring to verify repair must occur within 15 days after startup of the process unit.

(b) Delay of repair of equipment will be allowed for equipment which is isolated from the process and which does not remain in VOC service.

(c) Delay of repair for valves will be allowed if:

(1) The owner or operator demonstrates that emissions of purged material resulting from immediate repair are greater than the fugitive emissions likely to result from delay of repair, and

(2) When repair procedures are effected, the purged material is collected and destroyed or recovered in a control device complying with §60.482–10.

(d) Delay of repair for pumps will be allowed if:

(1) Repair requires the use of a dual mechanical seal system that includes a barrier fluid system, and

(2) Repair is completed as soon as practicable, but not later than 6 months after the leak was detected.

(e) Delay of repair beyond a process unit shutdown will be allowed for a valve, if valve assembly replacement is necessary during the process unit shutdown, valve assembly supplies have been depleted, and valve assembly supplies had been sufficiently stocked before the supplies were depleted. Delay of repair beyond the next process unit shutdown will not be allowed unless the next process unit shutdown occurs sooner than 6 months after the first process unit shutdown.

(f) When delay of repair is allowed for a leaking pump or valve that remains in service, the pump or valve may be considered to be repaired and no longer subject to delay of repair requirements if two consecutive monthly monitoring instrument readings are below the leak definition.

[48 FR 48335, Oct. 18, 1983, as amended at 65 FR 78277, Dec. 14, 2000; 72 FR 64882, Nov. 16, 2007]

§ 60.482-10 Standards: Closed vent systems and control devices.

(a) Owners or operators of closed vent systems and control devices used to comply with provisions of this subpart shall comply with the provisions of this section.

(b) Vapor recovery systems (for example, condensers and absorbers) shall be designed and operated to recover the VOC emissions vented to them with an efficiency of 95 percent or greater, or to an exit concentration of 20 parts per million by volume, whichever is less stringent.

(c) Enclosed combustion devices shall be designed and operated to reduce the VOC emissions vented to them with an efficiency of 95 percent or greater, or to an exit concentration of 20 parts per million by volume, on a dry basis, corrected to 3 percent oxygen, whichever is less stringent or to provide a minimum residence time of 0.75 seconds at a minimum temperature of 816 °C.

(d) Flares used to comply with this subpart shall comply with the requirements of §60.18.

(e) Owners or operators of control devices used to comply with the provisions of this subpart shall monitor these control devices to ensure that they are operated and maintained in conformance with their designs.

(f) Except as provided in paragraphs (i) through (k) of this section, each closed vent system shall be inspected according to the procedures and schedule specified in paragraphs (f)(1) and (f)(2) of this section.

(1) If the vapor collection system or closed vent system is constructed of hard-piping, the owner or operator shall comply with the requirements specified in paragraphs (f)(1)(i) and (f)(1)(ii) of this section:

(i) Conduct an initial inspection according to the procedures in §60.485(b); and

(ii) Conduct annual visual inspections for visible, audible, or olfactory indications of leaks.

(2) If the vapor collection system or closed vent system is constructed of ductwork, the owner or operator shall:

(i) Conduct an initial inspection according to the procedures in §60.485(b); and

(ii) Conduct annual inspections according to the procedures in §60.485(b).

(g) Leaks, as indicated by an instrument reading greater than 500 parts per million by volume above background or by visual inspections, shall be repaired as soon as practicable except as provided in paragraph (h) of this section.

(1) A first attempt at repair shall be made no later than 5 calendar days after the leak is detected.

(2) Repair shall be completed no later than 15 calendar days after the leak is detected.

(h) Delay of repair of a closed vent system for which leaks have been detected is allowed if the repair is technically infeasible without a process unit shutdown or if the owner or operator determines that emissions resulting from immediate repair would be greater than the fugitive emissions likely to result from delay of repair. Repair of such equipment shall be complete by the end of the next process unit shutdown.

(i) If a vapor collection system or closed vent system is operated under a vacuum, it is exempt from the inspection requirements of paragraphs (f)(1)(i) and (f)(2) of this section.

(j) Any parts of the closed vent system that are designated, as described in paragraph (l)(1) of this section, as unsafe to inspect are exempt from the inspection requirements of paragraphs (f)(1)(i) and (f)(2) of this section if they comply with the requirements specified in paragraphs (j)(1) and (j)(2) of this section:

(1) The owner or operator determines that the equipment is unsafe to inspect because inspecting personnel would be exposed to an imminent or potential danger as a consequence of complying with paragraphs (f)(1)(i) or (f)(2) of this section; and

(2) The owner or operator has a written plan that requires inspection of the equipment as frequently as practicable during safe-to-inspect times.

(k) Any parts of the closed vent system that are designated, as described in paragraph (l)(2) of this section, as difficult to inspect are exempt from the inspection requirements of paragraphs (f)(1)(i) and (f)(2) of this section if they comply with the requirements specified in paragraphs (k)(1) through (k)(3) of this section:

(1) The owner or operator determines that the equipment cannot be inspected without elevating the inspecting personnel more than 2 meters above a support surface; and

(2) The process unit within which the closed vent system is located becomes an affected facility through §§60.14 or 60.15, or the owner or operator designates less than 3.0 percent of the total number of closed vent system equipment as difficult to inspect; and

(3) The owner or operator has a written plan that requires inspection of the equipment at least once every 5 years. A closed vent system is exempt from inspection if it is operated under a vacuum.

(l) The owner or operator shall record the information specified in paragraphs (l)(1) through (l)(5) of this section.

(1) Identification of all parts of the closed vent system that are designated as unsafe to inspect, an explanation of why the equipment is unsafe to inspect, and the plan for inspecting the equipment.

(2) Identification of all parts of the closed vent system that are designated as difficult to inspect, an explanation of why the equipment is difficult to inspect, and the plan for inspecting the equipment.

(3) For each inspection during which a leak is detected, a record of the information specified in §60.486(c).

(4) For each inspection conducted in accordance with §60.485(b) during which no leaks are detected, a record that the inspection was performed, the date of the inspection, and a statement that no leaks were detected.

(5) For each visual inspection conducted in accordance with paragraph (f)(1)(ii) of this section during which no leaks are detected, a record that the inspection was performed, the date of the inspection, and a statement that no leaks were detected.

(m) Closed vent systems and control devices used to comply with provisions of this subpart shall be operated at all times when emissions may be vented to them.

[48 FR 48335, Oct. 18, 1983, as amended at 51 FR 2702, Jan. 21, 1986; 60 FR 43258, Aug. 18, 1995; 61 FR 29878, June 12, 1996; 65 FR 78277, Dec. 14, 2000]

§ 60.483-1 Alternative standards for valves—allowable percentage of valves leaking.

(a) An owner or operator may elect to comply with an allowable percentage of valves leaking of equal to or less than 2.0 percent.

(b) The following requirements shall be met if an owner or operator wishes to comply with an allowable percentage of valves leaking:

(1) An owner or operator must notify the Administrator that the owner or operator has elected to comply with the allowable percentage of valves leaking before implementing this alternative standard, as specified in §60.487(d).

(2) A performance test as specified in paragraph (c) of this section shall be conducted initially upon designation, annually, and at other times requested by the Administrator.

(3) If a valve leak is detected, it shall be repaired in accordance with §60.482–7(d) and (e).

(c) Performance tests shall be conducted in the following manner:

(1) All valves in gas/vapor and light liquid service within the affected facility shall be monitored within 1 week by the methods specified in §60.485(b).

(2) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

(3) The leak percentage shall be determined by dividing the number of valves for which leaks are detected by the number of valves in gas/vapor and light liquid service within the affected facility.

(d) Owners and operators who elect to comply with this alternative standard shall not have an affected facility with a leak percentage greater than 2.0 percent, determined as described in §60.485(h).

[48 FR 48335, Oct. 18, 1983, as amended at 65 FR 61762, Oct. 17, 2000; 65 FR 78278, Dec. 14, 2000; 72 FR 64882, Nov. 16, 2007]

§ 60.483-2 Alternative standards for valves—skip period leak detection and repair.

(a)

(1) An owner or operator may elect to comply with one of the alternative work practices specified in paragraphs (b)(2) and (3) of this section.

(2) An owner or operator must notify the Administrator before implementing one of the alternative work practices, as specified in §60.487(d).

(b)

(1) An owner or operator shall comply initially with the requirements for valves in gas/vapor service and valves in light liquid service, as described in §60.482–7.

(2) After 2 consecutive quarterly leak detection periods with the percent of valves leaking equal to or less than 2.0, an owner or operator may begin to skip 1 of the quarterly leak detection periods for the valves in gas/vapor and light liquid service.

(3) After 5 consecutive quarterly leak detection periods with the percent of valves leaking equal to or less than 2.0, an owner or operator may begin to skip 3 of the quarterly leak detection periods for the valves in gas/vapor and light liquid service.

(4) If the percent of valves leaking is greater than 2.0, the owner or operator shall comply with the requirements as described in §60.482–7 but can again elect to use this section.

(5) The percent of valves leaking shall be determined as described in §60.485(h).

(6) An owner or operator must keep a record of the percent of valves found leaking during each leak detection period.

(7) A valve that begins operation in gas/vapor service or light liquid service after the initial startup date for a process unit following one of the alternative standards in this section must be monitored in accordance with §60.482–7(a)(2)(i) or (ii) before the provisions of this section can be applied to that valve.

[48 FR 48335, Oct. 18, 1983, as amended at 65 FR 61762, Oct. 17, 2000; 65 FR 78278, Dec. 14, 2000; 72 FR 64882, Nov. 16, 2007]

§ 60.484 Equivalence of means of emission limitation.

(a) Each owner or operator subject to the provisions of this subpart may apply to the Administrator for determination of equivalence for any means of emission limitation that achieves a reduction in emissions of VOC at least equivalent to the reduction in emissions of VOC achieved by the controls required in this subpart.

(b) Determination of equivalence to the equipment, design, and operational requirements of this subpart will be evaluated by the following guidelines:

(1) Each owner or operator applying for an equivalence determination shall be responsible for collecting and verifying test data to demonstrate equivalence of means of emission limitation.

(2) The Administrator will compare test data for demonstrating equivalence of the means of emission limitation to test data for the equipment, design, and operational requirements.

(3) The Administrator may condition the approval of equivalence on requirements that may be necessary to assure operation and maintenance to achieve the same emission reduction as the equipment, design, and operational requirements.

(c) Determination of equivalence to the required work practices in this subpart will be evaluated by the following guidelines:

(1) Each owner or operator applying for a determination of equivalence shall be responsible for collecting and verifying test data to demonstrate equivalence of an equivalent means of emission limitation.

(2) For each affected facility for which a determination of equivalence is requested, the emission reduction achieved by the required work practice shall be demonstrated.

(3) For each affected facility, for which a determination of equivalence is requested, the emission reduction achieved by the equivalent means of emission limitation shall be demonstrated.

(4) Each owner or operator applying for a determination of equivalence shall commit in writing to work practice(s) that provide for emission reductions equal to or greater than the emission reductions achieved by the required work practice.

(5) The Administrator will compare the demonstrated emission reduction for the equivalent means of emission limitation to the demonstrated emission reduction for the required work practices and will consider the commitment in paragraph (c)(4).

(6) The Administrator may condition the approval of equivalence on requirements that may be necessary to assure operation and maintenance to achieve the same emission reduction as the required work practice.

(d) An owner or operator may offer a unique approach to demonstrate the equivalence of any equivalent means of emission limitation.

(e)

(1) After a request for determination of equivalence is received, the Administrator will publish a notice in the Federal Register and provide the opportunity for public hearing if the Administrator judges that the request may be approved.

(2) After notice and opportunity for public hearing, the Administrator will determine the equivalence of a means of emission limitation and will publish the determination in the Federal Register.

(3) Any equivalent means of emission limitations approved under this section shall constitute a required work practice, equipment, design, or operational standard within the meaning of section 111(h)(1) of the Clean Air Act.

(f)

(1) Manufacturers of equipment used to control equipment leaks of VOC may apply to the Administrator for determination of equivalence for any equivalent means of emission limitation that achieves a reduction in emissions of VOC achieved by the equipment, design, and operational requirements of this subpart.

(2) The Administrator will make an equivalence determination according to the provisions of paragraphs (b), (c), (d), and (e) of this section.

[48 FR 48335, Oct. 18, 1983, as amended at 65 FR 61762, Oct. 17, 2000; 72 FR 64882, Nov. 16, 2007]

§ 60.485 Test methods and procedures.

(a) In conducting the performance tests required in §60.8, the owner or operator shall use as reference methods and procedures the test methods in appendix A of this part or other methods and procedures as specified in this section, except as provided in §60.8(b).

(b) The owner or operator shall determine compliance with the standards in §§60.482–1 through 60.482–10, 60.483, and 60.484 as follows:

(1) Method 21 shall be used to determine the presence of leaking sources. The instrument shall be calibrated before use each day of its use by the procedures specified in Method 21. The following calibration gases shall be used:

(i) Zero air (less than 10 ppm of hydrocarbon in air); and

(ii) A mixture of methane or n-hexane and air at a concentration of about, but less than, 10,000 ppm methane or n-hexane.

(c) The owner or operator shall determine compliance with the no detectable emission standards in §§60.482–2(e), 60.482–3(i), 60.482–4, 60.482–7(f), and 60.482–10(e) as follows:

(1) The requirements of paragraph (b) shall apply.

(2) Method 21 shall be used to determine the background level. All potential leak interfaces shall be traversed as close to the interface as possible. The arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.

(d) The owner or operator shall test each piece of equipment unless he demonstrates that a process unit is not in VOC service, i.e., that the VOC content would never be reasonably expected to exceed 10 percent by weight. For purposes of this demonstration, the following methods and procedures shall be used:

(1) Procedures that conform to the general methods in ASTM E260–73, 91, or 96, E168–67, 77, or 92, E169–63, 77, or 93 (incorporated by reference—see §60.17) shall be used to determine the percent VOC content in the process fluid that is contained in or contacts a piece of equipment.

(2) Organic compounds that are considered by the Administrator to have negligible photochemical reactivity may be excluded from the total quantity of organic compounds in determining the VOC content of the process fluid.

(3) Engineering judgment may be used to estimate the VOC content, if a piece of equipment had not been shown previously to be in service. If the Administrator disagrees with the judgment, paragraphs (d) (1) and (2) of this section shall be used to resolve the disagreement.

(e) The owner or operator shall demonstrate that a piece of equipment is in light liquid service by showing that all the following conditions apply:

(1) The vapor pressure of one or more of the organic components is greater than 0.3 kPa at 20 °C (1.2 in. H_2O at 68 °F). Standard reference texts or ASTM D2879–83, 96, or 97 (incorporated by reference—see §60.17) shall be used to determine the vapor pressures.

(2) The total concentration of the pure organic components having a vapor pressure greater than 0.3 kPa at 20 °C (1.2 in. H_2O at 68 °F) is equal to or greater than 20 percent by weight.

(3) The fluid is a liquid at operating conditions.

(f) Samples used in conjunction with paragraphs (d), (e), and (g) of this section shall be representative of the process fluid that is contained in or contacts the equipment or the gas being combusted in the flare.

(g) The owner or operator shall determine compliance with the standards of flares as follows:

(1) Method 22 shall be used to determine visible emissions.

(2) A thermocouple or any other equivalent device shall be used to monitor the presence of a pilot flame in the flare.

(3) The maximum permitted velocity for air assisted flares shall be computed using the following equation:

$$V_{max} = K_1 + K_2 H_T$$

Where:

V_{max} = Maximum permitted velocity, m/sec (ft/sec)

H_T = Net heating value of the gas being combusted, MJ/scm (Btu/scf)

K_1 = 8.706 m/sec (metric units) = 28.56 ft/sec (English units)

K_2 = 0.7084 m^4 /(MJ-sec) (metric units) = 0.087 ft^4 /(Btu-sec) (English units)

(4) The net heating value (H_T) of the gas being combusted in a flare shall be computed using the following equation:

$$H_T = K \sum_{i=1}^{n} C_i H_i$$

Where:

K = Conversion constant, 1.740×10^{-7} (g-mole)(MJ)/(ppm-scm-kcal) (metric units) = 4.674×10^{-6} [(g-mole)(Btu)/(ppm-scf-kcal)] (English units)

C_i = Concentration of sample component "i," ppm

H_i = Net heat of combustion of sample component "i" at 25 °C and 760 mm Hg (77 °F and 14.7 psi), kcal/g-mole

(5) Method 18 or ASTM D6420–99 (2004) (where the target compound(s) are those listed in Section 1.1 of ASTM D6420–99, and the target concentration is between 150 parts per billion by volume and 100 parts per million by volume) and ASTM D2504–67, 77 or 88 (Reapproved 1993) (incorporated by reference—see §60.17) shall be used to determine the concentration of sample component "i."

(6) ASTM D2382–76 or 88 or D4809–95 (incorporated by reference—see §60.17) shall be used to determine the net heat of combustion of component "i" if published values are not available or cannot be calculated.

(7) Method 2, 2A, 2C, or 2D, as appropriate, shall be used to determine the actual exit velocity of a flare. If needed, the unobstructed (free) cross-sectional area of the flare tip shall be used.

(h) The owner or operator shall determine compliance with §60.483–1 or §60.483–2 as follows:

(1) The percent of valves leaking shall be determined using the following equation:

$$\%V_L = (V_L/V_T) * 100$$

Where:

$\%V_L$ = Percent leaking valves

V_L = Number of valves found leaking

V_T = The sum of the total number of valves monitored

(2) The total number of valves monitored shall include difficult-to-monitor and unsafe-to-monitor valves only during the monitoring period in which those valves are monitored.

(3) The number of valves leaking shall include valves for which repair has been delayed.

(4) Any new valve that is not monitored within 30 days of being placed in service shall be included in the number of valves leaking and the total number of valves monitored for the monitoring period in which the valve is placed in service.

(5) If the process unit has been subdivided in accordance with §60.482–7(c)(1)(ii), the sum of valves found leaking during a monitoring period includes all subgroups.

(6) The total number of valves monitored does not include a valve monitored to verify repair.

[54 FR 6678, Feb. 14, 1989, as amended at 54 FR 27016, June 27, 1989; 65 FR 61763, Oct. 17, 2000; 72 FR 64882, Nov. 16, 2007]

§ 60.486 Recordkeeping requirements.

(a)

(1) Each owner or operator subject to the provisions of this subpart shall comply with the recordkeeping requirements of this section.

(2) An owner or operator of more than one affected facility subject to the provisions of this subpart may comply with the recordkeeping requirements for these facilities in one recordkeeping system if the system identifies each record by each facility.

(b) When each leak is detected as specified in §§60.482–2, 60.482–3, 60.482–7, 60.482–8, and 60.483–2, the following requirements apply:

(1) A weatherproof and readily visible identification, marked with the equipment identification number, shall be attached to the leaking equipment.

(2) The identification on a valve may be removed after it has been monitored for 2 successive months as specified in §60.482–7(c) and no leak has been detected during those 2 months.

(3) The identification on equipment except on a valve, may be removed after it has been repaired.

(c) When each leak is detected as specified in §§60.482–2, 60.482–3, 60.482–7, 60.482–8, and 60.483–2, the following information shall be recorded in a log and shall be kept for 2 years in a readily accessible location:

(1) The instrument and operator identification numbers and the equipment identification number.

(2) The date the leak was detected and the dates of each attempt to repair the leak.

(3) Repair methods applied in each attempt to repair the leak.

(4) “Above 10,000” if the maximum instrument reading measured by the methods specified in §60.485(a) after each repair attempt is equal to or greater than 10,000 ppm.

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

(6) The signature of the owner or operator (or designate) whose decision it was that repair could not be effected without a process shutdown.

(7) The expected date of successful repair of the leak if a leak is not repaired within 15 days.

(8) Dates of process unit shutdowns that occur while the equipment is unrepaired.

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

(d) The following information pertaining to the design requirements for closed vent systems and control devices described in §60.482–10 shall be recorded and kept in a readily accessible location:

(1) Detailed schematics, design specifications, and piping and instrumentation diagrams.

(2) The dates and descriptions of any changes in the design specifications.

(3) A description of the parameter or parameters monitored, as required in §60.482–10(e), to ensure that control devices are operated and maintained in conformance with their design and an explanation of why that parameter (or parameters) was selected for the monitoring.

(4) Periods when the closed vent systems and control devices required in §§60.482–2, 60.482–3, 60.482–4, and 60.482–5 are not operated as designed, including periods when a flare pilot light does not have a flame.

(5) Dates of startups and shutdowns of the closed vent systems and control devices required in §§60.482–2, 60.482–3, 60.482–4, and 60.482–5.

(e) The following information pertaining to all equipment subject to the requirements in §§60.482–1 to 60.482–10 shall be recorded in a log that is kept in a readily accessible location:

(1) A list of identification numbers for equipment subject to the requirements of this subpart.

(2)

(i) A list of identification numbers for equipment that are designated for no detectable emissions under the provisions of §§60.482–2(e), 60.482–3(i) and 60.482–7(f).

(ii) The designation of equipment as subject to the requirements of §60.482–2(e), §60.482–3(i), or §60.482–7(f) shall be signed by the owner or operator. Alternatively, the owner or operator may establish a mechanism with their permitting authority that satisfies this requirement.

(3) A list of equipment identification numbers for pressure relief devices required to comply with §60.482–4.

(4)

(i) The dates of each compliance test as required in §§60.482–2(e), 60.482–3(i), 60.482–4, and 60.482–7(f).

(ii) The background level measured during each compliance test.

(iii) The maximum instrument reading measured at the equipment during each compliance test.

(5) A list of identification numbers for equipment in vacuum service.

(6) A list of identification numbers for equipment that the owner or operator designates as operating in VOC service less than 300 hr/yr in accordance with §60.482–1(e), a description of the conditions under which the equipment is in VOC service, and rationale supporting the designation that it is in VOC service less than 300 hr/yr.

(f) The following information pertaining to all valves subject to the requirements of §60.482–7(g) and (h) and to all pumps subject to the requirements of §60.482–2(g) shall be recorded in a log that is kept in a readily accessible location:

(1) A list of identification numbers for valves and pumps that are designated as unsafe-to-monitor, an explanation for each valve or pump stating why the valve or pump is unsafe-to-monitor, and the plan for monitoring each valve or pump.

(2) A list of identification numbers for valves that are designated as difficult-to-monitor, an explanation for each valve stating why the valve is difficult-to-monitor, and the schedule for monitoring each valve.

(g) The following information shall be recorded for valves complying with §60.483–2:

(1) A schedule of monitoring.

(2) The percent of valves found leaking during each monitoring period.

(h) The following information shall be recorded in a log that is kept in a readily accessible location:

(1) Design criterion required in §§60.482–2(d)(5) and 60.482–3(e)(2) and explanation of the design criterion; and

(2) Any changes to this criterion and the reasons for the changes.

(i) The following information shall be recorded in a log that is kept in a readily accessible location for use in determining exemptions as provided in §60.480(d):

(1) An analysis demonstrating the design capacity of the affected facility,

(2) A statement listing the feed or raw materials and products from the affected facilities and an analysis demonstrating whether these chemicals are heavy liquids or beverage alcohol, and

(3) An analysis demonstrating that equipment is not in VOC service.

(j) Information and data used to demonstrate that a piece of equipment is not in VOC service shall be recorded in a log that is kept in a readily accessible location.

(k) The provisions of §60.7 (b) and (d) do not apply to affected facilities subject to this subpart.

[48 FR 48335, Oct. 18, 1983, as amended at 65 FR 61763, Oct. 17, 2000; 65 FR 78278, Dec. 14, 2000; 72 FR 64883, Nov. 16, 2007]

§ 60.487 Reporting requirements.

(a) Each owner or operator subject to the provisions of this subpart shall submit semiannual reports to the Administrator beginning six months after the initial startup date.

(b) The initial semiannual report to the Administrator shall include the following information:

(1) Process unit identification.

(2) Number of valves subject to the requirements of §60.482–7, excluding those valves designated for no detectable emissions under the provisions of §60.482–7(f).

(3) Number of pumps subject to the requirements of §60.482–2, excluding those pumps designated for no detectable emissions under the provisions of §60.482–2(e) and those pumps complying with §60.482–2(f).

(4) Number of compressors subject to the requirements of §60.482–3, excluding those compressors designated for no detectable emissions under the provisions of §60.482–3(i) and those compressors complying with §60.482–3(h).

(c) All semiannual reports to the Administrator shall include the following information, summarized from the information in §60.486:

(1) Process unit identification.

(2) For each month during the semiannual reporting period,

(i) Number of valves for which leaks were detected as described in §60.482–7(b) or §60.483–2,

(ii) Number of valves for which leaks were not repaired as required in §60.482–7(d)(1),

(iii) Number of pumps for which leaks were detected as described in §60.482–2(b), (d)(4)(ii)(A) or (B), or (d)(5)(iii),

(iv) Number of pumps for which leaks were not repaired as required in §60.482–2(c)(1) and (d)(6),

(v) Number of compressors for which leaks were detected as described in §60.482–3(f),

(vi) Number of compressors for which leaks were not repaired as required in §60.482–3(g)(1), and

(vii) The facts that explain each delay of repair and, where appropriate, why a process unit shutdown was technically infeasible.

(3) Dates of process unit shutdowns which occurred within the semiannual reporting period.

(4) Revisions to items reported according to paragraph (b) if changes have occurred since the initial report or subsequent revisions to the initial report.

(d) An owner or operator electing to comply with the provisions of §§60.483–1 or 60.483–2 shall notify the Administrator of the alternative standard selected 90 days before implementing either of the provisions.

(e) An owner or operator shall report the results of all performance tests in accordance with §60.8 of the General Provisions. The provisions of §60.8(d) do not apply to affected facilities subject to the provisions of this subpart except that an owner or operator must notify the Administrator of the schedule for the initial performance tests at least 30 days before the initial performance tests.

(f) The requirements of paragraphs (a) through (c) of this section remain in force until and unless EPA, in delegating enforcement authority to a State under section 111(c) of the Act, approves reporting requirements or an alternative means of compliance surveillance adopted by such State. In that event, affected sources within the State will be relieved of the obligation to comply with the requirements of paragraphs (a) through (c) of this section, provided that they comply with the requirements established by the State.

[48 FR 48335, Oct. 18, 1983, as amended at 49 FR 22608, May 30, 1984; 65 FR 61763, Oct. 17, 2000; 72 FR 64883, Nov. 16, 2007]

§ 60.488 Reconstruction.

For the purposes of this subpart:

(a) The cost of the following frequently replaced components of the facility shall not be considered in calculating either the "fixed capital cost of the new components" or the "fixed capital costs that would be required to construct a comparable new facility" under §60.15: pump seals, nuts and bolts, rupture disks, and packings.

(b) Under §60.15, the "fixed capital cost of new components" includes the fixed capital cost of all depreciable components (except components specified in §60.488 (a)) which are or will be replaced pursuant to all continuous programs of component replacement which are commenced within any 2-year period following the applicability date for the appropriate subpart. (See the "Applicability and designation of affected facility" section of the appropriate subpart.) For purposes of this paragraph, "commenced" means that an owner or operator has undertaken a continuous program of component replacement or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of component replacement.

[49 FR 22608, May 30, 1984]

§ 60.489 List of chemicals produced by affected facilities.

The following chemicals are produced, as intermediates or final products, by process units covered under this subpart. The applicability date for process units producing one or more of these chemicals is January 5, 1981.

CAS No.[a]	Chemical
105–57–7	Acetal.
75–07–0	Acetaldehyde.
107–89–1	Acetaldol.
60–35–5	Acetamide.
103–84–4	Acetanilide.
64–19–7	Acetic acid.
108–24–7	Acetic anhydride.
67–64–1	Acetone.
75–86–5	Acetone cyanohydrin.
75–05–8	Acetonitrile.
98–86–2	Acetophenone.
75–36–5	Acetyl chloride.
74–86–2	Acetylene.
107–02–8	Acrolein.
79–06–1	Acrylamide.
79–10–7	Acrylic acid.
107–13–1	Acrylonitrile.

124–04–9	Adipic acid.
111–69–3	Adiponitrile.
([b])	Alkyl naphthalenes.
107–18–6	Allyl alcohol.
107–05–1	Allyl chloride.
1321–11–5	Aminobenzoic acid.
111–41–1	Aminoethylethanolamine.
123–30–8	p-Aminophenol.
628–63–7, 123–92–2	Amyl acetates.
71–41–0[c]	Amyl alcohols.
110–58–7	Amyl amine.
543–59–9	Amyl chloride.
110–66–7[c]	Amyl mercaptans.
1322–06–1	Amyl phenol.
62–53–3	Aniline.
142–04–1	Aniline hydrochloride.
29191–52–4	Anisidine.
100–66–3	Anisole.
118–92–3	Anthranilic acid.
84–65–1	Anthraquinone.
100–52–7	Benzaldehyde.
55–21–0	Benzamide.
71–43–2	Benzene.
98–48–6	Benzenedisulfonic acid.
98–11–3	Benzenesulfonic acid.
134–81–6	Benzil.
76–93–7	Benzilic acid.
65–85–0	Benzoic acid.
119–53–9	Benzoin.
100–47–0	Benzonitrile.
119–61–9	Benzophenone.
98–07–7	Benzotrichloride.
98–88–4	Benzoyl chloride.
100–51–6	Benzyl alcohol.
100–46–9	Benzylamine.
120–51–4	Benzyl benzoate.
100–44–7	Benzyl chloride.
98–87–3	Benzyl dichloride.
92–52–4	Biphenyl.
80–05–7	Bisphenol A.

10–86–1	Bromobenzene.
27497–51–4	Bromonaphthalene.
106–99–0	Butadiene.
106–98–9	1-butene.
123–86–4	n-butyl acetate.
141–32–2	n-butyl acrylate.
71–36–3	n-butyl alcohol.
78–92–2	s-butyl alcohol.
75–65–0	t-butyl alcohol.
109–73–9	n-butylamine.
13952–84–6	s-butylamine.
75–64–9	t-butylamine.
98–73–7	p-tert-butyl benzoic acid.
107–88–0	1,3-butylene glycol.
123–72–8	n-butyraldehyde.
107–92–6	Butyric acid.
106–31–0	Butyric anhydride.
109–74–0	Butyronitrile.
105–60–2	Caprolactam.
75–1–50	Carbon disulfide.
558–13–4	Carbon tetrabromide.
56–23–5	Carbon tetrachloride.
9004–35–7	Cellulose acetate.
79–11–8	Chloroacetic acid.
108–42–9	m-chloroaniline.
95–51–2	o-chloroaniline.
106–47–8	p-chloroaniline.
35913–09–8	Chlorobenzaldehyde.
108–90–7	Chlorobenzene.
118–91–2, 535–80–8, 74–11–3[c]	Chlorobenzoic acid.
2136–81–4, 2136–89–2, 5216–25–1[c]	Chlorobenzotrichloride.
1321–03–5	Chlorobenzoyl chloride.
25497–29–4	Chlorodifluoromethane.
75–45–6	Chlorodifluoroethane.
67–66–3	Chloroform.
25586–43–0	Chloronaphthalene.
88–73–3	o-chloronitrobenzene.
100–00–5	p-chloronitrobenzene.
25167–80–0	Chlorophenols.
126–99–8	Chloroprene.

7790–94–5	Chlorosulfonic acid.
108–41–8	m-chlorotoluene.
95–49–8	o-chlorotoluene.
106–43–4	p-chlorotoluene.
75–72–9	Chlorotrifluoromethane.
108–39–4	m-cresol.
95–48–7	o-cresol.
106–44–5	p-cresol.
1319–77–3	Mixed cresols.
1319–77–3	Cresylic acid.
4170–30–0	Crotonaldehyde.
3724–65–0	Crotonic acid.
98–82–8	Cumene.
80–15–9	Cumene hydroperoxide.
372–09–8	Cyanoacetic acid.
506–77–4	Cyanogen chloride.
108–80–5	Cyanuric acid.
108–77–0	Cyanuric chloride.
110–82–7	Cyclohexane.
108–93–0	Cyclohexanol.
108–94–1	Cyclohexanone.
110–83–8	Cyclohexene.
108–91–8	Cyclohexylamine.
111–78–4	Cyclooctadiene.
112–30–1	Decanol.
123–42–2	Diacetone alcohol.
27576–04–1	Diaminobenzoic acid.
95–76–1, 95–82–9, 554–00–7, 608–27–5, 608–31–1, 626–43–7, 27134–27–6, 57311–92–9[c]	Dichloroaniline.
541–73–1	m-dichlorobenzene.
95–50–1	o-dichlorobenzene.
106–46–7	p-dichlorobenzene.
75–71–8	Dichlorodifluoromethane.
111–44–4	Dichloroethyl ether.
107–06–2	1,2-dichloroethane (EDC).
96–23–1	Dichlorohydrin.
26952–23–8	Dichloropropene.
101–83–7	Dicyclohexylamine.
109–89–7	Diethylamine.
111–46–6	Diethylene glycol.

112–36–7	Diethylene glycol diethyl ether.
111–96–6	Diethylene glycol dimethyl ether.
112–34–5	Diethylene glycol monobutyl ether.
124–17–4	Diethylene glycol monobutyl ether acetate.
111–90–0	Diethylene glycol monoethyl ether.
112–15–2	Diethylene glycol monoethyl ether acetate.
111–77–3	Diethylene glycol monomethyl ether.
64–67–5	Diethyl sulfate.
75–37–6	Difluoroethane.
25167–70–8	Diisobutylene.
26761–40–0	Diisodecyl phthalate.
27554–26–3	Diisooctyl phthalate.
674–82–8	Diketene.
124–40–3	Dimethylamine.
121–69–7	N,N-dimethylaniline.
115–10–6	N,N-dimethyl ether.
68–12–2	N,N-dimethylformamide.
57–14–7	Dimethylhydrazine.
77–78–1	Dimethyl sulfate.
75–18–3	Dimethyl sulfide.
67–68–5	Dimethyl sulfoxide.
120–61–6	Dimethyl terephthalate.
99–34–3	3,5-dinitrobenzoic acid.
51–28–5	Dinitrophenol.
25321–14–6	Dinitrotoluene.
123–91–1	Dioxane.
646–06–0	Dioxilane.
122–39–4	Diphenylamine.
101–84–8	Diphenyl oxide.
102–08–9	Diphenyl thiourea.
25265–71–8	Dipropylene glycol.
25378–22–7	Dodecene.
28675–17–4	Dodecylaniline.
27193–86–8	Dodecylphenol.
106–89–8	Epichlorohydrin.
64–17–5	Ethanol.
141–43–5[c]	Ethanolamines.
141–78–6	Ethyl acetate.
141–97–9	Ethyl acetoacetate.
140–88–5	Ethyl acrylate.

75–04–7	Ethylamine.
100–41–4	Ethylbenzene.
74–96–4	Ethyl bromide.
9004–57–3	Ethylcellulose.
75–00–3	Ethyl chloride.
105–39–5	Ethyl chloroacetate.
105–56–6	Ethylcyanoacetate.
74–85–1	Ethylene.
96–49–1	Ethylene carbonate.
107–07–3	Ethylene chlorohydrin.
107–15–3	Ethylenediamine.
106–93–4	Ethylene dibromide.
107–21–1	Ethylene glycol.
111–55–7	Ethylene glycol diacetate.
110–71–4	Ethylene glycol dimethyl ether.
111–76–2	Ethylene glycol monobutyl ether.
112–07–2	Ethylene glycol monobutyl ether acetate.
110–80–5	Ethylene glycol monoethyl ether.
111–15–9	Ethylene glycol monethyl ether acetate.
109–86–4	Ethylene glycol monomethyl ether.
110–49–6	Ethylene glycol monomethyl ether acetate.
122–99–6	Ethylene glycol monophenyl ether.
2807–30–9	Ethylene glycol monopropyl ether.
75–21–8	Ethylene oxide.
60–29–7	Ethyl ether
104–76–7	2-ethylhexanol.
122–51–0	Ethyl orthoformate.
95–92–1	Ethyl oxalate.
41892–71–1	Ethyl sodium oxalacetate.
50–00–0	Formaldehyde.
75–12–7	Formamide.
64–18–6	Formic acid.
110–17–8	Fumaric acid.
98–01–1	Furfural.
56–81–5	Glycerol.
26545–73–7	Glycerol dichlorohydrin.
25791–96–2	Glycerol triether.
56–40–6	Glycine.
107–22–2	Glyoxal.
118–74–1	Hexachlorobenzene.

67–72–1	Hexachloroethane.
36653–82–4	Hexadecyl alcohol.
124–09–4	Hexamethylenediamine.
629–11–8	Hexamethylene glycol.
100–97–0	Hexamethylenetetramine.
74–90–8	Hydrogen cyanide.
123–31–9	Hydroquinone.
99–96–7	p-hydroxybenzoic acid.
26760–64–5	Isoamylene.
78–83–1	Isobutanol.
110–19–0	Isobutyl acetate.
115–11–7	Isobutylene.
78–84–2	Isobutyraldehyde.
79–31–2	Isobutyric acid.
25339–17–7	Isodecanol.
26952–21–6	Isooctyl alcohol.
78–78–4	Isopentane.
78–59–1	Isophorone.
121–91–5	Isophthalic acid.
78–79–5	Isoprene.
67–63–0	Isopropanol.
108–21–4	Isopropyl acetate.
75–31–0	Isopropylamine.
75–29–6	Isopropyl chloride.
25168–06–3	Isopropylphenol.
463–51–4	Ketene.
([b])	Linear alkyl sulfonate.
123–01–3	Linear alkylbenzene (linear dodecylbenzene).
110–16–7	Maleic acid.
108–31–6	Maleic anhydride.
6915–15–7	Malic acid.
141–79–7	Mesityl oxide.
121–47–1	Metanilic acid.
79–41–4	Methacrylic acid.
563–47–3	Methallyl chloride.
67–56–1	Methanol.
79–20–9	Methyl acetate.
105–45–3	Methyl acetoacetate.
74–89–5	Methylamine.

100–61–8	n-methylaniline.
74–83–9	Methyl bromide.
37365–71–2	Methyl butynol.
74–87–3	Methyl chloride.
108–87–2	Methylcyclohexane.
1331–22–2	Methylcyclohexanone.
75–09–2	Methylene chloride.
101–77–9	Methylene dianiline.
101–68–8	Methylene diphenyl diisocyanate.
78–93–3	Methyl ethyl ketone.
107–31–3	Methyl formate.
108–11–2	Methyl isobutyl carbinol.
108–10–1	Methyl isobutyl ketone.
80–62–6	Methyl methacrylate.
77–75–8	Methylpentynol.
98–83–9	a-methylstyrene.
110–91–8	Morpholine.
85–47–2	a-naphthalene sulfonic acid.
120–18–3	b-naphthalene sulfonic acid.
90–15–3	a-naphthol.
135–19–3	b-naphthol.
75–98–9	Neopentanoic acid.
88–74–4	o-nitroaniline.
100–01–6	p-nitroaniline.
91–23–6	o-nitroanisole.
100–17–4	p-nitroanisole.
98–95–3	Nitrobenzene.
27178–83–2[c]	Nitrobenzoic acid (o,m, and p).
79–24–3	Nitroethane.
75–52–5	Nitromethane.
88–75–5	2-Nitrophenol.
25322–01–4	Nitropropane.
1321–12–6	Nitrotoluene.
27215–95–8	Nonene.
25154–52–3	Nonylphenol.
27193–28–8	Octylphenol.
123–63–7	Paraldehyde.
115–77–5	Pentaerythritol.
109–66–0	n-pentane.
109–67–1	1-pentene

127–18–4	Perchloroethylene.
594–42–3	Perchloromethyl mercaptan.
94–70–2	o-phenetidine.
156–43–4	p-phenetidine.
108–95–2	Phenol.
98–67–9, 585–38–6, 609–46–1, 1333–39–7[c]	Phenolsulfonic acids.
91–40–7	Phenyl anthranilic acid.
([b])	Phenylenediamine.
75–44–5	Phosgene.
85–44–9	Phthalic anhydride.
85–41–6	Phthalimide.
108–99–6	b-picoline.
110–85–0	Piperazine.
9003–29–6, 25036–29–7[c]	Polybutenes.
25322–68–3	Polyethylene glycol.
25322–69–4	Polypropylene glycol.
123–38–6	Propionaldehyde.
79–09–4	Propionic acid.
71–23–8	n-propyl alcohol.
107–10–8	Propylamine.
540–54–5	Propyl chloride.
115–07–1	Propylene.
127–00–4	Propylene chlorohydrin.
78–87–5	Propylene dichloride.
57–55–6	Propylene glycol.
75–56–9	Propylene oxide.
110–86–1	Pyridine.
106–51–4	Quinone.
108–46–3	Resorcinol.
27138–57–4	Resorcylic acid.
69–72–7	Salicylic acid.
127–09–3	Sodium acetate.
532–32–1	Sodium benzoate.
9004–32–4	Sodium carboxymethyl cellulose.
3926–62–3	Sodium chloroacetate.
141–53–7	Sodium formate.
139–02–6	Sodium phenate.
110–44–1	Sorbic acid.
100–42–5	Styrene.
110–15–6	Succinic acid.

110–61–2	Succinonitrile.
121–57–3	Sulfanilic acid.
126–33–0	Sulfolane.
1401–55–4	Tannic acid.
100–21–0	Terephthalic acid.
79–34–5[c]	Tetrachloroethanes.
117–08–8	Tetrachlorophthalic anhydride.
78–00–2	Tetraethyl lead.
119–64–2	Tetrahydronaphthalene.
85–43–8	Tetrahydrophthalic anhydride.
75–74–1	Tetramethyl lead.
110–60–1	Tetramethylenediamine.
110–18–9	Tetramethylethylenediamine.
108–88–3	Toluene.
95–80–7	Toluene-2,4-diamine.
584–84–9	Toluene-2,4-diisocyanate.
26471–62–5	Toluene diisocyanates (mixture).
1333–07–9	Toluenesulfonamide.
104–15–4[c]	Toluenesulfonic acids.
98–59–9	Toluenesulfonyl chloride.
26915–12–8	Toluidines.
87–61–6, 108–70–3, 120–82–1[c]	Trichlorobenzenes.
71–55–6	1,1,1-trichloroethane.
79–00–5	1,1,2-trichloroethane.
79–01–6	Trichloroethylene.
75–69–4	Trichlorofluoromethane.
96–18–4	1,2,3-trichloropropane.
76–13–1	1,1,2-trichloro-1,2,2-trifluoroethane.
121–44–8	Triethylamine.
112–27–6	Triethylene glycol.
112–49–2	Triethylene glycol dimethyl ether.
7756–94–7	Triisobutylene.
75–50–3	Trimethylamine.
57–13–6	Urea.
108–05–4	Vinyl acetate.
75–01–4	Vinyl chloride.
75–35–4	Vinylidene chloride.
25013–15–4	Vinyl toluene.
1330–20–7	Xylenes (mixed).
95–47–6	o-xylene.

106–42–3	p-xylene.
1300–71–6	Xylenol.
1300–73–8	Xylidine.

[a]CAS numbers refer to the Chemical Abstracts Registry numbers assigned to specific chemicals, isomers, or mixtures of chemicals. Some isomers or mixtures that are covered by the standards do not have CAS numbers assigned to them. The standards apply to all of the chemicals listed, whether CAS numbers have been assigned or not.

[b]No CAS number(s) have been assigned to this chemical, its isomers, or mixtures containing these chemicals.

[c]CAS numbers for some of the isomers are listed; the standards apply to all of the isomers and mixtures, even if CAS numbers have not been assigned.

[48 FR 48335, Oct. 18, 1983, as amended at 65 FR 61763, Oct. 17, 2000]

Federal Regulations Adopted by Reference

In accordance with Rule 62-204.800, F.A.C., the following federal regulation in Title 40 of the Code of Federal Regulations (CFR) was adopted by reference. The original federal rule numbering has been retained.

Federal Revision Date: May 16, 2007

State Rule Effective Date: October 1, 2007

Standardized Conditions Revision Date: January 29, 2008

40 CFR Part 63, Subpart A – General Provisions

Source: 59 FR 12430, Mar. 16, 1994, unless otherwise noted.

§ 63.1 Applicability.

(a) *General.*

(1) Terms used throughout this part are defined in §63.2 or in the Clean Air Act (Act) as amended in 1990, except that individual subparts of this part may include specific definitions in addition to or that supersede definitions in §63.2.

(2) This part contains national emission standards for hazardous air pollutants (NESHAP) established pursuant to section 112 of the Act as amended November 15, 1990. These standards regulate specific categories of stationary sources that emit (or have the potential to emit) one or more hazardous air pollutants listed in this part pursuant to section 112(b) of the Act. This section explains the applicability of such standards to sources affected by them. The standards in this part are independent of NESHAP contained in 40 CFR part 61. The NESHAP in part 61 promulgated by signature of the Administrator before November 15, 1990 (i.e., the date of enactment of the Clean Air Act Amendments of 1990) remain in effect until they are amended, if appropriate, and added to this part.

(3) No emission standard or other requirement established under this part shall be interpreted, construed, or applied to diminish or replace the requirements of a more stringent emission limitation or other applicable requirement established by the Administrator pursuant to other authority of the Act (section 111, part C or D or any other authority of this Act), or a standard issued under State authority. The Administrator may specify in a specific standard under this part that facilities subject to other provisions under the Act need only comply with the provisions of that standard.

(4)

(i) Each relevant standard in this part 63 must identify explicitly whether each provision in this subpart A is or is not included in such relevant standard.

(ii) If a relevant part 63 standard incorporates the requirements of 40 CFR part 60, part 61 or other part 63 standards, the relevant part 63 standard must identify explicitly the applicability of each corresponding part 60, part 61, or other part 63 subpart A (General) provision.

(iii) The General Provisions in this subpart A do not apply to regulations developed pursuant to section 112(r) of the amended Act, unless otherwise specified in those regulations.

(5) [Reserved]

(6) To obtain the most current list of categories of sources to be regulated under section 112 of the Act, or to obtain the most recent regulation promulgation schedule established pursuant to section 112(e) of the Act, contact the Office of the Director, Emission Standards Division, Office of Air Quality Planning and Standards, U.S. EPA (MD–13), Research Triangle Park, North Carolina 27711.

(7)–(9) [Reserved]

(10) For the purposes of this part, time periods specified in days shall be measured in calendar days, even if the word "calendar" is absent, unless otherwise specified in an applicable requirement.

(11) For the purposes of this part, if an explicit postmark deadline is not specified in an applicable requirement for the submittal of a notification, application, test plan, report, or other written communication to the Administrator, the owner or operator shall postmark the submittal on or before the number of days specified in the applicable requirement. For example, if a notification must be submitted 15 days before a particular event is scheduled to take place, the notification shall be postmarked on or before 15 days preceding the event; likewise, if a notification must be submitted 15 days after a particular event takes place, the notification shall be postmarked on or before 15 days

following the end of the event. The use of reliable non-Government mail carriers that provide indications of verifiable delivery of information required to be submitted to the Administrator, similar to the postmark provided by the U.S. Postal Service, or alternative means of delivery agreed to by the permitting authority, is acceptable.

(12) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. Procedures governing the implementation of this provision are specified in §63.9(i).

(b) *Initial applicability determination for this part.*

(1) The provisions of this part apply to the owner or operator of any stationary source that—

(i) Emits or has the potential to emit any hazardous air pollutant listed in or pursuant to section 112(b) of the Act; and

(ii) Is subject to any standard, limitation, prohibition, or other federally enforceable requirement established pursuant to this part.

(2) [Reserved]

(3) An owner or operator of a stationary source who is in the relevant source category and who determines that the source is not subject to a relevant standard or other requirement established under this part must keep a record as specified in §63.10(b)(3).

(c) *Applicability of this part after a relevant standard has been set under this part.*

(1) If a relevant standard has been established under this part, the owner or operator of an affected source must comply with the provisions of that standard and of this subpart as provided in paragraph (a)(4) of this section.

(2) Except as provided in §63.10(b)(3), if a relevant standard has been established under this part, the owner or operator of an affected source may be required to obtain a title V permit from a permitting authority in the State in which the source is located. Emission standards promulgated in this part for area sources pursuant to section 112(c)(3) of the Act will specify whether—

(i) States will have the option to exclude area sources affected by that standard from the requirement to obtain a title V permit (i.e., the standard will exempt the category of area sources altogether from the permitting requirement);

(ii) States will have the option to defer permitting of area sources in that category until the Administrator takes rulemaking action to determine applicability of the permitting requirements; or

(iii) If a standard fails to specify what the permitting requirements will be for area sources affected by such a standard, then area sources that are subject to the standard will be subject to the requirement to obtain a title V permit without any deferral.

(3)–(4) [Reserved]

(5) If an area source that otherwise would be subject to an emission standard or other requirement established under this part if it were a major source subsequently increases its emissions of hazardous air pollutants (or its potential to emit hazardous air pollutants) such that the source is a major source that is subject to the emission standard or other requirement, such source also shall be subject to the notification requirements of this subpart.

(d) [Reserved]

(e) If the Administrator promulgates an emission standard under section 112(d) or (h) of the Act that is applicable to a source subject to an emission limitation by permit established under section 112(j) of the Act, and the requirements under the section 112(j) emission limitation are substantially as effective as the promulgated emission standard, the owner or operator may request the permitting authority to revise the source's title V permit to reflect that the emission limitation in the permit satisfies the requirements of the promulgated emission standard. The process by which the permitting authority determines whether the section 112(j) emission limitation is substantially as effective as the promulgated emission standard must include, consistent with part 70 or 71 of this chapter, the opportunity for full public, EPA, and affected State review (including the opportunity for EPA's objection) prior to the permit revision being finalized. A negative determination by the permitting authority constitutes final action for purposes of review and appeal under the applicable title V operating permit program.

[59 FR 12430, Mar. 16, 1994, as amended at 67 FR 16595, Apr. 5, 2002]

§ 63.2 Definitions.

The terms used in this part are defined in the Act or in this section as follows:

Act means the Clean Air Act (42 U.S.C. 7401 *et seq* ., as amended by Pub. L. 101–549, 104 Stat. 2399).

Actual emissions is defined in subpart D of this part for the purpose of granting a compliance extension for an early reduction of hazardous air pollutants.

Administrator means the Administrator of the United States Environmental Protection Agency or his or her authorized representative (e.g., a State that has been delegated the authority to implement the provisions of this part).

Affected source, for the purposes of this part, means the collection of equipment, activities, or both within a single contiguous area and under common control that is included in a section 112(c) source category or subcategory for which a section 112(d) standard or other relevant standard is established pursuant to section 112 of the Act. Each relevant standard will define the "affected source," as defined in this paragraph unless a different definition is warranted based on a published justification as to why this definition would result in significant administrative, practical, or implementation problems and why the different definition would resolve those problems. The term "affected source," as used in this part, is separate and distinct from any other use of that term in EPA regulations such as those implementing title IV of the Act. Affected source may be defined differently for part 63 than affected facility and stationary source in parts 60 and 61, respectively. This definition of "affected source," and the procedures for adopting an alternative definition of "affected source," shall apply to each section 112(d) standard for which the initial proposed rule is signed by the Administrator after June 30, 2002.

Alternative emission limitation means conditions established pursuant to sections 112(i)(5) or 112(i)(6) of the Act by the Administrator or by a State with an approved permit program.

Alternative emission standard means an alternative means of emission limitation that, after notice and opportunity for public comment, has been demonstrated by an owner or operator to the Administrator's satisfaction to achieve a reduction in emissions of any air pollutant at least equivalent to the reduction in emissions of such pollutant achieved under a relevant design, equipment, work practice, or operational emission standard, or combination thereof, established under this part pursuant to section 112(h) of the Act.

Alternative test method means any method of sampling and analyzing for an air pollutant that is not a test method in this chapter and that has been demonstrated to the Administrator's satisfaction, using Method 301 in Appendix A of this part, to produce results adequate for the Administrator's determination that it may be used in place of a test method specified in this part.

Approved permit program means a State permit program approved by the Administrator as meeting the requirements of part 70 of this chapter or a Federal permit program established in this chapter pursuant to title V of the Act (42 U.S.C. 7661).

Area source means any stationary source of hazardous air pollutants that is not a major source as defined in this part.

Commenced means, with respect to construction or reconstruction of an affected source, that an owner or operator has undertaken a continuous program of construction or reconstruction 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 or reconstruction.

Compliance date means the date by which an affected source is required to be in compliance with a relevant standard, limitation, prohibition, or any federally enforceable requirement established by the Administrator (or a State with an approved permit program) pursuant to section 112 of the Act.

Compliance schedule means:

(1) In the case of an affected source that is in compliance with all applicable requirements established under this part, a statement that the source will continue to comply with such requirements; or

(2) In the case of an affected source that is required to comply with applicable requirements by a future date, a statement that the source will meet such requirements on a timely basis and, if required by an applicable requirement, a detailed schedule of the dates by which each step toward compliance will be reached; or

(3) In the case of an affected source not in compliance with all applicable requirements established under this part, a schedule of remedial measures, including an enforceable sequence of actions or operations with milestones and a schedule for the submission of certified progress reports, where applicable, leading to compliance with a relevant standard, limitation, prohibition, or any federally enforceable requirement established pursuant to section 112 of the Act for which the affected source is not in compliance. This compliance schedule shall resemble and be at least as

stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.

Construction means the on-site fabrication, erection, or installation of an affected source. Construction does not include the removal of all equipment comprising an affected source from an existing location and reinstallation of such equipment at a new location. The owner or operator of an existing affected source that is relocated may elect not to reinstall minor ancillary equipment including, but not limited to, piping, ductwork, and valves. However, removal and reinstallation of an affected source will be construed as reconstruction if it satisfies the criteria for reconstruction as defined in this section. The costs of replacing minor ancillary equipment must be considered in determining whether the existing affected source is reconstructed.

Continuous emission monitoring system (CEMS) means the total equipment that may be required to meet the data acquisition and availability requirements of this part, used to sample, condition (if applicable), analyze, and provide a record of emissions.

Continuous monitoring system (CMS) is a comprehensive term that may include, but is not limited to, continuous emission monitoring systems, continuous opacity monitoring systems, continuous parameter monitoring systems, or other manual or automatic monitoring that is used for demonstrating compliance with an applicable regulation on a continuous basis as defined by the regulation.

Continuous opacity monitoring system (COMS) means a continuous monitoring system that measures the opacity of emissions.

Continuous parameter monitoring system means the total equipment that may be required to meet the data acquisition and availability requirements of this part, used to sample, condition (if applicable), analyze, and provide a record of process or control system parameters.

Effective date means:

(1) With regard to an emission standard established under this part, the date of promulgation in the Federal Register of such standard; or

(2) With regard to an alternative emission limitation or equivalent emission limitation determined by the Administrator (or a State with an approved permit program), the date that the alternative emission limitation or equivalent emission limitation becomes effective according to the provisions of this part.

Emission standard means a national standard, limitation, prohibition, or other regulation promulgated in a subpart of this part pursuant to sections 112(d), 112(h), or 112(f) of the Act.

Emissions averaging is a way to comply with the emission limitations specified in a relevant standard, whereby an affected source, if allowed under a subpart of this part, may create emission credits by reducing emissions from specific points to a level below that required by the relevant standard, and those credits are used to offset emissions from points that are not controlled to the level required by the relevant standard.

EPA means the United States Environmental Protection Agency.

Equivalent emission limitation means any maximum achievable control technology emission limitation or requirements which are applicable to a major source of hazardous air pollutants and are adopted by the Administrator (or a State with an approved permit program) on a case-by-case basis, pursuant to section 112(g) or (j) of the Act.

Excess emissions and continuous monitoring system performance report is a report that must be submitted periodically by an affected source in order to provide data on its compliance with relevant emission limits, operating parameters, and the performance of its continuous parameter monitoring systems.

Existing source means any affected source that is not a new source.

Federally enforceable means all limitations and conditions that are enforceable by the Administrator and citizens under the Act or that are enforceable under other statutes administered by the Administrator. Examples of federally enforceable limitations and conditions include, but are not limited to:

(1) Emission standards, alternative emission standards, alternative emission limitations, and equivalent emission limitations established pursuant to section 112 of the Act as amended in 1990;

(2) New source performance standards established pursuant to section 111 of the Act, and emission standards established pursuant to section 112 of the Act before it was amended in 1990;

(3) All terms and conditions in a title V permit, including any provisions that limit a source's potential to emit, unless expressly designated as not federally enforceable;

(4) Limitations and conditions that are part of an approved State Implementation Plan (SIP) or a Federal Implementation Plan (FIP);

(5) Limitations and conditions that are part of a Federal construction permit issued under 40 CFR 52.21 or any construction permit issued under regulations approved by the EPA in accordance with 40 CFR part 51;

(6) Limitations and conditions that are part of an operating permit where the permit and the permitting program pursuant to which it was issued meet all of the following criteria:

(i) The operating permit program has been submitted to and approved by EPA into a State implementation plan (SIP) under section 110 of the CAA;

(ii) The SIP imposes a legal obligation that operating permit holders adhere to the terms and limitations of such permits and provides that permits which do not conform to the operating permit program requirements and the requirements of EPA's underlying regulations may be deemed not “federally enforceable” by EPA;

(iii) The operating permit program requires that all emission limitations, controls, and other requirements imposed by such permits will be at least as stringent as any other applicable limitations and requirements contained in the SIP or enforceable under the SIP, and that the program may not issue permits that waive, or make less stringent, any limitations or requirements contained in or issued pursuant to the SIP, or that are otherwise “federally enforceable”;

(iv) The limitations, controls, and requirements in the permit in question are permanent, quantifiable, and otherwise enforceable as a practical matter; and

(v) The permit in question was issued only after adequate and timely notice and opportunity for comment for EPA and the public.

(7) Limitations and conditions in a State rule or program that has been approved by the EPA under subpart E of this part for the purposes of implementing and enforcing section 112; and

(8) Individual consent agreements that the EPA has legal authority to create.

Fixed capital cost means the capital needed to provide all the depreciable components of an existing source.

Force majeure means, for purposes of §63.7, an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents the owner or operator from complying with the regulatory requirement to conduct performance tests within the specified timeframe despite the affected facility's best efforts to fulfill the obligation. Examples of such events are acts of nature, acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility.

Fugitive emissions means those emissions from a stationary source that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening. Under section 112 of the Act, all fugitive emissions are to be considered in determining whether a stationary source is a major source.

Hazardous air pollutant means any air pollutant listed in or pursuant to section 112(b) of the Act.

Issuance of a part 70 permit will occur, if the State is the permitting authority, in accordance with the requirements of part 70 of this chapter and the applicable, approved State permit program. When the EPA is the permitting authority, issuance of a title V permit occurs immediately after the EPA takes final action on the final permit.

Major source means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, unless the Administrator establishes a lesser quantity, or in the case of radionuclides, different criteria from those specified in this sentence.

Malfunction means any sudden, infrequent, and not reasonably preventable failure of air pollution control and monitoring equipment, process equipment, or a process to operate in a normal or usual manner which causes, or has the potential to cause, the emission limitations in an applicable standard to be exceeded. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

Monitoring means the collection and use of measurement data or other information to control the operation of a process or pollution control device or to verify a work practice standard relative to assuring compliance with applicable requirements. Monitoring is composed of four elements:

(1) Indicator(s) of performance—the parameter or parameters you measure or observe for demonstrating proper operation of the pollution control measures or compliance with the applicable emissions limitation or standard. Indicators of performance may include direct or predicted emissions measurements (including opacity), operational parametric values that correspond to process or control device (and capture system) efficiencies or emissions rates, and recorded findings of inspection of work practice activities, materials tracking, or design characteristics. Indicators may be expressed as a single maximum or minimum value, a function of process variables (for example, within a range of pressure drops), a particular operational or work practice status (for example, a damper position, completion of a waste recovery task, materials tracking), or an interdependency between two or among more than two variables.

(2) Measurement techniques—the means by which you gather and record information of or about the indicators of performance. The components of the measurement technique include the detector type, location and installation specifications, inspection procedures, and quality assurance and quality control measures. Examples of measurement techniques include continuous emission monitoring systems, continuous opacity monitoring systems, continuous parametric monitoring systems, and manual inspections that include making records of process conditions or work practices.

(3) Monitoring frequency—the number of times you obtain and record monitoring data over a specified time interval. Examples of monitoring frequencies include at least four points equally spaced for each hour for continuous emissions or parametric monitoring systems, at least every 10 seconds for continuous opacity monitoring systems, and at least once per operating day (or week, month, etc.) for work practice or design inspections.

(4) Averaging time—the period over which you average and use data to verify proper operation of the pollution control approach or compliance with the emissions limitation or standard. Examples of averaging time include a 3-hour average in units of the emissions limitation, a 30-day rolling average emissions value, a daily average of a control device operational parametric range, and an instantaneous alarm.

New affected source means the collection of equipment, activities, or both within a single contiguous area and under common control that is included in a section 112(c) source category or subcategory that is subject to a section 112(d) or other relevant standard for new sources. This definition of “new affected source,” and the criteria to be utilized in implementing it, shall apply to each section 112(d) standard for which the initial proposed rule is signed by the Administrator after June 30, 2002. Each relevant standard will define the term “new affected source,” which will be the same as the “affected source” unless a different collection is warranted based on consideration of factors including:

(1) Emission reduction impacts of controlling individual sources versus groups of sources;

(2) Cost effectiveness of controlling individual equipment;

(3) Flexibility to accommodate common control strategies;

(4) Cost/benefits of emissions averaging;

(5) Incentives for pollution prevention;

(6) Feasibility and cost of controlling processes that share common equipment (e.g., product recovery devices);

(7) Feasibility and cost of monitoring; and

(8) Other relevant factors.

New source means any affected source the construction or reconstruction of which is commenced after the Administrator first proposes a relevant emission standard under this part establishing an emission standard applicable to such source.

One-hour period, unless otherwise defined in an applicable subpart, means any 60-minute period commencing on the hour.

Opacity means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background. For continuous opacity monitoring systems, opacity means the fraction of incident light that is attenuated by an optical medium.

Owner or operator means any person who owns, leases, operates, controls, or supervises a stationary source.

Performance audit means a procedure to analyze blind samples, the content of which is known by the Administrator, simultaneously with the analysis of performance test samples in order to provide a measure of test data quality.

Performance evaluation means the conduct of relative accuracy testing, calibration error testing, and other measurements used in validating the continuous monitoring system data.

Performance test means the collection of data resulting from the execution of a test method (usually three emission test runs) used to demonstrate compliance with a relevant emission standard as specified in the performance test section of the relevant standard.

Permit modification means a change to a title V permit as defined in regulations codified in this chapter to implement title V of the Act (42 U.S.C. 7661).

Permit program means a comprehensive State operating permit system established pursuant to title V of the Act (42 U.S.C. 7661) and regulations codified in part 70 of this chapter and applicable State regulations, or a comprehensive Federal operating permit system established pursuant to title V of the Act and regulations codified in this chapter.

Permit revision means any permit modification or administrative permit amendment to a title V permit as defined in regulations codified in this chapter to implement title V of the Act (42 U.S.C. 7661).

Permitting authority means:

(1) The State air pollution control agency, local agency, other State agency, or other agency authorized by the Administrator to carry out a permit program under part 70 of this chapter; or

(2) The Administrator, in the case of EPA-implemented permit programs under title V of the Act (42 U.S.C. 7661).

Pollution Prevention means *source reduction* as defined under the Pollution Prevention Act (42 U.S.C. 13101–13109). The definition is as follows:

(1) *Source reduction* is any practice that:

  (i) Reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal; and

  (ii) Reduces the hazards to public health and the environment associated with the release of such substances, pollutants, or contaminants.

(2) The term *source reduction* includes equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control.

(3) The term *source reduction* does not include any practice that alters the physical, chemical, or biological characteristics or the volume of a hazardous substance, pollutant, or contaminant through a process or activity which itself is not integral to and necessary for the production of a product or the providing of a service.

Potential to emit means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the stationary source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable.

Reconstruction, unless otherwise defined in a relevant standard, means the replacement of components of an affected or a previously nonaffected source to such an extent that:

(1) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable new source; and

(2) It is technologically and economically feasible for the reconstructed source to meet the relevant standard(s) established by the Administrator (or a State) pursuant to section 112 of the Act. Upon reconstruction, an affected source, or a stationary source that becomes an affected source, is subject to relevant standards for new sources, including compliance dates, irrespective of any change in emissions of hazardous air pollutants from that source.

Regulation promulgation schedule means the schedule for the promulgation of emission standards under this part, established by the Administrator pursuant to section 112(e) of the Act and published in the Federal Register.

Relevant standard means:

(1) An emission standard;

(2) An alternative emission standard;

(3) An alternative emission limitation; or

(4) An equivalent emission limitation established pursuant to section 112 of the Act that applies to the collection of equipment, activities, or both regulated by such standard or limitation. A relevant standard may include or consist of a design, equipment, work practice, or operational requirement, or other measure, process, method, system, or technique (including prohibition of emissions) that the Administrator (or a State) establishes for new or existing sources to which such standard or limitation applies. Every relevant standard established pursuant to section 112 of the Act includes subpart A of this part, as provided by §63.1(a)(4), and all applicable appendices of this part or of other parts of this chapter that are referenced in that standard.

Responsible official means one of the following:

(1) For a corporation: A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities and either:

(i) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars); or

(ii) The delegation of authority to such representative is approved in advance by the Administrator.

(2) For a partnership or sole proprietorship: a general partner or the proprietor, respectively.

(3) For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of the EPA).

(4) For affected sources (as defined in this part) applying for or subject to a title V permit: “responsible official” shall have the same meaning as defined in part 70 or Federal title V regulations in this chapter (42 U.S.C. 7661), whichever is applicable.

Run means one of a series of emission or other measurements needed to determine emissions for a representative operating period or cycle as specified in this part.

Shutdown means the cessation of operation of an affected source or portion of an affected source for any purpose.

Six-minute period means, with respect to opacity determinations, any one of the 10 equal parts of a 1-hour period.

Source at a Performance Track member facility means a major or area source located at a facility which has been accepted by EPA for membership in the Performance Track Program (as described at *www.epa.gov/PerformanceTrack*) and is still a member of the Program. The Performance Track Program is a voluntary program that encourages continuous environmental improvement through the use of environmental management systems, local community outreach, and measurable results.

Standard conditions means a temperature of 293 K (68 °F) and a pressure of 101.3 kilopascals (29.92 in. Hg).

Startup means the setting in operation of an affected source or portion of an affected source for any purpose.

State means all non-Federal authorities, including local agencies, interstate associations, and State-wide programs, that have delegated authority to implement: (1) The provisions of this part and/or (2) the permit program established under part 70 of this chapter. The term State shall have its conventional meaning where clear from the context.

Stationary source means any building, structure, facility, or installation which emits or may emit any air pollutant.

Test method means the validated procedure for sampling, preparing, and analyzing for an air pollutant specified in a relevant standard as the performance test procedure. The test method may include methods described in an appendix of this chapter, test methods incorporated by reference in this part, or methods validated for an application through procedures in Method 301 of appendix A of this part.

Title V permit means any permit issued, renewed, or revised pursuant to Federal or State regulations established to implement title V of the Act (42 U.S.C. 7661). A title V permit issued by a State permitting authority is called a part 70 permit in this part.

Visible emission means the observation of an emission of opacity or optical density above the threshold of vision.

Working day means any day on which Federal Government offices (or State government offices for a State that has obtained delegation under section 112(l)) are open for normal business. Saturdays, Sundays, and official Federal (or where delegated, State) holidays are not working days.

[59 FR 12430, Mar. 16, 1994, as amended at 67 FR 16596, Apr. 5, 2002; 68 FR 32600, May 30, 2003; 69 FR 21752, Apr. 22, 2004; 72 FR 27443, May 16, 2007]

§ 63.3 Units and abbreviations.

Used in this part are abbreviations and symbols of units of measure. These are defined as follows:

(a) *System International (SI) units of measure:*

A = ampere

g = gram

Hz = hertz

J = joule

°K = degree Kelvin

kg = kilogram

l = liter

m = meter

m^3 = cubic meter

mg = milligram = 10^{-3}gram

ml = milliliter = 10^{-3}liter

mm = millimeter = 10^{-3}meter

Mg = megagram = 10^6 gram = metric ton

MJ = megajoule

mol = mole

N = newton

ng = nanogram = 10^{-9}gram

nm = nanometer = 10^{-9}meter

Pa = pascal

s = second

V = volt

W = watt

Ω = ohm

µg = microgram = 10^{-6}gram

µl = microliter = 10^{-6}liter

(b) *Other units of measure:*

Btu = British thermal unit

°C = degree Celsius (centigrade)

cal = calorie

cfm = cubic feet per minute

cc = cubic centimeter

cu ft = cubic feet

d = day

dcf = dry cubic feet

dcm = dry cubic meter

dscf = dry cubic feet at standard conditions

dscm = dry cubic meter at standard conditions

eq = equivalent

°F degree Fahrenheit

ft = feet

ft^2 = square feet

ft^3 = cubic feet

gal = gallon

gr = grain

g-eq = gram equivalent

g-mole = gram mole

hr = hour

in. = inch

in. H_2O = inches of water

K = 1,000

kcal = kilocalorie

lb = pound

lpm = liter per minute

meq = milliequivalent

min = minute

MW = molecular weight

oz = ounces

ppb = parts per billion

ppbw = parts per billion by weight

ppbv = parts per billion by volume

ppm = parts per million

ppmw = parts per million by weight

ppmv = parts per million by volume

psia = pounds per square inch absolute

psig = pounds per square inch gage

°R = degree Rankine

scf = cubic feet at standard conditions

scfh = cubic feet at standard conditions per hour

scm = cubic meter at standard conditions

scmm = cubic meter at standard conditions per minute

sec = second

sq ft = square feet

std = at standard conditions

v/v = volume per volume

yd^2 = square yards

yr = year

(c) *Miscellaneous:*

act = actual

avg = average

I.D. = inside diameter

M = molar

N = normal

O.D. = outside diameter

% = percent

[59 FR 12430, Mar. 16, 1994, as amended at 67 FR 16598, Apr. 5, 2002]

§ 63.4 Prohibited activities and circumvention.

(a) *Prohibited activities.*

(1) No owner or operator subject to the provisions of this part must operate any affected source in violation of the requirements of this part. Affected sources subject to and in compliance with either an extension of compliance or an exemption from compliance are not in violation of the requirements of this part. An extension of compliance can be granted by the Administrator under this part; by a State with an approved permit program; or by the President under section 112(i)(4) of the Act.

(2) No owner or operator subject to the provisions of this part shall fail to keep records, notify, report, or revise reports as required under this part.

(3)–(5) [Reserved]

(b) *Circumvention.* No owner or operator subject to the provisions of this part shall build, erect, install, or use any article, machine, equipment, or process to conceal an emission that would otherwise constitute noncompliance with a relevant standard. Such concealment includes, but is not limited to—

(1) The use of diluents to achieve compliance with a relevant standard based on the concentration of a pollutant in the effluent discharged to the atmosphere;

(2) The use of gaseous diluents to achieve compliance with a relevant standard for visible emissions; and

(c) *Fragmentation.* Fragmentation after November 15, 1990 which divides ownership of an operation, within the same facility among various owners where there is no real change in control, will not affect applicability. The owner and operator must not use fragmentation or phasing of reconstruction activities (i.e., intentionally dividing reconstruction into multiple parts for purposes of avoiding new source requirements) to avoid becoming subject to new source requirements.

[59 FR 12430, Mar. 16, 1994, as amended at 67 FR 16598, Apr. 5, 2002]

§ 63.5 Preconstruction review and notification requirements.

(a) *Applicability.*

(1) This section implements the preconstruction review requirements of section 112(i)(1). After the effective date of a relevant standard, promulgated pursuant to section 112(d), (f), or (h) of the Act, under this part, the preconstruction review requirements in this section apply to the owner or operator of new affected sources and reconstructed affected sources that are major-emitting as specified in this section. New and reconstructed affected sources that commence construction or reconstruction before the effective date of a relevant standard are not subject to the preconstruction review requirements specified in paragraphs (b)(3), (d), and (e) of this section.

(2) This section includes notification requirements for new affected sources and reconstructed affected sources that are not major-emitting affected sources and that are or become subject to a relevant promulgated emission standard after the effective date of a relevant standard promulgated under this part.

(b) *Requirements for existing, newly constructed, and reconstructed sources.*

(1) A new affected source for which construction commences after proposal of a relevant standard is subject to relevant standards for new affected sources, including compliance dates. An affected source for which reconstruction commences after proposal of a relevant standard is subject to relevant standards for new sources, including compliance dates, irrespective of any change in emissions of hazardous air pollutants from that source.

(2) [Reserved]

(3) After the effective date of any relevant standard promulgated by the Administrator under this part, no person may, without obtaining written approval in advance from the Administrator in accordance with the procedures specified in paragraphs (d) and (e) of this section, do any of the following:

(i) Construct a new affected source that is major-emitting and subject to such standard;

(ii) Reconstruct an affected source that is major-emitting and subject to such standard; or

(iii) Reconstruct a major source such that the source becomes an affected source that is major-emitting and subject to the standard.

(4) After the effective date of any relevant standard promulgated by the Administrator under this part, an owner or operator who constructs a new affected source that is not major-emitting or reconstructs an affected source that is not major-emitting that is subject to such standard, or reconstructs a source such that the source becomes an affected source subject to the standard, must notify the Administrator of the intended construction or reconstruction. The notification must be submitted in accordance with the procedures in §63.9(b).

(5) [Reserved]

(6) After the effective date of any relevant standard promulgated by the Administrator under this part, equipment added (or a process change) to an affected source that is within the scope of the definition of affected source under the relevant standard must be considered part of the affected source and subject to all provisions of the relevant standard established for that affected source.

(c) [Reserved]

(d) *Application for approval of construction or reconstruction.* The provisions of this paragraph implement section 112(i)(1) of the Act.

(1) *General application requirements.*

(i) An owner or operator who is subject to the requirements of paragraph (b)(3) of this section must submit to the Administrator an application for approval of the construction or reconstruction. The application must be submitted as soon as practicable before actual construction or reconstruction begins. The application for approval of construction or reconstruction may be used to fulfill the initial notification requirements of §63.9(b)(5). The owner or operator may submit the application for approval well in advance of the date actual construction or reconstruction begins in order to ensure a timely review by the Administrator and that the planned date to begin will not be delayed.

(ii) A separate application shall be submitted for each construction or reconstruction. Each application for approval of construction or reconstruction shall include at a minimum:

(A) The applicant's name and address;

(B) A notification of intention to construct a new major affected source or make any physical or operational change to a major affected source that may meet or has been determined to meet the criteria for a reconstruction, as defined in §63.2 or in the relevant standard;

(C) The address (i.e., physical location) or proposed address of the source;

(D) An identification of the relevant standard that is the basis of the application;

(E) The expected date of the beginning of actual construction or reconstruction;

(F) The expected completion date of the construction or reconstruction;

(G) [Reserved]

(H) The type and quantity of hazardous air pollutants emitted by the source, reported in units and averaging times and in accordance with the test methods specified in the relevant standard, or if actual emissions data are not yet available, an estimate of the type and quantity of hazardous air pollutants expected to be emitted by the source reported in units and averaging times specified in the relevant standard. The owner or operator may submit percent reduction information if a relevant standard is established in terms of percent reduction. However, operating parameters, such as flow rate, shall be included in the submission to the extent that they demonstrate performance and compliance; and

(I) [Reserved]

(J) Other information as specified in paragraphs (d)(2) and (d)(3) of this section.

(iii) An owner or operator who submits estimates or preliminary information in place of the actual emissions data and analysis required in paragraphs (d)(1)(ii)(H) and (d)(2) of this section shall submit the actual, measured emissions data and other correct information as soon as available but no later than with the notification of compliance status required in §63.9(h) (see §63.9(h)(5)).

(2) *Application for approval of construction.* Each application for approval of construction must include, in addition to the information required in paragraph (d)(1)(ii) of this section, technical information describing the proposed nature, size, design, operating design capacity, and method of operation of the source, including an identification of each type of emission point for each type of hazardous air pollutant that is emitted (or could reasonably be anticipated to be emitted) and a description of the planned air pollution control system (equipment or method) for each emission point. The description of the equipment to be used for the control of emissions must include each control device for each hazardous air pollutant and the estimated control efficiency (percent) for each control device. The description of the method to be used for the control of emissions must include an estimated control efficiency (percent) for that method. Such technical information must include calculations of emission estimates in sufficient detail to permit assessment of the validity of the calculations.

(3) *Application for approval of reconstruction.* Each application for approval of reconstruction shall include, in addition to the information required in paragraph (d)(1)(ii) of this section—

(i) A brief description of the affected source and the components that are to be replaced;

(ii) A description of present and proposed emission control systems (i.e., equipment or methods). The description of the equipment to be used for the control of emissions shall include each control device for each hazardous air pollutant and the estimated control efficiency (percent) for each control device. The description of the method to be used for the control of emissions shall include an estimated control efficiency (percent) for that method. Such technical information shall include calculations of emission estimates in sufficient detail to permit assessment of the validity of the calculations;

(iii) An estimate of the fixed capital cost of the replacements and of constructing a comparable entirely new source;

(iv) The estimated life of the affected source after the replacements; and

(v) A discussion of any economic or technical limitations the source may have in complying with relevant standards or other requirements after the proposed replacements. The discussion shall be sufficiently detailed to demonstrate to the Administrator's satisfaction that the technical or economic limitations affect the source's ability to comply with the relevant standard and how they do so.

(vi) If in the application for approval of reconstruction the owner or operator designates the affected source as a reconstructed source and declares that there are no economic or technical limitations to prevent the source from

complying with all relevant standards or other requirements, the owner or operator need not submit the information required in paragraphs (d)(3)(iii) through (d)(3)(v) of this section.

(4) *Additional information.* The Administrator may request additional relevant information after the submittal of an application for approval of construction or reconstruction.

(e) *Approval of construction or reconstruction.*

(1)

(i) If the Administrator determines that, if properly constructed, or reconstructed, and operated, a new or existing source for which an application under paragraph (d) of this section was submitted will not cause emissions in violation of the relevant standard(s) and any other federally enforceable requirements, the Administrator will approve the construction or reconstruction.

(ii) In addition, in the case of reconstruction, the Administrator's determination under this paragraph will be based on:

(A) The fixed capital cost of the replacements in comparison to the fixed capital cost that would be required to construct a comparable entirely new source;

(B) The estimated life of the source after the replacements compared to the life of a comparable entirely new source;

(C) The extent to which the components being replaced cause or contribute to the emissions from the source; and

(D) Any economic or technical limitations on compliance with relevant standards that are inherent in the proposed replacements.

(2)

(i) The Administrator will notify the owner or operator in writing of approval or intention to deny approval of construction or reconstruction within 60 calendar days after receipt of sufficient information to evaluate an application submitted under paragraph (d) of this section. The 60-day approval or denial period will begin after the owner or operator has been notified in writing that his/her application is complete. The Administrator will notify the owner or operator in writing of the status of his/her application, that is, whether the application contains sufficient information to make a determination, within 30 calendar days after receipt of the original application and within 30 calendar days after receipt of any supplementary information that is submitted.

(ii) When notifying the owner or operator that his/her application is not complete, the Administrator will specify the information needed to complete the application and provide notice of opportunity for the applicant to present, in writing, within 30 calendar days after he/she is notified of the incomplete application, additional information or arguments to the Administrator to enable further action on the application.

(3) Before denying any application for approval of construction or reconstruction, the Administrator will notify the applicant of the Administrator's intention to issue the denial together with—

(i) Notice of the information and findings on which the intended denial is based; and

(ii) Notice of opportunity for the applicant to present, in writing, within 30 calendar days after he/she is notified of the intended denial, additional information or arguments to the Administrator to enable further action on the application.

(4) A final determination to deny any application for approval will be in writing and will specify the grounds on which the denial is based. The final determination will be made within 60 calendar days of presentation of additional information or arguments (if the application is complete), or within 60 calendar days after the final date specified for presentation if no presentation is made.

(5) Neither the submission of an application for approval nor the Administrator's approval of construction or reconstruction shall—

(i) Relieve an owner or operator of legal responsibility for compliance with any applicable provisions of this part or with any other applicable Federal, State, or local requirement; or

(ii) Prevent the Administrator from implementing or enforcing this part or taking any other action under the Act.

(f) *Approval of construction or reconstruction based on prior State preconstruction review.*

(1) Preconstruction review procedures that a State utilizes for other purposes may also be utilized for purposes of this section if the procedures are substantially equivalent to those specified in this section. The Administrator will approve an application for construction or reconstruction specified in paragraphs (b)(3) and (d) of this section if the owner or operator of a new affected source or reconstructed affected source, who is subject to such requirement meets the following conditions:

(i) The owner or operator of the new affected source or reconstructed affected source has undergone a preconstruction review and approval process in the State in which the source is (or would be) located and has received a federally enforceable construction permit that contains a finding that the source will meet the relevant promulgated emission standard, if the source is properly built and operated.

(ii) Provide a statement from the State or other evidence (such as State regulations) that it considered the factors specified in paragraph (e)(1) of this section.

(2) The owner or operator must submit to the Administrator the request for approval of construction or reconstruction under this paragraph (f)(2) no later than the application deadline specified in paragraph (d)(1) of this section (see also §63.9(b)(2)). The owner or operator must 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 paragraph (e) of this section. The Administrator may request additional relevant information after the submittal of a request for approval of construction or reconstruction under this paragraph (f)(2).

[59 FR 12430, Mar. 16, 1994, as amended at 67 FR 16598, Apr. 5, 2002]

§ 63.6 Compliance with standards and maintenance requirements.

(a) *Applicability.*

(1) The requirements in this section apply to the owner or operator of affected sources for which any relevant standard has been established pursuant to section 112 of the Act and the applicability of such requirements is set out in accordance with §63.1(a)(4) unless—

(i) The Administrator (or a State with an approved permit program) has granted an extension of compliance consistent with paragraph (i) of this section; or

(ii) The President has granted an exemption from compliance with any relevant standard in accordance with section 112(i)(4) of the Act.

(2) If an area source that otherwise would be subject to an emission standard or other requirement established under this part if it were a major source subsequently increases its emissions of hazardous air pollutants (or its potential to emit hazardous air pollutants) such that the source is a major source, such source shall be subject to the relevant emission standard or other requirement.

(b) *Compliance dates for new and reconstructed sources.*

(1) Except as specified in paragraphs (b)(3) and (4) of this section, the owner or operator of a new or reconstructed affected source for which construction or reconstruction commences after proposal of a relevant standard that has an initial startup before the effective date of a relevant standard established under this part pursuant to section 112(d), (f), or (h) of the Act must comply with such standard not later than the standard's effective date.

(2) Except as specified in paragraphs (b)(3) and (4) of this section, the owner or operator of a new or reconstructed affected source that has an initial startup after the effective date of a relevant standard established under this part pursuant to section 112(d), (f), or (h) of the Act must comply with such standard upon startup of the source.

(3) The owner or operator of an affected source for which construction or reconstruction is commenced after the proposal date of a relevant standard established under this part pursuant to section 112(d), 112(f), or 112(h) of the Act but before the effective date (that is, promulgation) of such standard shall comply with the relevant emission standard not later than the date 3 years after the effective date if:

(i) The promulgated standard (that is, the relevant standard) is more stringent than the proposed standard; for purposes of this paragraph, a finding that controls or compliance methods are “more stringent” must include control technologies or performance criteria and compliance or compliance assurance methods that are different but are substantially equivalent to those required by the promulgated rule, as determined by the Administrator (or his or her authorized representative); and

(ii) The owner or operator complies with the standard as proposed during the 3-year period immediately after the effective date.

(4) The owner or operator of an affected source for which construction or reconstruction is commenced after the proposal date of a relevant standard established pursuant to section 112(d) of the Act but before the proposal date of a relevant standard established pursuant to section 112(f) shall not be required to comply with the section 112(f) emission standard until the date 10 years after the date construction or reconstruction is commenced, except that, if the section 112(f) standard is promulgated more than 10 years after construction or reconstruction is commenced, the owner or operator must comply with the standard as provided in paragraphs (b)(1) and (2) of this section.

(5) The owner or operator of a new source that is subject to the compliance requirements of paragraph (b)(3) or (4) of this section must notify the Administrator in accordance with §63.9(d)

(6) [Reserved]

(7) When an area source becomes a major source by the addition of equipment or operations that meet the definition of new affected source in the relevant standard, the portion of the existing facility that is a new affected source must comply with all requirements of that standard applicable to new sources. The source owner or operator must comply with the relevant standard upon startup.

(c) *Compliance dates for existing sources.*

(1) After the effective date of a relevant standard established under this part pursuant to section 112(d) or 112(h) of the Act, the owner or operator of an existing source shall comply with such standard by the compliance date established by the Administrator in the applicable subpart(s) of this part. Except as otherwise provided for in section 112 of the Act, in no case will the compliance date established for an existing source in an applicable subpart of this part exceed 3 years after the effective date of such standard.

(2) If an existing source is subject to a standard established under this part pursuant to section 112(f) of the Act, the owner or operator must comply with the standard by the date 90 days after the standard's effective date, or by the date specified in an extension granted to the source by the Administrator under paragraph (i)(4)(ii) of this section, whichever is later.

(3)–(4) [Reserved]

(5) Except as provided in paragraph (b)(7) of this section, the owner or operator of an area source that increases its emissions of (or its potential to emit) hazardous air pollutants such that the source becomes a major source shall be subject to relevant standards for existing sources. Such sources must comply by the date specified in the standards for existing area sources that become major sources. If no such compliance date is specified in the standards, the source shall have a period of time to comply with the relevant emission standard that is equivalent to the compliance period specified in the relevant standard for existing sources in existence at the time the standard becomes effective.

(d) [Reserved]

(e) *Operation and maintenance requirements.*

(1)

(i) At all times, including periods of startup, shutdown, and malfunction, the owner or operator must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. During a period of startup, shutdown, or malfunction, this general duty to minimize emissions requires that the owner or operator reduce emissions from the affected source to the greatest extent which is consistent with safety and good air pollution control practices. The general duty to minimize emissions during a period of startup, shutdown, or malfunction does not require the owner or operator to achieve emission levels that would be required by the applicable standard at other times if this is not consistent with safety and good air pollution control practices, nor does it require the owner or operator to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether such 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 (including the startup, shutdown, and malfunction plan required in paragraph (e)(3) of this section), review of operation and maintenance records, and inspection of the source.

(ii) Malfunctions must be corrected as soon as practicable after their occurrence. To the extent that an unexpected event arises during a startup, shutdown, or malfunction, an owner or operator must comply by minimizing emissions during such a startup, shutdown, and malfunction event consistent with safety and good air pollution control practices.

(iii) Operation and maintenance requirements established pursuant to section 112 of the Act are enforceable independent of emissions limitations or other requirements in relevant standards.

(2) [Reserved]

(3) *Startup, shutdown, and malfunction plan.*

(i) The owner or operator of an affected source must develop a written startup, shutdown, and malfunction plan that describes, in detail, procedures for operating and maintaining the source during periods of startup, shutdown, and malfunction; and a program of corrective action for malfunctioning process, air pollution control, and monitoring equipment used to comply with the relevant standard. The startup, shutdown, and malfunction plan does not need to address any scenario that would not cause the source to exceed an applicable emission limitation in the relevant standard. This plan must be developed by the owner or operator by the source's compliance date for that relevant standard. The purpose of the startup, shutdown, and malfunction plan is to—

(A) Ensure that, at all times, the owner or operator operates and maintains each affected source, including associated air pollution control and monitoring equipment, in a manner which satisfies the general duty to minimize emissions established by paragraph (e)(1)(i) of this section;

(B) Ensure that owners or operators are prepared to correct malfunctions as soon as practicable after their occurrence in order to minimize excess emissions of hazardous air pollutants; and

(C) Reduce the reporting burden associated with periods of startup, shutdown, and malfunction (including corrective action taken to restore malfunctioning process and air pollution control equipment to its normal or usual manner of operation).

(ii) [Reserved]

(iii) When actions taken by the owner or operator during a startup or shutdown (and the startup or shutdown causes the source to exceed any applicable emission limitation in the relevant emission standards), or malfunction (including actions taken to correct a malfunction) are consistent with the procedures specified in the affected source's startup, shutdown, and malfunction plan, the owner or operator must keep records for that event which demonstrate that the procedures specified in the plan were followed. These records may take the form of a “checklist,” or other effective form of recordkeeping that confirms conformance with the startup, shutdown, and malfunction plan and describes the actions taken for that event. In addition, the owner or operator must keep records of these events as specified in paragraph 63.10(b), including records of the occurrence and duration of each startup or shutdown (if the startup or shutdown causes the source to exceed any applicable emission limitation in the relevant emission standards), or malfunction of operation and each malfunction of the air pollution control and monitoring equipment. Furthermore, the owner or operator shall confirm that actions taken during the relevant reporting period during periods of startup, shutdown, and malfunction were consistent with the affected source's startup, shutdown and malfunction plan in the semiannual (or more frequent) startup, shutdown, and malfunction report required in §63.10(d)(5).

(iv) If an action taken by the owner or operator during a startup, shutdown, or malfunction (including an action taken to correct a malfunction) is not consistent with the procedures specified in the affected source's startup, shutdown, and malfunction plan, and the source exceeds any applicable emission limitation in the relevant emission standard, then the owner or operator must record the actions taken for that event and must report such actions within 2 working days after commencing actions inconsistent with the plan, followed by a letter within 7 working days after the end of the event, in accordance with §63.10(d)(5) (unless the owner or operator makes alternative reporting arrangements, in advance, with the Administrator).

(v) The owner or operator must maintain at the affected source a current startup, shutdown, and malfunction plan and must make the plan available upon request for inspection and copying by the Administrator. In addition, if the startup, shutdown, and malfunction plan is subsequently revised as provided in paragraph (e)(3)(viii) of this section, the owner or operator must maintain at the affected source each previous (i.e., superseded) version of the startup, shutdown, and malfunction plan, and must make each such previous version available for inspection and copying by the Administrator for a period of 5 years after revision of the plan. If at any time after adoption

of a startup, shutdown, and malfunction plan the affected source ceases operation or is otherwise no longer subject to the provisions of this part, the owner or operator must retain a copy of the most recent plan for 5 years from the date the source ceases operation or is no longer subject to this part and must make the plan available upon request for inspection and copying by the Administrator. The Administrator may at any time request in writing that the owner or operator submit a copy of any startup, shutdown, and malfunction plan (or a portion thereof) which is maintained at the affected source or in the possession of the owner or operator. Upon receipt of such a request, the owner or operator must promptly submit a copy of the requested plan (or a portion thereof) to the Administrator. The owner or operator may elect to submit the required copy of any startup, shutdown, and malfunction plan to the Administrator in an electronic format. If the owner or operator claims that any portion of such a startup, shutdown, and malfunction plan is confidential business information entitled to protection from disclosure under section 114(c) of the Act or 40 CFR 2.301, the material which is claimed as confidential must be clearly designated in the submission.

(vi) To satisfy the requirements of this section to develop a startup, shutdown, and malfunction plan, the owner or operator may use the affected source's standard operating procedures (SOP) manual, or an Occupational Safety and Health Administration (OSHA) or other plan, provided the alternative plans meet all the requirements of this section and are made available for inspection or submitted when requested by the Administrator.

(vii) Based on the results of a determination made under paragraph (e)(1)(i) of this section, the Administrator may require that an owner or operator of an affected source make changes to the startup, shutdown, and malfunction plan for that source. The Administrator must require appropriate revisions to a startup, shutdown, and malfunction plan, if the Administrator finds that the plan:

(A) Does not address a startup, shutdown, or malfunction event that has occurred;

(B) Fails to provide for the operation of the source (including associated air pollution control and monitoring equipment) during a startup, shutdown, or malfunction event in a manner consistent with the general duty to minimize emissions established by paragraph (e)(1)(i) of this section;

(C) Does not provide adequate procedures for correcting malfunctioning process and/or air pollution control and monitoring equipment as quickly as practicable; or

(D) Includes an event that does not meet the definition of startup, shutdown, or malfunction listed in §63.2.

(viii) The owner or operator may periodically revise the startup, shutdown, and malfunction plan for the affected source as necessary to satisfy the requirements of this part or to reflect changes in equipment or procedures at the affected source. Unless the permitting authority provides otherwise, the owner or operator may make such revisions to the startup, shutdown, and malfunction plan without prior approval by the Administrator or the permitting authority. However, each such revision to a startup, shutdown, and malfunction plan must be reported in the semiannual report required by §63.10(d)(5). If the startup, shutdown, and malfunction plan fails to address or inadequately addresses an event that meets the characteristics of a malfunction but was not included in the startup, shutdown, and malfunction plan at the time the owner or operator developed the plan, the owner or operator must revise the startup, shutdown, and malfunction plan within 45 days after the event to include detailed procedures for operating and maintaining the source during similar malfunction events and a program of corrective action for similar malfunctions of process or air pollution control and monitoring equipment. In the event that the owner or operator makes any revision to the startup, shutdown, and malfunction plan which alters the scope of the activities at the source which are deemed to be a startup, shutdown, or malfunction, or otherwise modifies the applicability of any emission limit, work practice requirement, or other requirement in a standard established under this part, the revised plan shall not take effect until after the owner or operator has provided a written notice describing the revision to the permitting authority.

(ix) The title V permit for an affected source must require that the owner or operator develop a startup, shutdown, and malfunction plan which conforms to the provisions of this part, but may do so by citing to the relevant subpart or subparagraphs of paragraph (e) of this section. However, any revisions made to the startup, shutdown, and malfunction plan in accordance with the procedures established by this part shall not be deemed to constitute permit revisions under part 70 or part 71 of this chapter and the elements of the startup, shutdown, and malfunction plan shall not be considered an applicable requirement as defined in §70.2 and §71.2 of this chapter. Moreover, none of the procedures specified by the startup, shutdown, and malfunction plan for an affected source shall be deemed to fall within the permit shield provision in section 504(f) of the Act.

(f) *Compliance with nonopacity emission standards —*

(1) *Applicability.* The non-opacity emission standards set forth in this part shall apply at all times except during periods of startup, shutdown, and malfunction, and as otherwise specified in an applicable subpart. If a startup, shutdown, or malfunction of one portion of an affected source does not affect the ability of particular emission points within other portions of the affected source to comply with the non-opacity emission standards set forth in this part, then that emission point must still be required to comply with the non-opacity emission standards and other applicable requirements.

(2) *Methods for determining compliance.*

(i) The Administrator will determine compliance with nonopacity emission standards in this part based on the results of performance tests conducted according to the procedures in §63.7, unless otherwise specified in an applicable subpart of this part.

(ii) The Administrator will determine compliance with nonopacity emission standards in this part by evaluation of an owner or operator's conformance with operation and maintenance requirements, including the evaluation of monitoring data, as specified in §63.6(e) and applicable subparts of this part.

(iii) If an affected source conducts performance testing at startup to obtain an operating permit in the State in which the source is located, the results of such testing may be used to demonstrate compliance with a relevant standard if—

(A) The performance test was conducted within a reasonable amount of time before an initial performance test is required to be conducted under the relevant standard;

(B) The performance test was conducted under representative operating conditions for the source;

(C) The performance test was conducted and the resulting data were reduced using EPA-approved test methods and procedures, as specified in §63.7(e) of this subpart; and

(D) The performance test was appropriately quality-assured, as specified in §63.7(c).

(iv) The Administrator will determine compliance with design, equipment, work practice, or operational emission standards in this part by review of records, inspection of the source, and other procedures specified in applicable subparts of this part.

(v) The Administrator will determine compliance with design, equipment, work practice, or operational emission standards in this part by evaluation of an owner or operator's conformance with operation and maintenance requirements, as specified in paragraph (e) of this section and applicable subparts of this part.

(3) *Finding of compliance.* The Administrator will make a finding concerning an affected source's compliance with a non-opacity emission standard, as specified in paragraphs (f)(1) and (2) of this section, upon obtaining all the compliance information required by the relevant standard (including the written reports of performance test results, monitoring results, and other information, if applicable), and information available to the Administrator pursuant to paragraph (e)(1)(i) of this section.

(g) *Use of an alternative nonopacity emission standard.*

(1) If, in the Administrator's judgment, an owner or operator of an affected source has established that an alternative means of emission limitation will achieve a reduction in emissions of a hazardous air pollutant from an affected source at least equivalent to the reduction in emissions of that pollutant from that source achieved under any design, equipment, work practice, or operational emission standard, or combination thereof, established under this part pursuant to section 112(h) of the Act, the Administrator will publish in the Federal Register a notice permitting the use of the alternative emission standard for purposes of compliance with the promulgated standard. Any Federal Register notice under this paragraph shall be published only after the public is notified and given the opportunity to comment. Such notice will restrict the permission to the stationary source(s) or category(ies) of sources from which the alternative emission standard will achieve equivalent emission reductions. The Administrator will condition permission in such notice on requirements to assure the proper operation and maintenance of equipment and practices required for compliance with the alternative emission standard and other requirements, including appropriate quality assurance and quality control requirements, that are deemed necessary.

(2) An owner or operator requesting permission under this paragraph shall, unless otherwise specified in an applicable subpart, submit a proposed test plan or the results of testing and monitoring in accordance with §63.7 and §63.8, a description of the procedures followed in testing or monitoring, and a description of pertinent conditions during

testing or monitoring. Any testing or monitoring conducted to request permission to use an alternative nonopacity emission standard shall be appropriately quality assured and quality controlled, as specified in §63.7 and §63.8.

(3) The Administrator may establish general procedures in an applicable subpart that accomplish the requirements of paragraphs (g)(1) and (g)(2) of this section.

(h) *Compliance with opacity and visible emission standards* —

(1) *Applicability.* The opacity and visible emission standards set forth in this part must apply at all times except during periods of startup, shutdown, and malfunction, and as otherwise specified in an applicable subpart. If a startup, shutdown, or malfunction of one portion of an affected source does not affect the ability of particular emission points within other portions of the affected source to comply with the opacity and visible emission standards set forth in this part, then that emission point shall still be required to comply with the opacity and visible emission standards and other applicable requirements.

(2) *Methods for determining compliance.*

(i) The Administrator will determine compliance with opacity and visible emission standards in this part based on the results of the test method specified in an applicable subpart. Whenever a continuous opacity monitoring system (COMS) is required to be installed to determine compliance with numerical opacity emission standards in this part, compliance with opacity emission standards in this part shall be determined by using the results from the COMS. Whenever an opacity emission test method is not specified, compliance with opacity emission standards in this part shall be determined by conducting observations in accordance with Test Method 9 in appendix A of part 60 of this chapter or the method specified in paragraph (h)(7)(ii) of this section. Whenever a visible emission test method is not specified, compliance with visible emission standards in this part shall be determined by conducting observations in accordance with Test Method 22 in appendix A of part 60 of this chapter.

(ii) [Reserved]

(iii) If an affected source undergoes opacity or visible emission testing at startup to obtain an operating permit in the State in which the source is located, the results of such testing may be used to demonstrate compliance with a relevant standard if—

(A) The opacity or visible emission test was conducted within a reasonable amount of time before a performance test is required to be conducted under the relevant standard;

(B) The opacity or visible emission test was conducted under representative operating conditions for the source;

(C) The opacity or visible emission test was conducted and the resulting data were reduced using EPA-approved test methods and procedures, as specified in §63.7(e); and

(D) The opacity or visible emission test was appropriately quality-assured, as specified in §63.7(c) of this section.

(3) [Reserved]

(4) *Notification of opacity or visible emission observations.* The owner or operator of an affected source shall notify the Administrator in writing of the anticipated date for conducting opacity or visible emission observations in accordance with §63.9(f), if such observations are required for the source by a relevant standard.

(5) *Conduct of opacity or visible emission observations.* When a relevant standard under this part includes an opacity or visible emission standard, the owner or operator of an affected source shall comply with the following:

(i) For the purpose of demonstrating initial compliance, opacity or visible emission observations shall be conducted concurrently with the initial performance test required in §63.7 unless one of the following conditions applies:

(A) If no performance test under §63.7 is required, opacity or visible emission observations shall be conducted within 60 days after achieving the maximum production rate at which a new or reconstructed source will be operated, but not later than 120 days after initial startup of the source, or within 120 days after the effective date of the relevant standard in the case of new sources that start up before the standard's effective date. If no performance test under §63.7 is required, opacity or visible emission observations shall be conducted within 120 days after the compliance date for an existing or modified source; or

(B) If visibility or other conditions prevent the opacity or visible emission observations from being conducted concurrently with the initial performance test required under §63.7, or within the time period specified in paragraph (h)(5)(i)(A) of this section, the source's owner or operator shall reschedule the opacity or visible emission observations as soon after the initial performance test, or time period, as possible, but not later than 30 days thereafter, and shall advise the Administrator of the rescheduled date. The rescheduled opacity or visible emission observations shall be conducted (to the extent possible) under the same operating conditions that existed during the initial performance test conducted under §63.7. The visible emissions observer shall determine whether visibility or other conditions prevent the opacity or visible emission observations from being made concurrently with the initial performance test in accordance with procedures contained in Test Method 9 or Test Method 22 in appendix A of part 60 of this chapter.

(ii) For the purpose of demonstrating initial compliance, the minimum total time of opacity observations shall be 3 hours (30 6-minute averages) for the performance test or other required set of observations (e.g., for fugitive-type emission sources subject only to an opacity emission standard).

(iii) The owner or operator of an affected source to which an opacity or visible emission standard in this part applies shall conduct opacity or visible emission observations in accordance with the provisions of this section, record the results of the evaluation of emissions, and report to the Administrator the opacity or visible emission results in accordance with the provisions of §63.10(d).

(iv) [Reserved]

(v) Opacity readings of portions of plumes that contain condensed, uncombined water vapor shall not be used for purposes of determining compliance with opacity emission standards.

(6) *Availability of records.* The owner or operator of an affected source shall make available, upon request by the Administrator, such records that the Administrator deems necessary to determine the conditions under which the visual observations were made and shall provide evidence indicating proof of current visible observer emission certification.

(7) *Use of a continuous opacity monitoring system.*

(i) The owner or operator of an affected source required to use a continuous opacity monitoring system (COMS) shall record the monitoring data produced during a performance test required under §63.7 and shall furnish the Administrator a written report of the monitoring results in accordance with the provisions of §63.10(e)(4).

(ii) Whenever an opacity emission test method has not been specified in an applicable subpart, or an owner or operator of an affected source is required to conduct Test Method 9 observations (see appendix A of part 60 of this chapter), the owner or operator may submit, for compliance purposes, COMS data results produced during any performance test required under §63.7 in lieu of Method 9 data. If the owner or operator elects to submit COMS data for compliance with the opacity emission standard, he or she shall notify the Administrator of that decision, in writing, simultaneously with the notification under §63.7(b) of the date the performance test is scheduled to begin. Once the owner or operator of an affected source has notified the Administrator to that effect, the COMS data results will be used to determine opacity compliance during subsequent performance tests required under §63.7, unless the owner or operator notifies the Administrator in writing to the contrary not later than with the notification under §63.7(b) of the date the subsequent performance test is scheduled to begin.

(iii) For the purposes of determining compliance with the opacity emission standard during a performance test required under §63.7 using COMS data, the COMS data shall be reduced to 6-minute averages over the duration of the mass emission performance test.

(iv) The owner or operator of an affected source using a COMS for compliance purposes is responsible for demonstrating that he/she has complied with the performance evaluation requirements of §63.8(e), that the COMS has been properly maintained, operated, and data quality-assured, as specified in §63.8(c) and §63.8(d), and that the resulting data have not been altered in any way.

(v) Except as provided in paragraph (h)(7)(ii) of this section, the results of continuous monitoring by a COMS that indicate that the opacity at the time visual observations were made was not in excess of the emission standard are probative but not conclusive evidence of the actual opacity of an emission, provided that the affected source proves that, at the time of the alleged violation, the instrument used was properly maintained, as specified in §63.8(c), and met Performance Specification 1 in appendix B of part 60 of this chapter, and that the resulting data have not been altered in any way.

(8) *Finding of compliance.* The Administrator will make a finding concerning an affected source's compliance with an opacity or visible emission standard upon obtaining all the compliance information required by the relevant standard (including the written reports of the results of the performance tests required by §63.7, the results of Test Method 9 or another required opacity or visible emission test method, the observer certification required by paragraph (h)(6) of this section, and the continuous opacity monitoring system results, whichever is/are applicable) and any information available to the Administrator needed to determine whether proper operation and maintenance practices are being used.

(9) *Adjustment to an opacity emission standard.*

(i) If the Administrator finds under paragraph (h)(8) of this section that an affected source is in compliance with all relevant standards for which initial performance tests were conducted under §63.7, but during the time such performance tests were conducted fails to meet any relevant opacity emission standard, the owner or operator of such source may petition the Administrator to make appropriate adjustment to the opacity emission standard for the affected source. Until the Administrator notifies the owner or operator of the appropriate adjustment, the relevant opacity emission standard remains applicable.

(ii) The Administrator may grant such a petition upon a demonstration by the owner or operator that—

(A) The affected source and its associated air pollution control equipment were operated and maintained in a manner to minimize the opacity of emissions during the performance tests;

(B) The performance tests were performed under the conditions established by the Administrator; and

(C) The affected source and its associated air pollution control equipment were incapable of being adjusted or operated to meet the relevant opacity emission standard.

(iii) The Administrator will establish an adjusted opacity emission standard for the affected source meeting the above requirements at a level at which the source will be able, as indicated by the performance and opacity tests, to meet the opacity emission standard at all times during which the source is meeting the mass or concentration emission standard. The Administrator will promulgate the new opacity emission standard in the Federal Register.

(iv) After the Administrator promulgates an adjusted opacity emission standard for an affected source, the owner or operator of such source shall be subject to the new opacity emission standard, and the new opacity emission standard shall apply to such source during any subsequent performance tests.

(i) *Extension of compliance with emission standards.*

(1) Until an extension of compliance has been granted by the Administrator (or a State with an approved permit program) under this paragraph, the owner or operator of an affected source subject to the requirements of this section shall comply with all applicable requirements of this part.

(2) *Extension of compliance for early reductions and other reductions —*

(i) *Early reductions.* Pursuant to section 112(i)(5) of the Act, if the owner or operator of an existing source demonstrates that the source has achieved a reduction in emissions of hazardous air pollutants in accordance with the provisions of subpart D of this part, the Administrator (or the State with an approved permit program) will grant the owner or operator an extension of compliance with specific requirements of this part, as specified in subpart D.

(ii) *Other reductions.* Pursuant to section 112(i)(6) of the Act, if the owner or operator of an existing source has installed best available control technology (BACT) (as defined in section 169(3) of the Act) or technology required to meet a lowest achievable emission rate (LAER) (as defined in section 171 of the Act) prior to the promulgation of an emission standard in this part applicable to such source and the same pollutant (or stream of pollutants) controlled pursuant to the BACT or LAER installation, the Administrator will grant the owner or operator an extension of compliance with such emission standard that will apply until the date 5 years after the date on which such installation was achieved, as determined by the Administrator.

(3) *Request for extension of compliance.* Paragraphs (i)(4) through (i)(7) of this section concern requests for an extension of compliance with a relevant standard under this part (except requests for an extension of compliance under paragraph (i)(2)(i) of this section will be handled through procedures specified in subpart D of this part).

(4)

(i)

(A) The owner or operator of an existing source who is unable to comply with a relevant standard established under this part pursuant to section 112(d) of the Act may request that the Administrator (or a State, when the State has an approved part 70 permit program and the source is required to obtain a part 70 permit under that program, or a State, when the State has been delegated the authority to implement and enforce the emission standard for that source) grant an extension allowing the source up to 1 additional year to comply with the standard, if such additional period is necessary for the installation of controls. An additional extension of up to 3 years may be added for mining waste operations, if the 1-year extension of compliance is insufficient to dry and cover mining waste in order to reduce emissions of any hazardous air pollutant. The owner or operator of an affected source who has requested an extension of compliance under this paragraph and who is otherwise required to obtain a title V permit shall apply for such permit or apply to have the source's title V permit revised to incorporate the conditions of the extension of compliance. The conditions of an extension of compliance granted under this paragraph will be incorporated into the affected source's title V permit according to the provisions of part 70 or Federal title V regulations in this chapter (42 U.S.C. 7661), whichever are applicable.

(B) Any request under this paragraph for an extension of compliance with a relevant standard must be submitted in writing to the appropriate authority no later than 120 days prior to the affected source's compliance date (as specified in paragraphs (b) and (c) of this section), except as provided for in paragraph (i)(4)(i)(C) of this section. Nonfrivolous requests submitted under this paragraph will stay the applicability of the rule as to the emission points in question until such time as the request is granted or denied. A denial will be effective as of the date of denial. Emission standards established under this part may specify alternative dates for the submittal of requests for an extension of compliance if alternatives are appropriate for the source categories affected by those standards.

(C) An owner or operator may submit a compliance extension request after the date specified in paragraph (i)(4)(i)(B) of this section provided the need for the compliance extension arose after that date, and before the otherwise applicable compliance date and the need arose due to circumstances beyond reasonable control of the owner or operator. This request must include, in addition to the information required in paragraph (i)(6)(i) of this section, a statement of the reasons additional time is needed and the date when the owner or operator first learned of the problems. Nonfrivolous requests submitted under this paragraph will stay the applicability of the rule as to the emission points in question until such time as the request is granted or denied. A denial will be effective as of the original compliance date.

(ii) The owner or operator of an existing source unable to comply with a relevant standard established under this part pursuant to section 112(f) of the Act may request that the Administrator grant an extension allowing the source up to 2 years after the standard's effective date to comply with the standard. The Administrator may grant such an extension if he/she finds that such additional period is necessary for the installation of controls and that steps will be taken during the period of the extension to assure that the health of persons will be protected from imminent endangerment. Any request for an extension of compliance with a relevant standard under this paragraph must be submitted in writing to the Administrator not later than 90 calendar days after the effective date of the relevant standard.

(5) The owner or operator of an existing source that has installed BACT or technology required to meet LAER [as specified in paragraph (i)(2)(ii) of this section] prior to the promulgation of a relevant emission standard in this part may request that the Administrator grant an extension allowing the source 5 years from the date on which such installation was achieved, as determined by the Administrator, to comply with the standard. Any request for an extension of compliance with a relevant standard under this paragraph shall be submitted in writing to the Administrator not later than 120 days after the promulgation date of the standard. The Administrator may grant such an extension if he or she finds that the installation of BACT or technology to meet LAER controls the same pollutant (or stream of pollutants) that would be controlled at that source by the relevant emission standard.

(6)

(i) The request for a compliance extension under paragraph (i)(4) of this section shall include the following information:

(A) A description of the controls to be installed to comply with the standard;

(B) A compliance schedule, including the date by which each step toward compliance will be reached. At a minimum, the list of dates shall include:

(*1*) The date by which on-site construction, installation of emission control equipment, or a process change is planned to be initiated; and

(*2*) The date by which final compliance is to be achieved.

(*3*) The date by which on-site construction, installation of emission control equipment, or a process change is to be completed; and

(*4*) The date by which final compliance is to be achieved;

(C)—(D)

(ii) The request for a compliance extension under paragraph (i)(5) of this section shall include all information needed to demonstrate to the Administrator's satisfaction that the installation of BACT or technology to meet LAER controls the same pollutant (or stream of pollutants) that would be controlled at that source by the relevant emission standard.

(7) Advice on requesting an extension of compliance may be obtained from the Administrator (or the State with an approved permit program).

(8) *Approval of request for extension of compliance.* Paragraphs (i)(9) through (i)(14) of this section concern approval of an extension of compliance requested under paragraphs (i)(4) through (i)(6) of this section.

(9) Based on the information provided in any request made under paragraphs (i)(4) through (i)(6) of this section, or other information, the Administrator (or the State with an approved permit program) may grant an extension of compliance with an emission standard, as specified in paragraphs (i)(4) and (i)(5) of this section.

(10) The extension will be in writing and will—

(i) Identify each affected source covered by the extension;

(ii) Specify the termination date of the extension;

(iii) Specify the dates by which steps toward compliance are to be taken, if appropriate;

(iv) Specify other applicable requirements to which the compliance extension applies (e.g., performance tests); and

(v)

(A) Under paragraph (i)(4), specify any additional conditions that the Administrator (or the State) deems necessary to assure installation of the necessary controls and protection of the health of persons during the extension period; or

(B) Under paragraph (i)(5), specify any additional conditions that the Administrator deems necessary to assure the proper operation and maintenance of the installed controls during the extension period.

(11) The owner or operator of an existing source that has been granted an extension of compliance under paragraph (i)(10) of this section may be required to submit to the Administrator (or the State with an approved permit program) progress reports indicating whether the steps toward compliance outlined in the compliance schedule have been reached. The contents of the progress reports and the dates by which they shall be submitted will be specified in the written extension of compliance granted under paragraph (i)(10) of this section.

(12)

(i) The Administrator (or the State with an approved permit program) will notify the owner or operator in writing of approval or intention to deny approval of a request for an extension of compliance within 30 calendar days after receipt of sufficient information to evaluate a request submitted under paragraph (i)(4)(i) or (i)(5) of this section. The Administrator (or the State) will notify the owner or operator in writing of the status of his/her application, that is, whether the application contains sufficient information to make a determination, within 30 calendar days after receipt of the original application and within 30 calendar days after receipt of any supplementary information that is submitted. The 30-day approval or denial period will begin after the owner or operator has been notified in writing that his/her application is complete.

(ii) When notifying the owner or operator that his/her application is not complete, the Administrator will specify the information needed to complete the application and provide notice of opportunity for the applicant to present, in writing, within 30 calendar days after he/she is notified of the incomplete application, additional information or arguments to the Administrator to enable further action on the application.

(iii) Before denying any request for an extension of compliance, the Administrator (or the State with an approved permit program) will notify the owner or operator in writing of the Administrator's (or the State's) intention to issue the denial, together with—

(A) Notice of the information and findings on which the intended denial is based; and

(B) Notice of opportunity for the owner or operator to present in writing, within 15 calendar days after he/she is notified of the intended denial, additional information or arguments to the Administrator (or the State) before further action on the request.

(iv) The Administrator's final determination to deny any request for an extension will be in writing and will set forth the specific grounds on which the denial is based. The final determination will be made within 30 calendar days after presentation of additional information or argument (if the application is complete), or within 30 calendar days after the final date specified for the presentation if no presentation is made.

(13)

(i) The Administrator will notify the owner or operator in writing of approval or intention to deny approval of a request for an extension of compliance within 30 calendar days after receipt of sufficient information to evaluate a request submitted under paragraph (i)(4)(ii) of this section. The 30-day approval or denial period will begin after the owner or operator has been notified in writing that his/her application is complete. The Administrator (or the State) will notify the owner or operator in writing of the status of his/her application, that is, whether the application contains sufficient information to make a determination, within 15 calendar days after receipt of the original application and within 15 calendar days after receipt of any supplementary information that is submitted.

(ii) When notifying the owner or operator that his/her application is not complete, the Administrator will specify the information needed to complete the application and provide notice of opportunity for the applicant to present, in writing, within 15 calendar days after he/she is notified of the incomplete application, additional information or arguments to the Administrator to enable further action on the application.

(iii) Before denying any request for an extension of compliance, the Administrator will notify the owner or operator in writing of the Administrator's intention to issue the denial, together with—

(A) Notice of the information and findings on which the intended denial is based; and

(B) Notice of opportunity for the owner or operator to present in writing, within 15 calendar days after he/she is notified of the intended denial, additional information or arguments to the Administrator before further action on the request.

(iv) A final determination to deny any request for an extension will be in writing and will set forth the specific grounds on which the denial is based. The final determination will be made within 30 calendar days after presentation of additional information or argument (if the application is complete), or within 30 calendar days after the final date specified for the presentation if no presentation is made.

(14) The Administrator (or the State with an approved permit program) may terminate an extension of compliance at an earlier date than specified if any specification under paragraph (i)(10)(iii) or (iv) of this section is not met. Upon a determination to terminate, the Administrator will notify, in writing, the owner or operator of the Administrator's determination to terminate, together with:

(i) Notice of the reason for termination; and

(ii) Notice of opportunity for the owner or operator to present in writing, within 15 calendar days after he/she is notified of the determination to terminate, additional information or arguments to the Administrator before further action on the termination.

(iii) A final determination to terminate an extension of compliance will be in writing and will set forth the specific grounds on which the termination is based. The final determination will be made within 30 calendar days after presentation of additional information or arguments, or within 30 calendar days after the final date specified for the presentation if no presentation is made.

(15) [Reserved]

(16) The granting of an extension under this section shall not abrogate the Administrator's authority under section 114 of the Act.

(j) *Exemption from compliance with emission standards.* The President may exempt any stationary source from compliance with any relevant standard established pursuant to section 112 of the Act for a period of not more than 2 years if the President determines that the technology to implement such standard is not available and that it is in the national security interests of the United States to do so. An exemption under this paragraph may be extended for 1 or more additional periods, each period not to exceed 2 years.

[59 FR 12430, Mar. 16, 1994, as amended at 67 FR 16599, Apr. 5, 2002; 68 FR 32600, May 30, 2003; 71 FR 20454, Apr. 20, 2006]

§ 63.7 Performance testing requirements.

(a) *Applicability and performance test dates.*

(1) The applicability of this section is set out in §63.1(a)(4).

(2) Except as provided in paragraph (a)(4) of this section, if required to do performance testing by a relevant standard, and unless a waiver of performance testing is obtained under this section or the conditions of paragraph (c)(3)(ii)(B) of this section apply, the owner or operator of the affected source must perform such tests within 180 days of the compliance date for such source.

(i)–(viii) [Reserved]

(ix) Except as provided in paragraph (a)(4) of this section, when an emission standard promulgated under this part is more stringent than the standard proposed (see §63.6(b)(3)), the owner or operator of a new or reconstructed source subject to that standard for which construction or reconstruction is commenced between the proposal and promulgation dates of the standard shall comply with performance testing requirements within 180 days after the standard's effective date, or within 180 days after startup of the source, whichever is later. If the promulgated standard is more stringent than the proposed standard, the owner or operator may choose to demonstrate compliance with either the proposed or the promulgated standard. If the owner or operator chooses to comply with the proposed standard initially, the owner or operator shall conduct a second performance test within 3 years and 180 days after the effective date of the standard, or after startup of the source, whichever is later, to demonstrate compliance with the promulgated standard.

(3) The Administrator may require an owner or operator to conduct performance tests at the affected source at any other time when the action is authorized by section 114 of the Act.

(4) If a force majeure is about to occur, occurs, or has occurred for which the affected owner or operator intends to assert a claim of force majeure:

(i) The owner or operator shall notify the Administrator, in writing as soon as practicable following the date the owner or operator first knew, or through due diligence should have known that the event may cause or caused a delay in testing beyond the regulatory deadline specified in paragraph (a)(2) or (a)(3) of this section, or elsewhere in this part, but the notification must occur before the performance test deadline unless the initial force majeure or a subsequent force majeure event delays the notice, and in such cases, the notification shall occur as soon as practicable.

(ii) The owner or operator shall provide to the Administrator a written description of the force majeure event and a rationale for attributing the delay in testing beyond the regulatory deadline to the force majeure; describe the measures taken or to be taken to minimize the delay; and identify a date by which the owner or operator proposes to conduct the performance test. The performance test shall be conducted as soon as practicable after the force majeure occurs.

(iii) The decision as to whether or not to grant an extension to the performance test deadline is solely within the discretion of the Administrator. The Administrator will notify the owner or operator in writing of approval or disapproval of the request for an extension as soon as practicable.

(iv) Until an extension of the performance test deadline has been approved by the Administrator under paragraphs (a)(4)(i), (a)(4)(ii), and (a)(4)(iii) of this section, the owner or operator of the affected facility remains strictly subject to the requirements of this part.

(b) *Notification of performance test.*

(1) The owner or operator of an affected source must notify the Administrator in writing of his or her intention to conduct a performance test at least 60 calendar days before the performance test is initially scheduled to begin to

allow the Administrator, upon request, to review an approve the site-specific test plan required under paragraph (c) of this section and to have an observer present during the test.

(2) In the event the owner or operator is unable to conduct the performance test on the date specified in the notification requirement specified in paragraph (b)(1) of this section due to unforeseeable circumstances beyond his or her control, the owner or operator must notify the Administrator as soon as practicable and without delay prior to the scheduled performance test date and specify the date when the performance test is rescheduled. This notification of delay in conducting the performance test shall not relieve the owner or operator of legal responsibility for compliance with any other applicable provisions of this part or with any other applicable Federal, State, or local requirement, nor will it prevent the Administrator from implementing or enforcing this part or taking any other action under the Act.

(c) *Quality assurance program.*

(1) The results of the quality assurance program required in this paragraph will be considered by the Administrator when he/she determines the validity of a performance test.

(2)

(i) *Submission of site-specific test plan.* Before conducting a required performance test, the owner or operator of an affected source shall develop and, if requested by the Administrator, shall submit a site-specific test plan to the Administrator for approval. The test plan shall include a test program summary, the test schedule, data quality objectives, and both an internal and external quality assurance (QA) program. Data quality objectives are the pretest expectations of precision, accuracy, and completeness of data.

(ii) The internal QA program shall include, at a minimum, the activities planned by routine operators and analysts to provide an assessment of test data precision; an example of internal QA is the sampling and analysis of replicate samples.

(iii) The external QA program shall include, at a minimum, application of plans for a test method performance audit (PA) during the performance test. The PA's consist of blind audit samples provided by the Administrator and analyzed during the performance test in order to provide a measure of test data bias. The external QA program may also include systems audits that include the opportunity for on-site evaluation by the Administrator of instrument calibration, data validation, sample logging, and documentation of quality control data and field maintenance activities.

(iv) The owner or operator of an affected source shall submit the site-specific test plan to the Administrator upon the Administrator's request at least 60 calendar days before the performance test is scheduled to take place, that is, simultaneously with the notification of intention to conduct a performance test required under paragraph (b) of this section, or on a mutually agreed upon date.

(v) The Administrator may request additional relevant information after the submittal of a site-specific test plan.

(3) *Approval of site-specific test plan.*

(i) The Administrator will notify the owner or operator of approval or intention to deny approval of the site-specific test plan (if review of the site-specific test plan is requested) within 30 calendar days after receipt of the original plan and within 30 calendar days after receipt of any supplementary information that is submitted under paragraph (c)(3)(i)(B) of this section. Before disapproving any site-specific test plan, the Administrator will notify the applicant of the Administrator's intention to disapprove the plan together with—

(A) Notice of the information and findings on which the intended disapproval is based; and

(B) Notice of opportunity for the owner or operator to present, within 30 calendar days after he/she is notified of the intended disapproval, additional information to the Administrator before final action on the plan.

(ii) In the event that the Administrator fails to approve or disapprove the site-specific test plan within the time period specified in paragraph (c)(3)(i) of this section, the following conditions shall apply:

(A) If the owner or operator intends to demonstrate compliance using the test method(s) specified in the relevant standard or with only minor changes to those tests methods (see paragraph (e)(2)(i) of this section), the owner or operator must conduct the performance test within the time specified in this section using the specified method(s);

(B) If the owner or operator intends to demonstrate compliance by using an alternative to any test method specified in the relevant standard, the owner or operator is authorized to conduct the performance test using an alternative test method after 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 after the alternative method is approved (see paragraph (f) of this section). However, the owner or operator is authorized to conduct the performance test using an alternative method in the absence of notification of approval 45 days after submission of the site-specific test plan or request to use an alternative method. The owner or operator is authorized to conduct the performance test within 60 calendar days after he/she is authorized to demonstrate compliance using an alternative test method. Notwithstanding the requirements in the preceding three 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.

(iii) Neither the submission of a site-specific test plan for approval, nor the Administrator's approval or disapproval of a plan, nor the Administrator's failure to approve or disapprove a plan in a timely manner shall—

(A) Relieve an owner or operator of legal responsibility for compliance with any applicable provisions of this part or with any other applicable Federal, State, or local requirement; or

(B) Prevent the Administrator from implementing or enforcing this part or taking any other action under the Act.

(4)

(i) *Performance test method audit program.* The owner or operator must analyze performance audit (PA) samples during each performance test. The owner or operator must request performance audit materials 30 days prior to the test date. Audit materials including cylinder audit gases may be obtained by contacting the appropriate EPA Regional Office or the responsible enforcement authority.

(ii) The Administrator will have sole discretion to require any subsequent remedial actions of the owner or operator based on the PA results.

(iii) If the Administrator fails to provide required PA materials to an owner or operator of an affected source in time to analyze the PA samples during a performance test, the requirement to conduct a PA under this paragraph shall be waived for such source for that performance test. Waiver under this paragraph of the requirement to conduct a PA for a particular performance test does not constitute a waiver of the requirement to conduct a PA for future required performance tests.

(d) *Performance testing facilities.* If required to do performance testing, the owner or operator of each new source and, at the request of the Administrator, the owner or operator of each existing source, shall provide performance testing facilities as follows:

(1) Sampling ports adequate for test methods applicable to such source. This includes:

(i) Constructing the air pollution control system such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test methods and procedures; and

(ii) Providing a stack or duct free of cyclonic flow during performance tests, as demonstrated by applicable test methods and procedures;

(2) Safe sampling platform(s);

(3) Safe access to sampling platform(s);

(4) Utilities for sampling and testing equipment; and

(5) Any other facilities that the Administrator deems necessary for safe and adequate testing of a source.

(e) *Conduct of performance tests.*

(1) Performance tests shall be conducted under such conditions as the Administrator specifies to the owner or operator based on representative performance (i.e., performance based on normal operating conditions) of the affected source. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test, nor shall emissions in excess of the level of the relevant standard during periods of startup, shutdown, and malfunction be considered a violation of the relevant standard unless otherwise specified in the relevant standard or a determination of noncompliance is made under §63.6(e). 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.

(2) Performance tests shall be conducted and data shall be reduced in accordance with the test methods and procedures set forth in this section, in each relevant standard, and, if required, in applicable appendices of parts 51, 60, 61, and 63 of this chapter unless the Administrator—

(i) Specifies or approves, in specific cases, the use of a test method with minor changes in methodology (see definition in §63.90(a)). Such changes may be approved in conjunction with approval of the site-specific test plan (see paragraph (c) of this section); or

(ii) Approves the use of an intermediate or major change or alternative to a test method (see definitions in §63.90(a)), the results of which the Administrator has determined to be adequate for indicating whether a specific affected source is in compliance; or

(iii) Approves shorter sampling times or smaller sample volumes when necessitated by process variables or other factors; or

(iv) Waives the requirement for performance tests because the owner or operator of an affected source has demonstrated by other means to the Administrator's satisfaction that the affected source is in compliance with the relevant standard.

(3) Unless otherwise specified in a relevant standard or test method, each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the relevant standard. For the purpose of determining compliance with a relevant standard, the arithmetic mean of the results of the three runs shall apply. Upon receiving approval from the Administrator, results of a test run may be replaced with results of an additional test run in the event that—

(i) A sample is accidentally lost after the testing team leaves the site; or

(ii) Conditions occur in which one of the three runs must be discontinued because of forced shutdown; or

(iii) Extreme meteorological conditions occur; or

(iv) Other circumstances occur that are beyond the owner or operator's control.

(4) Nothing in paragraphs (e)(1) through (e)(3) of this section shall be construed to abrogate the Administrator's authority to require testing under section 114 of the Act.

(f) *Use of an alternative test method* —

(1) *General.* Until authorized to use an intermediate or major change or alternative to a test method, the owner or operator of an affected source remains subject to the requirements of this section and the relevant standard.

(2) The owner or operator of an affected source required to do performance testing by a relevant standard may use an alternative test method from that specified in the standard provided that the owner or operator—

(i) Notifies the Administrator of his or her intention to use an alternative test method at least 60 days before the performance test is scheduled to begin;

(ii) Uses Method 301 in appendix A of this part to validate the alternative test method. This may include the use of specific procedures of Method 301 if use of such procedures are sufficient to validate the alternative test method; and

(iii) Submits the results of the Method 301 validation process along with the notification of intention and the justification for not using the specified test method. The owner or operator may submit the information required in this paragraph well in advance of the deadline specified in paragraph (f)(2)(i) of this section to ensure a timely review by the Administrator in order to meet the performance test date specified in this section or the relevant standard.

(3) The Administrator will determine whether the owner or operator's validation of the proposed alternative test method is adequate and issue an approval or disapproval of the alternative test method. If the owner or operator intends to demonstrate compliance by using an alternative to any test method specified in the relevant standard, the owner or operator is authorized to conduct the performance test using an alternative test method after the Administrator approves the use of the alternative method. However, the owner or operator is authorized to conduct the performance test using an alternative method in the absence of notification of approval/disapproval 45 days after

submission of the request to use an alternative method and the request satisfies the requirements in paragraph (f)(2) of this section. The owner or operator is authorized to conduct the performance test within 60 calendar days after he/she is authorized to demonstrate compliance using an alternative test method. Notwithstanding the requirements in the preceding three 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.

(4) If the Administrator finds reasonable grounds to dispute the results obtained by an alternative test method for the purposes of demonstrating compliance with a relevant standard, the Administrator may require the use of a test method specified in a relevant standard.

(5) If the owner or operator uses an alternative test method for an affected source during a required performance test, the owner or operator of such source shall continue to use the alternative test method for subsequent performance tests at that affected source until he or she receives approval from the Administrator to use another test method as allowed under §63.7(f).

(6) Neither the validation and approval process nor the failure to validate an alternative test method shall abrogate the owner or operator's responsibility to comply with the requirements of this part.

(g) *Data analysis, recordkeeping, and reporting.*

(1) Unless otherwise specified in a relevant standard or test method, or as otherwise approved by the Administrator in writing, results of a performance test shall include the analysis of samples, determination of emissions, and raw data. A performance test is “completed” when field sample collection is terminated. The owner or operator of an affected source shall report the results of the performance test to the Administrator before the close of business on the 60th day following the completion of the performance test, unless specified otherwise in a relevant standard or as approved otherwise in writing by the Administrator (see §63.9(i)). The results of the performance test shall be submitted as part of the notification of compliance status required under §63.9(h). Before a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall send the results of the performance test to the Administrator. After a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall send the results of the performance test to the appropriate permitting authority.

(2) [Reserved]

(3) For a minimum of 5 years after a performance test is conducted, the owner or operator shall retain and make available, upon request, for inspection by the Administrator the records or results of such performance test and other data needed to determine emissions from an affected source.

(h) *Waiver of performance tests.*

(1) Until a waiver of a performance testing requirement has been granted by the Administrator under this paragraph, the owner or operator of an affected source remains subject to the requirements of this section.

(2) Individual performance tests may be waived upon written application to the Administrator if, in the Administrator's judgment, the source is meeting the relevant standard(s) on a continuous basis, or the source is being operated under an extension of compliance, or the owner or operator has requested an extension of compliance and the Administrator is still considering that request.

(3) *Request to waive a performance test.*

(i) If a request is made for an extension of compliance under §63.6(i), the application for a waiver of an initial performance test shall accompany the information required for the request for an extension of compliance. If no extension of compliance is requested or if the owner or operator has requested an extension of compliance and the Administrator is still considering that request, the application for a waiver of an initial performance test shall be submitted at least 60 days before the performance test if the site-specific test plan under paragraph (c) of this section is not submitted.

(ii) If an application for a waiver of a subsequent performance test is made, the application may accompany any required compliance progress report, compliance status report, or excess emissions and continuous monitoring system performance report [such as those required under §63.6(i), §63.9(h), and §63.10(e) or specified in a relevant standard or in the source's title V permit], but it shall be submitted at least 60 days before the performance test if the site-specific test plan required under paragraph (c) of this section is not submitted.

(iii) Any application for a waiver of a performance test shall include information justifying the owner or operator's request for a waiver, such as the technical or economic infeasibility, or the impracticality, of the affected source performing the required test.

(4) *Approval of request to waive performance test.* The Administrator will approve or deny a request for a waiver of a performance test made under paragraph (h)(3) of this section when he/she—

(i) Approves or denies an extension of compliance under §63.6(i)(8); or

(ii) Approves or disapproves a site-specific test plan under §63.7(c)(3); or

(iii) Makes a determination of compliance following the submission of a required compliance status report or excess emissions and continuous monitoring systems performance report; or

(iv) Makes a determination of suitable progress towards compliance following the submission of a compliance progress report, whichever is applicable.

(5) Approval of any waiver granted under this section shall not abrogate the Administrator's authority under the Act or in any way prohibit the Administrator from later canceling the waiver. The cancellation will be made only after notice is given to the owner or operator of the affected source.

[59 FR 12430, Mar. 16, 1994, as amended at 65 FR 62215, Oct. 17, 2000; 67 FR 16602, Apr. 5, 2002; 72 FR 27443, May 16, 2007]

§ 63.8 Monitoring requirements.

(a) *Applicability.*

(1) The applicability of this section is set out in §63.1(a)(4).

(2) For the purposes of this part, all CMS required under relevant standards shall be subject to the provisions of this section upon promulgation of performance specifications for CMS as specified in the relevant standard or otherwise by the Administrator.

(3) [Reserved]

(4) Additional monitoring requirements for control devices used to comply with provisions in relevant standards of this part are specified in §63.11.

(b) *Conduct of monitoring.*

(1) Monitoring shall be conducted as set forth in this section and the relevant standard(s) unless the Administrator—

(i) Specifies or approves the use of minor changes in methodology for the specified monitoring requirements and procedures (see §63.90(a) for definition); or

(ii) Approves the use of an intermediate or major change or alternative to any monitoring requirements or procedures (see §63.90(a) for definition).

(iii) Owners or operators with flares subject to §63.11(b) are not subject to the requirements of this section unless otherwise specified in the relevant standard.

(2)

(i) When the emissions from two or more affected sources are combined before being released to the atmosphere, the owner or operator may install an applicable CMS for each emission stream or for the combined emissions streams, provided the monitoring is sufficient to demonstrate compliance with the relevant standard.

(ii) If the relevant standard is a mass emission standard and the emissions from one affected source are released to the atmosphere through more than one point, the owner or operator must install an applicable CMS at each emission point unless the installation of fewer systems is—

(A) Approved by the Administrator; or

(B) Provided for in a relevant standard (e.g., instead of requiring that a CMS be installed at each emission point before the effluents from those points are channeled to a common control device, the standard specifies that only one CMS is required to be installed at the vent of the control device).

(3) When more than one CMS is used to measure the emissions from one affected source (e.g., multiple breechings, multiple outlets), the owner or operator shall report the results as required for each CMS. However, when one CMS is used as a backup to another CMS, the owner or operator shall report the results from the CMS used to meet the monitoring requirements of this part. If both such CMS are used during a particular reporting period to meet the monitoring requirements of this part, then the owner or operator shall report the results from each CMS for the relevant compliance period.

(c) *Operation and maintenance of continuous monitoring systems.*

(1) The owner or operator of an affected source shall maintain and operate each CMS as specified in this section, or in a relevant standard, and in a manner consistent with good air pollution control practices.

(i) The owner or operator of an affected source must maintain and operate each CMS as specified in §63.6(e)(1).

(ii) The owner or operator must keep the necessary parts for routine repairs of the affected CMS equipment readily available.

(iii) The owner or operator of an affected source must develop a written startup, shutdown, and malfunction plan for CMS as specified in §63.6(e)(3).

(2)

(i) All CMS must be installed such that representative measures of emissions or process parameters from the affected source are obtained. In addition, CEMS must be located according to procedures contained in the applicable performance specification(s).

(ii) Unless the individual subpart states otherwise, the owner or operator must ensure the read out (that portion of the CMS that provides a visual display or record), or other indication of operation, from any CMS required for compliance with the emission standard is readily accessible on site for operational control or inspection by the operator of the equipment.

(3) All CMS shall be installed, operational, and the data verified as specified in the relevant standard either prior to or in conjunction with conducting performance tests under §63.7. Verification of operational status shall, at a minimum, include completion of the manufacturer's written specifications or recommendations for installation, operation, and calibration of the system.

(4) Except for system breakdowns, out-of-control periods, repairs, maintenance periods, calibration checks, and zero (low-level) and high-level calibration drift adjustments, all CMS, including COMS and CEMS, shall be in continuous operation and shall meet minimum frequency of operation requirements as follows:

(i) All COMS shall complete a minimum of one cycle of sampling and analyzing for each successive 10-second period and one cycle of data recording for each successive 6-minute period.

(ii) All CEMS for measuring emissions other than opacity shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.

(5) Unless otherwise approved by the Administrator, minimum procedures for COMS shall include a method for producing a simulated zero opacity condition and an upscale (high-level) opacity condition using a certified neutral density filter or other related technique to produce a known obscuration of the light beam. Such procedures shall provide a system check of all the analyzer's internal optical surfaces and all electronic circuitry, including the lamp and photodetector assembly normally used in the measurement of opacity.

(6) The owner or operator of a CMS that is not a CPMS, which is installed in accordance with the provisions of this part and the applicable CMS performance specification(s), must check the zero (low-level) and high-level calibration drifts at least once daily in accordance with the written procedure specified in the performance evaluation plan developed under paragraphs (e)(3)(i) and (ii) of this section. The zero (low-level) and high-level calibration drifts must be adjusted, at a minimum, whenever the 24-hour zero (low-level) drift exceeds two times the limits of the applicable performance specification(s) specified in the relevant standard. The system shall allow the amount of excess zero (low-level) and high-level drift measured at the 24-hour interval checks to be recorded and quantified whenever specified. For COMS, all optical and instrumental surfaces exposed to the effluent gases must be cleaned prior to performing the zero (low-level) and high-level drift adjustments; the optical surfaces and instrumental surfaces must be cleaned when the cumulative automatic zero compensation, if applicable, exceeds 4 percent opacity. The CPMS must be calibrated prior to use for the purposes of complying with this section. The CPMS must

be checked daily for indication that the system is responding. If the CPMS system includes an internal system check, results must be recorded and checked daily for proper operation.

(7)

(i) A CMS is out of control if—

(A) The zero (low-level), mid-level (if applicable), or high-level calibration drift (CD) exceeds two times the applicable CD specification in the applicable performance specification or in the relevant standard; or

(B) The CMS fails a performance test audit (e.g., cylinder gas audit), relative accuracy audit, relative accuracy test audit, or linearity test audit; or

(C) The COMS CD exceeds two times the limit in the applicable performance specification in the relevant standard.

(ii) When the CMS is out of control, the owner or operator of the affected source shall take the necessary corrective action and shall repeat all necessary tests which indicate that the system is out of control. The owner or operator shall take corrective action and conduct retesting until the performance requirements are below the applicable limits. The beginning of the out-of-control period is the hour the owner or operator conducts a performance check (e.g., calibration drift) that indicates an exceedance of the performance requirements established under this part. The end of the out-of-control period is the hour following the completion of corrective action and successful demonstration that the system is within the allowable limits. During the period the CMS is out of control, recorded data shall not be used in data averages and calculations, or to meet any data availability requirement established under this part.

(8) The owner or operator of a CMS that is out of control as defined in paragraph (c)(7) of this section 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 §63.10(e)(3).

(d) *Quality control program.*

(1) The results of the quality control program required in this paragraph will be considered by the Administrator when he/she determines the validity of monitoring data.

(2) The owner or operator of an affected source that is required to use a CMS and is subject to the monitoring requirements of this section and a relevant standard shall develop and implement a CMS quality control program. As part of the 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 paragraph (e)(3)(i) of this section, according to the procedures specified in paragraph (e). In addition, each quality control program shall include, at a minimum, a written protocol that describes procedures for each of the following operations:

(i) Initial and any subsequent calibration of the CMS;

(ii) Determination and adjustment of the calibration drift of the CMS;

(iii) Preventive maintenance of the CMS, including spare parts inventory;

(iv) Data recording, calculations, and reporting;

(v) Accuracy audit procedures, including sampling and analysis methods; and

(vi) Program of corrective action for a malfunctioning CMS.

(3) The owner or operator shall keep these written procedures on record for the life of the affected source or until the affected source is no longer subject to the provisions of this part, to be made available for inspection, upon request, by the Administrator. If the performance evaluation plan is revised, the owner or operator shall keep previous (i.e., superseded) versions of the performance evaluation 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. Where relevant, e.g., program of corrective action for a malfunctioning CMS, these written procedures may be incorporated as part of the affected source's startup, shutdown, and malfunction plan to avoid duplication of planning and recordkeeping efforts.

(e) *Performance evaluation of continuous monitoring systems —*

(1) *General.* When required by a relevant standard, and at any other time the Administrator may require under section 114 of the Act, the owner or operator of an affected source being monitored shall conduct a performance evaluation of the CMS. Such performance evaluation shall be conducted according to the applicable specifications and procedures described in this section or in the relevant standard.

(2) *Notification of performance evaluation.* The owner or operator shall notify the Administrator in writing of the date of the performance evaluation simultaneously with the notification of the performance test date required under §63.7(b) or at least 60 days prior to the date the performance evaluation is scheduled to begin if no performance test is required.

(3)

(i) *Submission of site-specific performance evaluation test plan.* Before conducting a required CMS performance evaluation, the owner or operator of an affected source shall develop and submit a site-specific performance evaluation test plan to the Administrator for approval upon request. The performance evaluation test plan shall include the evaluation program objectives, an evaluation program summary, the performance evaluation schedule, data quality objectives, and both an internal and external QA program. Data quality objectives are the pre-evaluation expectations of precision, accuracy, and completeness of data.

(ii) The internal QA program shall include, at a minimum, the activities planned by routine operators and analysts to provide an assessment of CMS performance. The external QA program shall include, at a minimum, systems audits that include the opportunity for on-site evaluation by the Administrator of instrument calibration, data validation, sample logging, and documentation of quality control data and field maintenance activities.

(iii) The owner or operator of an affected source shall submit the site-specific performance evaluation test plan to the Administrator (if requested) at least 60 days before the performance test or performance evaluation is scheduled to begin, or on a mutually agreed upon date, and review and approval of the performance evaluation test plan by the Administrator will occur with the review and approval of the site-specific test plan (if review of the site-specific test plan is requested).

(iv) The Administrator may request additional relevant information after the submittal of a site-specific performance evaluation test plan.

(v) In the event that the Administrator fails to approve or disapprove the site-specific performance evaluation test plan within the time period specified in §63.7(c)(3), the following conditions shall apply:

(A) If the owner or operator intends to demonstrate compliance using the monitoring method(s) specified in the relevant standard, the owner or operator shall conduct the performance evaluation within the time specified in this subpart using the specified method(s);

(B) If the owner or operator intends to demonstrate compliance by using an alternative to a monitoring method specified in the relevant standard, the owner or operator shall refrain from conducting the performance evaluation until the Administrator approves the use of the alternative method. If the Administrator does not approve the use of the alternative method within 30 days before the performance evaluation is scheduled to begin, the performance evaluation deadlines specified in paragraph (e)(4) of this section may be extended such that the owner or operator shall conduct the performance evaluation within 60 calendar days after the Administrator approves the use of the alternative method. Notwithstanding the requirements in the preceding two sentences, the owner or operator may proceed to conduct the performance evaluation as required in this section (without the Administrator's prior approval of the site-specific performance evaluation test plan) if he/she subsequently chooses to use the specified monitoring method(s) instead of an alternative.

(vi) Neither the submission of a site-specific performance evaluation test plan for approval, nor the Administrator's approval or disapproval of a plan, nor the Administrator's failure to approve or disapprove a plan in a timely manner shall—

(A) Relieve an owner or operator of legal responsibility for compliance with any applicable provisions of this part or with any other applicable Federal, State, or local requirement; or

(B) Prevent the Administrator from implementing or enforcing this part or taking any other action under the Act.

(4) *Conduct of performance evaluation and performance evaluation dates.* The owner or operator of an affected source shall conduct a performance evaluation of a required CMS during any performance test required under §63.7 in

accordance with the applicable performance specification as specified in the relevant standard. Notwithstanding the requirement in the previous sentence, if the owner or operator of an affected source elects to submit COMS data for compliance with a relevant opacity emission standard as provided under §63.6(h)(7), he/she shall conduct a performance evaluation of the COMS as specified in the relevant standard, before the performance test required under §63.7 is conducted in time to submit the results of the performance evaluation as specified in paragraph (e)(5)(ii) of this section. If a performance test is not required, or the requirement for a performance test has been waived under §63.7(h), the owner or operator of an affected source shall conduct the performance evaluation not later than 180 days after the appropriate compliance date for the affected source, as specified in §63.7(a), or as otherwise specified in the relevant standard.

(5) *Reporting performance evaluation results.*

(i) The owner or operator shall furnish the Administrator a copy of a written report of the results of the performance evaluation simultaneously with the results of the performance test required under §63.7 or within 60 days of completion of the performance evaluation if no test is required, unless otherwise specified in a relevant standard. The Administrator may request that the owner or operator submit the raw data from a performance evaluation in the report of the performance evaluation results.

(ii) The owner or operator of an affected source using a COMS to determine opacity compliance during any performance test required under §63.7 and described in §63.6(d)(6) shall furnish the Administrator two or, upon request, three copies of a written report of the results of the COMS performance evaluation under this paragraph. The copies shall be provided at least 15 calendar days before the performance test required under §63.7 is conducted.

(f) *Use of an alternative monitoring method. —*

(1) *General.* Until permission to use an alternative monitoring procedure (minor, intermediate, or major changes; see definition in §63.90(a)) has been granted by the Administrator under this paragraph (f)(1), the owner or operator of an affected source remains subject to the requirements of this section and the relevant standard.

(2) After receipt and consideration of written application, the Administrator may approve alternatives to any monitoring methods or procedures of this part including, but not limited to, the following:

(i) Alternative monitoring requirements when installation of a CMS specified by a relevant standard would not provide accurate measurements due to liquid water or other interferences caused by substances within the effluent gases;

(ii) Alternative monitoring requirements when the affected source is infrequently operated;

(iii) Alternative monitoring requirements to accommodate CEMS that require additional measurements to correct for stack moisture conditions;

(iv) Alternative locations for installing CMS when the owner or operator can demonstrate that installation at alternate locations will enable accurate and representative measurements;

(v) Alternate methods for converting pollutant concentration measurements to units of the relevant standard;

(vi) Alternate procedures for performing daily checks of zero (low-level) and high-level drift that do not involve use of high-level gases or test cells;

(vii) Alternatives to the American Society for Testing and Materials (ASTM) test methods or sampling procedures specified by any relevant standard;

(viii) Alternative CMS that do not meet the design or performance requirements in this part, but adequately demonstrate a definite and consistent relationship between their measurements and the measurements of opacity by a system complying with the requirements as specified in the relevant standard. The Administrator may require that such demonstration be performed for each affected source; or

(ix) Alternative monitoring requirements when the effluent from a single affected source or the combined effluent from two or more affected sources is released to the atmosphere through more than one point.

(3) If the Administrator finds reasonable grounds to dispute the results obtained by an alternative monitoring method, requirement, or procedure, the Administrator may require the use of a method, requirement, or procedure specified in this section or in the relevant standard. If the results of the specified and alternative method, requirement, or procedure do not agree, the results obtained by the specified method, requirement, or procedure shall prevail.

(4)

(i) *Request to use alternative monitoring procedure.* An owner or operator who wishes to use an alternative monitoring procedure must submit an application to the Administrator as described in paragraph (f)(4)(ii) of this section. The application may be submitted at any time provided that the monitoring procedure is not the performance test method used to demonstrate compliance with a relevant standard or other requirement. If the alternative monitoring procedure will serve as the performance test method that is to be used to demonstrate compliance with a relevant standard, the application must be submitted at least 60 days before the performance evaluation is scheduled to begin and must meet the requirements for an alternative test method under §63.7(f).

(ii) The application must contain a description of the proposed alternative monitoring system which addresses the four elements contained in the definition of monitoring in §63.2 and a performance evaluation test plan, if required, as specified in paragraph (e)(3) of this section. In addition, the application must include information justifying the owner or operator's request for an alternative monitoring method, such as the technical or economic infeasibility, or the impracticality, of the affected source using the required method.

(iii) The owner or operator may submit the information required in this paragraph well in advance of the submittal dates specified in paragraph (f)(4)(i) above to ensure a timely review by the Administrator in order to meet the compliance demonstration date specified in this section or the relevant standard.

(iv) Application for minor changes to monitoring procedures, as specified in paragraph (b)(1) of this section, may be made in the site-specific performance evaluation plan.

(5) *Approval of request to use alternative monitoring procedure.*

(i) The Administrator will notify the owner or operator of approval or intention to deny approval of the request to use an alternative monitoring method within 30 calendar days after receipt of the original request and within 30 calendar days after receipt of any supplementary information that is submitted. If a request for a minor change is made in conjunction with site-specific performance evaluation plan, then approval of the plan will constitute approval of the minor change. Before disapproving any request to use an alternative monitoring method, the Administrator will notify the applicant of the Administrator's intention to disapprove the request together with—

(A) Notice of the information and findings on which the intended disapproval is based; and

(B) Notice of opportunity for the owner or operator to present additional information to the Administrator before final action on the request. At the time the Administrator notifies the applicant of his or her intention to disapprove the request, the Administrator will specify how much time the owner or operator will have after being notified of the intended disapproval to submit the additional information.

(ii) The Administrator may establish general procedures and criteria in a relevant standard to accomplish the requirements of paragraph (f)(5)(i) of this section.

(iii) If the Administrator approves the use of an alternative monitoring method for an affected source under paragraph (f)(5)(i) of this section, the owner or operator of such source shall continue to use the alternative monitoring method until he or she receives approval from the Administrator to use another monitoring method as allowed by §63.8(f).

(6) *Alternative to the relative accuracy test.* An alternative to the relative accuracy test for CEMS specified in a relevant standard may be requested as follows:

(i) *Criteria for approval of alternative procedures.* An alternative to the test method for determining relative accuracy is available for affected sources with emission rates demonstrated to be less than 50 percent of the relevant standard. The owner or operator of an affected source may petition the Administrator under paragraph (f)(6)(ii) of this section to substitute the relative accuracy test in section 7 of Performance Specification 2 with the procedures in section 10 if the results of a performance test conducted according to the requirements in §63.7, or other tests performed following the criteria in §63.7, demonstrate that the emission rate of the pollutant of interest in the units of the relevant standard is less than 50 percent of the relevant standard. For affected sources subject to emission limitations expressed as control efficiency levels, the owner or operator may petition the Administrator to substitute the relative accuracy test with the procedures in section 10 of Performance Specification 2 if the control device exhaust emission rate is less than 50 percent of the level needed to meet the control efficiency requirement. The alternative procedures do not apply if the CEMS is used continuously to determine compliance with the relevant standard.

(ii) *Petition to use alternative to relative accuracy test.* The petition to use an alternative to the relative accuracy test shall include a detailed description of the procedures to be applied, the location and the procedure for conducting the alternative, the concentration or response levels of the alternative relative accuracy materials, and the other equipment checks included in the alternative procedure(s). The Administrator will review the petition for completeness and applicability. The Administrator's determination to approve an alternative will depend on the intended use of the CEMS data and may require specifications more stringent than in Performance Specification 2.

(iii) *Rescission of approval to use alternative to relative accuracy test.* The Administrator will review the permission to use an alternative to the CEMS relative accuracy test and may rescind such permission if the CEMS data from a successful completion of the alternative relative accuracy procedure indicate that the affected source's emissions are approaching the level of the relevant standard. The criterion for reviewing the permission is that the collection of CEMS data shows that emissions have exceeded 70 percent of the relevant standard for any averaging period, as specified in the relevant standard. For affected sources subject to emission limitations expressed as control efficiency levels, the criterion for reviewing the permission is that the collection of CEMS data shows that exhaust emissions have exceeded 70 percent of the level needed to meet the control efficiency requirement for any averaging period, as specified in the relevant standard. The owner or operator of the affected source shall maintain records and determine the level of emissions relative to the criterion for permission to use an alternative for relative accuracy testing. If this criterion is exceeded, the owner or operator shall notify the Administrator within 10 days of such occurrence and include a description of the nature and cause of the increased emissions. The Administrator will review the notification and may rescind permission to use an alternative and require the owner or operator to conduct a relative accuracy test of the CEMS as specified in section 7 of Performance Specification 2.

(g) *Reduction of monitoring data.*

(1) The owner or operator of each CMS must reduce the monitoring data as specified in paragraphs (g)(1) through (5) of this section.

(2) The owner or operator of each COMS shall reduce all data to 6-minute averages calculated from 36 or more data points equally spaced over each 6-minute period. Data from CEMS for measurement other than opacity, unless otherwise specified in the relevant standard, shall be reduced to 1-hour averages computed from four or more data points equally spaced over each 1-hour period, except during periods when calibration, quality assurance, or maintenance activities pursuant to provisions of this part are being performed. During these periods, a valid hourly average shall consist of at least two data points with each representing a 15-minute period. Alternatively, an arithmetic or integrated 1-hour average of CEMS data may be used. Time periods for averaging are defined in §63.2.

(3) The data may be recorded in reduced or nonreduced form (e.g., ppm pollutant and percent O_2or ng/J of pollutant).

(4) All emission data shall be converted into units of the relevant standard for reporting purposes using the conversion procedures specified in that standard. After conversion into units of the relevant standard, the data may be rounded to the same number of significant digits as used in that standard to specify the emission limit (e.g., rounded to the nearest 1 percent opacity).

(5) Monitoring data recorded during periods of unavoidable CMS breakdowns, out-of-control periods, repairs, maintenance periods, calibration checks, and zero (low-level) and high-level adjustments must not be included in any data average computed under this part. For the owner or operator complying with the requirements of §63.10(b)(2)(vii)(A) or (B), data averages must include any data recorded during periods of monitor breakdown or malfunction.

[59 FR 12430, Mar. 16, 1994, as amended at 64 FR 7468, Feb. 12, 1999; 67 FR 16603, Apr. 5, 2002; 71 FR 20455, Apr. 20, 2006]

§ 63.9 Notification requirements.

(a) *Applicability and general information.*

(1) The applicability of this section is set out in §63.1(a)(4).

(2) For affected sources that have been granted an extension of compliance under subpart D of this part, the requirements of this section do not apply to those sources while they are operating under such compliance extensions.

(3) If any State requires a notice that contains all the information required in a notification listed in this section, the owner or operator may send the Administrator a copy of the notice sent to the State to satisfy the requirements of this section for that notification.

(4)

(i) Before a State has been delegated the authority to implement and enforce notification requirements established under this part, the owner or operator of an affected source in such State subject to such requirements shall submit notifications to the appropriate Regional Office of the EPA (to the attention of the Director of the Division indicated in the list of the EPA Regional Offices in §63.13).

(ii) After a State has been delegated the authority to implement and enforce notification requirements established under this part, the owner or operator of an affected source in such State subject to such requirements shall submit notifications to the delegated State authority (which may be the same as the permitting authority). In addition, if the delegated (permitting) authority is the State, the owner or operator shall send a copy of each notification submitted to the State to the appropriate Regional Office of the EPA, as specified in paragraph (a)(4)(i) of this section. The Regional Office may waive this requirement for any notifications at its discretion.

(b) *Initial notifications.*

(1)

(i) The requirements of this paragraph apply to the owner or operator of an affected source when such source becomes subject to a relevant standard.

(ii) If an area source that otherwise would be subject to an emission standard or other requirement established under this part if it were a major source subsequently increases its emissions of hazardous air pollutants (or its potential to emit hazardous air pollutants) such that the source is a major source that is subject to the emission standard or other requirement, such source shall be subject to the notification requirements of this section.

(iii) Affected sources that are required under this paragraph to submit an initial notification may use the application for approval of construction or reconstruction under §63.5(d) of this subpart, if relevant, to fulfill the initial notification requirements of this paragraph.

(2) The owner or operator of an affected source that has an initial startup before the effective date of a relevant standard under this part shall notify the Administrator in writing that the source is subject to the relevant standard. The notification, which shall be submitted not later than 120 calendar days after the effective date of the relevant standard (or within 120 calendar days after the source becomes subject to the relevant standard), shall provide the following information:

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

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

(iii) An identification of the relevant standard, or other requirement, 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 and an identification of the types of emission points within the affected source subject to the relevant standard and types of hazardous air pollutants emitted; and

(v) A statement of whether the affected source is a major source or an area source.

(3) [Reserved]

(4) The owner or operator of a new or reconstructed major affected source for which an application for approval of construction or reconstruction is required under §63.5(d) must provide the following information in writing to the Administrator:

(i) A notification of intention to construct a new major-emitting affected source, reconstruct a major-emitting affected source, or reconstruct a major source such that the source becomes a major-emitting affected source with the application for approval of construction or reconstruction as specified in §63.5(d)(1)(i); and

(ii)–(iv) [Reserved]

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

(5) The owner or operator of a new or reconstructed affected source for which an application for approval of construction or reconstruction is not required under §63.5(d) must provide the following information in writing to the Administrator:

(i) A notification of intention to construct a new affected source, reconstruct an affected source, or reconstruct a source such that the source becomes an affected source, and

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

(iii) Unless the owner or operator has requested and received prior permission from the Administrator to submit less than the information in §63.5(d), the notification must include the information required on the application for approval of construction or reconstruction as specified in §63.5(d)(1)(i).

(c) *Request for extension of compliance.* If the owner or operator of an affected source cannot comply with a relevant standard by the applicable compliance date for that source, or if the owner or operator has installed BACT or technology to meet LAER consistent with §63.6(i)(5) of this subpart, he/she may submit to the Administrator (or the State with an approved permit program) a request for an extension of compliance as specified in §63.6(i)(4) through §63.6(i)(6).

(d) *Notification that source is subject to special compliance requirements.* An owner or operator of a new source that is subject to special compliance requirements as specified in §63.6(b)(3) and §63.6(b)(4) shall notify the Administrator of his/her compliance obligations not later than the notification dates established in paragraph (b) of this section for new sources that are not subject to the special provisions.

(e) *Notification of performance test.* The owner or operator of an affected source shall notify the Administrator in writing of his or her intention to conduct a performance test at least 60 calendar days before the performance test is scheduled to begin to allow the Administrator to review and approve the site-specific test plan required under §63.7(c), if requested by the Administrator, and to have an observer present during the test.

(f) *Notification of opacity and visible emission observations.* The owner or operator of an affected source shall notify the Administrator in writing of the anticipated date for conducting the opacity or visible emission observations specified in §63.6(h)(5), if such observations are required for the source by a relevant standard. The notification shall be submitted with the notification of the performance test date, as specified in paragraph (e) of this section, or if no performance test is required or visibility or other conditions prevent the opacity or visible emission observations from being conducted concurrently with the initial performance test required under §63.7, the owner or operator shall deliver or postmark the notification not less than 30 days before the opacity or visible emission observations are scheduled to take place.

(g) *Additional notification requirements for sources with continuous monitoring systems.* The owner or operator of an affected source required to use a CMS by a relevant standard shall furnish the Administrator written notification as follows:

(1) A notification of the date the CMS performance evaluation under §63.8(e) is scheduled to begin, submitted simultaneously with the notification of the performance test date required under §63.7(b). If no performance test is required, or if the requirement to conduct a performance test has been waived for an affected source under §63.7(h), the owner or operator shall notify the Administrator in writing of the date of the performance evaluation at least 60 calendar days before the evaluation is scheduled to begin;

(2) A notification that COMS data results will be used to determine compliance with the applicable opacity emission standard during a performance test required by §63.7 in lieu of Method 9 or other opacity emissions test method data, as allowed by §63.6(h)(7)(ii), if compliance with an opacity emission standard is required for the source by a relevant standard. The notification shall be submitted at least 60 calendar days before the performance test is scheduled to begin; and

(3) A notification that the criterion necessary to continue use of an alternative to relative accuracy testing, as provided by §63.8(f)(6), has been exceeded. The notification shall be delivered or postmarked not later than 10 days after the occurrence of such exceedance, and it shall include a description of the nature and cause of the increased emissions.

(h) *Notification of compliance status.*

(1) The requirements of paragraphs (h)(2) through (h)(4) of this section apply when an affected source becomes subject to a relevant standard.

(2)

(i) Before a title V permit has been issued to the owner or operator of an affected source, and each time a notification of compliance status is required under this part, the owner or operator of such source shall submit to the Administrator a notification of compliance status, signed by the responsible official who shall certify its accuracy, attesting to whether the source has complied with the relevant standard. The notification shall list—

(A) The methods that were used to determine compliance;

(B) The results of any performance tests, opacity or visible emission observations, continuous monitoring system (CMS) performance evaluations, and/or other monitoring procedures or methods that were conducted;

(C) The methods that will be used for determining continuing compliance, including a description of monitoring and reporting requirements and test methods;

(D) The type and quantity of hazardous air pollutants emitted by the source (or surrogate pollutants if specified in the relevant standard), reported in units and averaging times and in accordance with the test methods specified in the relevant standard;

(E) If the relevant standard applies to both major and area sources, an analysis demonstrating whether the affected source is a major source (using the emissions data generated for this notification);

(F) A description of the air pollution control equipment (or method) for each emission point, including each control device (or method) for each hazardous air pollutant and the control efficiency (percent) for each control device (or method); and

(G) A statement by the owner or operator of the affected existing, new, or reconstructed source as to whether the source has complied with the relevant standard or other requirements.

(ii) The notification must be sent before the close of business on the 60th day following the completion of the relevant compliance demonstration activity specified in the relevant standard (unless a different reporting period is specified in the standard, in which case the letter must be sent before the close of business on the day the report of the relevant testing or monitoring results is required to be delivered or postmarked). For example, the notification shall be sent before close of business on the 60th (or other required) day following completion of the initial performance test and again before the close of business on the 60th (or other required) day following the completion of any subsequent required performance test. If no performance test is required but opacity or visible emission observations are required to demonstrate compliance with an opacity or visible emission standard under this part, the notification of compliance status shall be sent before close of business on the 30th day following the completion of opacity or visible emission observations. Notifications may be combined as long as the due date requirement for each notification is met.

(3) After a title V permit has been issued to the owner or operator of an affected source, the owner or operator of such source shall comply with all requirements for compliance status reports contained in the source's title V permit, including reports required under this part. After a title V permit has been issued to the owner or operator of an affected source, and each time a notification of compliance status is required under this part, the owner or operator of such source shall submit the notification of compliance status to the appropriate permitting authority following completion of the relevant compliance demonstration activity specified in the relevant standard.

(4) [Reserved]

(5) If an owner or operator of an affected source submits estimates or preliminary information in the application for approval of construction or reconstruction required in §63.5(d) in place of the actual emissions data or control efficiencies required in paragraphs (d)(1)(ii)(H) and (d)(2) of §63.5, the owner or operator shall submit the actual emissions data and other correct information as soon as available but no later than with the initial notification of compliance status required in this section.

(6) Advice on a notification of compliance status may be obtained from the Administrator.

(i) *Adjustment to time periods or postmark deadlines for submittal and review of required communications.*

(1)

(i) Until an adjustment of a time period or postmark deadline has been approved by the Administrator under paragraphs (i)(2) and (i)(3) of this section, the owner or operator of an affected source remains strictly subject to the requirements of this part.

(ii) An owner or operator shall request the adjustment provided for in paragraphs (i)(2) and (i)(3) of this section each time he or she wishes to change an applicable time period or postmark deadline specified in this part.

(2) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. An owner or operator who wishes to request a change in a time period or postmark deadline for a particular requirement shall request the adjustment in writing as soon as practicable before the subject activity is required to take place. The owner or operator shall include in the request whatever information he or she considers useful to convince the Administrator that an adjustment is warranted.

(3) If, in the Administrator's judgment, an owner or operator's request for an adjustment to a particular time period or postmark deadline is warranted, the Administrator will approve the adjustment. The Administrator will notify the owner or operator in writing of approval or disapproval of the request for an adjustment within 15 calendar days of receiving sufficient information to evaluate the request.

(4) If the Administrator is unable to meet a specified deadline, he or she will notify the owner or operator of any significant delay and inform the owner or operator of the amended schedule.

(j) *Change in information already provided.* Any change in the information already provided under this section shall be provided to the Administrator in writing within 15 calendar days after the change.

[59 FR 12430, Mar. 16, 1994, as amended at 64 FR 7468, Feb. 12, 1999; 67 FR 16604, Apr. 5, 2002; 68 FR 32601, May 30, 2003]

§ 63.10 Recordkeeping and reporting requirements.

(a) *Applicability and general information.*

(1) The applicability of this section is set out in §63.1(a)(4).

(2) For affected sources that have been granted an extension of compliance under subpart D of this part, the requirements of this section do not apply to those sources while they are operating under such compliance extensions.

(3) If any State requires a report that contains all the information required in a report listed in this section, an owner or operator may send the Administrator a copy of the report sent to the State to satisfy the requirements of this section for that report.

(4)

(i) Before a State has been delegated the authority to implement and enforce recordkeeping and reporting requirements established under this part, the owner or operator of an affected source in such State subject to such requirements shall submit reports to the appropriate Regional Office of the EPA (to the attention of the Director of the Division indicated in the list of the EPA Regional Offices in §63.13).

(ii) After a State has been delegated the authority to implement and enforce recordkeeping and reporting requirements established under this part, the owner or operator of an affected source in such State subject to such requirements shall submit reports to the delegated State authority (which may be the same as the permitting authority). In addition, if the delegated (permitting) authority is the State, the owner or operator shall send a copy of each report submitted to the State to the appropriate Regional Office of the EPA, as specified in paragraph (a)(4)(i) of this section. The Regional Office may waive this requirement for any reports at its discretion. *{Note: Region 4 EPA policy requires only a copy of the transmittal letter that is used to transmit each report to the proper District or Local office, in lieu of the actual report itself, unless a source is required to do so by other means.}*

(5) If an owner or operator of an affected source in a State with delegated authority is required to submit periodic reports under this part to the State, and if the State has an established timeline for the submission of periodic reports that is consistent with the reporting frequency(ies) specified for such source under this part, the owner or operator may change the dates by which periodic reports under this part shall be submitted (without changing the frequency of reporting) to be consistent with the State's schedule by mutual agreement between the owner or operator and the State. For each relevant standard established pursuant to section 112 of the Act, the allowance in the previous sentence applies in each State beginning 1 year after the affected source's compliance date for that standard. Procedures governing the implementation of this provision are specified in §63.9(i).

(6) If an owner or operator supervises one or more stationary sources affected by more than one standard established pursuant to section 112 of the Act, he/she may arrange by mutual agreement between the owner or operator and the Administrator (or the State permitting authority) a common schedule on which periodic reports required for each source shall be submitted throughout the year. The allowance in the previous sentence applies in each State beginning 1 year after the latest compliance date for any relevant standard established pursuant to section 112 of the Act for any such affected source(s). Procedures governing the implementation of this provision are specified in §63.9(i).

(7) If an owner or operator supervises one or more stationary sources affected by standards established pursuant to section 112 of the Act (as amended November 15, 1990) and standards set under part 60, part 61, or both such parts of this chapter, he/she may arrange by mutual agreement between the owner or operator and the Administrator (or the State permitting authority) a common schedule on which periodic reports required by each relevant (i.e., applicable) standard shall be submitted throughout the year. The allowance in the previous sentence applies in each State beginning 1 year after the stationary source is required to be in compliance with the relevant section 112 standard, or 1 year after the stationary source is required to be in compliance with the applicable part 60 or part 61 standard, whichever is latest. Procedures governing the implementation of this provision are specified in §63.9(i).

(b) *General record keeping requirements.*

(1) The owner or operator of an affected source subject to the provisions of this part shall maintain files of all information (including all reports and notifications) required by this part recorded in a form suitable and readily available for expeditious inspection and review. The files shall be retained for at least 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent 2 years of data shall be retained on site. The remaining 3 years of data may be retained off site. Such files may be maintained on microfilm, on a computer, on computer floppy disks, on magnetic tape disks, or on microfiche.

(2) The owner or operator of an affected source subject to the provisions of this part shall maintain relevant records for such source of—

(i) The occurrence and duration of each startup or shutdown when the startup or shutdown causes the source to exceed any applicable emission limitation in the relevant emission standards;

(ii) The occurrence and duration of each malfunction of operation (*i.e.* , process equipment) or the required air pollution control and monitoring equipment;

(iii) All required maintenance performed on the air pollution control and monitoring equipment;

(iv)

(A) Actions taken during periods of startup or shutdown when the source exceeded applicable emission limitations in a relevant standard and when the actions taken are different from the procedures specified in the affected source's startup, shutdown, and malfunction plan (see §63.6(e)(3)); or

(B) Actions taken during periods of malfunction (including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation) when the actions taken are different from the procedures specified in the affected source's startup, shutdown, and malfunction plan (see §63.6(e)(3));

(v) All information necessary, including actions taken, to demonstrate conformance with the affected source's startup, shutdown, and malfunction plan (see §63.6(e)(3)) when all actions taken during periods of startup or shutdown (and the startup or shutdown causes the source to exceed any applicable emission limitation in the relevant emission standards), and malfunction (including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation) are consistent with the procedures specified in such plan. (The information needed to demonstrate conformance with the startup, shutdown, and malfunction plan may be recorded using a “checklist,” or some other effective form of recordkeeping, in order to minimize the recordkeeping burden for conforming events);

(vi) Each period during which a CMS is malfunctioning or inoperative (including out-of-control periods);

(vii) All required measurements needed to demonstrate compliance with a relevant standard (including, but not limited to, 15-minute averages of CMS data, raw performance testing measurements, and raw performance evaluation measurements, that support data that the source is required to report);

(A) This paragraph applies to owners or operators required to install a continuous emissions monitoring system (CEMS) where the CEMS installed is automated, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. An automated CEMS records and reduces the measured data to the form of the pollutant emission standard through the use of a computerized data acquisition system. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (b)(2)(vii) of this section, the owner or operator shall retain the most recent consecutive three averaging periods of subhourly measurements and a file that contains a hard copy of the data acquisition system algorithm used to reduce the measured data into the reportable form of the standard.

(B) This paragraph applies to owners or operators required to install a CEMS where the measured data is manually reduced to obtain the reportable form of the standard, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (b)(2)(vii) of this section, the owner or operator shall retain all subhourly measurements for the most recent reporting period. The subhourly measurements shall be retained for 120 days from the date of the most recent summary or excess emission report submitted to the Administrator.

(C) The Administrator or delegated authority, upon notification to the source, may require the owner or operator to maintain all measurements as required by paragraph (b)(2)(vii), if the administrator or the delegated authority determines these records are required to more accurately assess the compliance status of the affected source.

(viii) All results of performance tests, CMS performance evaluations, and opacity and visible emission observations;

(ix) All measurements as may be necessary to determine the conditions of performance tests and performance evaluations;

(x) All CMS calibration checks;

(xi) All adjustments and maintenance performed on CMS;

(xii) Any information demonstrating whether a source is meeting the requirements for a waiver of recordkeeping or reporting requirements under this part, if the source has been granted a waiver under paragraph (f) of this section;

(xiii) All emission levels relative to the criterion for obtaining permission to use an alternative to the relative accuracy test, if the source has been granted such permission under §63.8(f)(6); and

(xiv) All documentation supporting initial notifications and notifications of compliance status under §63.9.

(3) *Recordkeeping requirement for applicability determinations.* If an owner or operator determines that his or her stationary source that emits (or has the potential to emit, without considering controls) one or more hazardous air pollutants regulated by any standard established pursuant to section 112(d) or (f), and that stationary source is in the source category regulated by the relevant standard, but that source is not subject to the relevant standard (or other requirement established under this part) because of limitations on the source's potential to emit or an exclusion, the owner or operator must keep a record of the applicability determination on site at the source for a period of 5 years after the determination, or until the source changes its operations to become an affected source, whichever comes first. The record of the applicability determination must be signed by the person making the determination and include an analysis (or other information) that demonstrates why the owner or operator believes the source is unaffected (e.g., because the source is an area source). The analysis (or other information) must be sufficiently detailed to allow the Administrator to make a finding about the source's applicability status with regard to the relevant standard or other requirement. If relevant, the analysis must be performed in accordance with requirements established in relevant subparts of this part for this purpose for particular categories of stationary sources. If relevant, the analysis should be performed in accordance with EPA guidance materials published to assist sources in making applicability determinations under section 112, if any. The requirements to determine applicability of a standard under §63.1(b)(3) and to record the results of that determination under paragraph (b)(3) of this section shall not by themselves create an obligation for the owner or operator to obtain a title V permit.

(c) *Additional recordkeeping requirements for sources with continuous monitoring systems.* In addition to complying with the requirements specified in paragraphs (b)(1) and (b)(2) of this section, the owner or operator of an affected source required to install a CMS by a relevant standard shall maintain records for such source of—

(1) All required CMS measurements (including monitoring data recorded during unavoidable CMS breakdowns and out-of-control periods);

(2)–(4) [Reserved]

(5) The date and time identifying each period during which the CMS was inoperative except for zero (low-level) and high-level checks;

(6) The date and time identifying each period during which the CMS was out of control, as defined in §63.8(c)(7);

(7) The specific identification (i.e., the date and time of commencement and completion) of each period of excess emissions and parameter monitoring exceedances, as defined in the relevant standard(s), that occurs during startups, shutdowns, and malfunctions of the affected source;

(8) The specific identification (i.e., the date and time of commencement and completion) of each time period of excess emissions and parameter monitoring exceedances, as defined in the relevant standard(s), that occurs during periods other than startups, shutdowns, and malfunctions of the affected source;

(9) [Reserved]

(10) The nature and cause of any malfunction (if known);

(11) The corrective action taken or preventive measures adopted;

(12) The nature of the repairs or adjustments to the CMS that was inoperative or out of control;

(13) The total process operating time during the reporting period; and

(14) All procedures that are part of a quality control program developed and implemented for CMS under §63.8(d).

(15) In order to satisfy the requirements of paragraphs (c)(10) through (c)(12) of this section and to avoid duplicative recordkeeping efforts, the owner or operator may use the affected source's startup, shutdown, and malfunction plan or records kept to satisfy the recordkeeping requirements of the startup, shutdown, and malfunction plan specified in §63.6(e), provided that such plan and records adequately address the requirements of paragraphs (c)(10) through (c)(12).

(d) *General reporting requirements.*

(1) Notwithstanding the requirements in this paragraph or paragraph (e) of this section, and except as provided in §63.16, the owner or operator of an affected source subject to reporting requirements under this part shall submit reports to the Administrator in accordance with the reporting requirements in the relevant standard(s).

(2) *Reporting results of performance tests.* Before a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall report the results of any performance test under §63.7 to the Administrator. After a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall report the results of a required performance test to the appropriate permitting authority. The owner or operator of an affected source shall report the results of the performance test to the Administrator (or the State with an approved permit program) before the close of business on the 60th day following the completion of the performance test, unless specified otherwise in a relevant standard or as approved otherwise in writing by the Administrator. The results of the performance test shall be submitted as part of the notification of compliance status required under §63.9(h).

(3) *Reporting results of opacity or visible emission observations.* The owner or operator of an affected source required to conduct opacity or visible emission observations by a relevant standard shall report the opacity or visible emission results (produced using Test Method 9 or Test Method 22, or an alternative to these test methods) along with the results of the performance test required under §63.7. If no performance test is required, or if visibility or other conditions prevent the opacity or visible emission observations from being conducted concurrently with the performance test required under §63.7, the owner or operator shall report the opacity or visible emission results before the close of business on the 30th day following the completion of the opacity or visible emission observations.

(4) *Progress reports.* The owner or operator of an affected source who is required to submit progress reports as a condition of receiving an extension of compliance under §63.6(i) shall submit such reports to the Administrator (or the State with an approved permit program) by the dates specified in the written extension of compliance.

(5)

(i) *Periodic startup, shutdown, and malfunction reports.* If actions taken by an owner or operator during a startup or shutdown (and the startup or shutdown causes the source to exceed any applicable emission limitation in the relevant emission standards), or malfunction of an affected source (including actions taken to correct a malfunction) are consistent with the procedures specified in the source's startup, shutdown, and malfunction plan (see §63.6(e)(3)), the owner or operator shall state such information in a startup, shutdown, and malfunction report. Actions taken to minimize emissions during such startups, shutdowns, and malfunctions shall be summarized in the report and may be done in checklist form; if actions taken are the same for each event, only one checklist is necessary. Such a report shall also include 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. Reports shall only be required if a startup or shutdown caused the source to exceed any applicable emission limitation in the relevant emission standards, or if a malfunction occurred during the reporting period. The startup, shutdown, and malfunction report shall consist of a letter, containing the name, title, and signature of the owner or operator or other responsible official who is certifying its accuracy, that shall be submitted to the Administrator semiannually (or on a more frequent basis if specified otherwise in a relevant standard or as established otherwise by the permitting authority in the source's title V permit). The startup, shutdown, and malfunction report shall be delivered or postmarked by the 30th day following the end of each calendar half (or other calendar reporting period, as appropriate). If the owner or operator is required to submit excess emissions and continuous monitoring system performance (or other periodic) reports under this part, the startup, shutdown, and malfunction reports required under this paragraph may be submitted simultaneously with the excess emissions and continuous monitoring system performance (or other) reports. If startup, shutdown, and malfunction reports are submitted with excess emissions and continuous monitoring system performance (or other periodic) reports, and the owner or operator receives approval to reduce the frequency of reporting for the latter under paragraph (e) of this section, the frequency of reporting for the startup, shutdown, and malfunction reports also may be reduced if the Administrator does not object to the intended change. The procedures to implement the allowance in the preceding sentence shall be the same as the procedures specified in paragraph (e)(3) of this section.

(ii) *Immediate startup, shutdown, and malfunction reports.* Notwithstanding the allowance to reduce the frequency of reporting for periodic startup, shutdown, and malfunction reports under paragraph (d)(5)(i) of this section, any time an action taken by an owner or operator during a startup or shutdown that caused the source to exceed any applicable emission limitation in the relevant emission standards, or malfunction (including actions taken to correct a malfunction) is not consistent with the procedures specified in the affected source's startup, shutdown, and malfunction plan, the owner or operator shall report the actions taken for that event within 2 working days after commencing actions inconsistent with the plan followed by a letter within 7 working days after the end of the event. The immediate report required under this paragraph (d)(5)(ii) shall consist of a telephone call (or facsimile (FAX) transmission) to the Administrator within 2 working days after commencing actions inconsistent with the plan, and it shall be followed by a letter, delivered or postmarked within 7 working days after the end of the event, that contains the name, title, and signature of the owner or operator or other responsible official who is certifying its accuracy, explaining the circumstances of the event, the reasons for not following the startup, shutdown, and malfunction plan, describing all excess emissions and/or parameter monitoring exceedances which are believed to have occurred (or could have occurred in the case of malfunctions), and actions taken to minimize emissions in conformance with §63.6(e)(1)(i). Notwithstanding the requirements of the previous sentence, after the effective date of an approved permit program in the State in which an affected source is located, the owner or operator may make alternative reporting arrangements, in advance, with the permitting authority in that State. Procedures governing the arrangement of alternative reporting requirements under this paragraph (d)(5)(ii) are specified in §63.9(i).

(e) *Additional reporting requirements for sources with continuous monitoring systems —*

(1) *General.* When more than one CEMS is used to measure the emissions from one affected source (e.g., multiple breechings, multiple outlets), the owner or operator shall report the results as required for each CEMS.

(2) *Reporting results of continuous monitoring system performance evaluations.*

(i) The owner or operator of an affected source required to install a CMS by a relevant standard shall furnish the Administrator a copy of a written report of the results of the CMS performance evaluation, as required under §63.8(e), simultaneously with the results of the performance test required under §63.7, unless otherwise specified in the relevant standard.

(ii) The owner or operator of an affected source using a COMS to determine opacity compliance during any performance test required under §63.7 and described in §63.6(d)(6) shall furnish the Administrator two or, upon

request, three copies of a written report of the results of the COMS performance evaluation conducted under §63.8(e). The copies shall be furnished at least 15 calendar days before the performance test required under §63.7 is conducted.

(3) *Excess emissions and continuous monitoring system performance report and summary report.*

(i) Excess emissions and parameter monitoring exceedances are defined in relevant standards. The owner or operator of an affected source required to install a CMS by a relevant standard shall submit an excess emissions and continuous monitoring system performance report and/or a summary report to the Administrator semiannually, except when—

(A) More frequent reporting is specifically required by a relevant standard;

(B) The Administrator determines on a case-by-case basis that more frequent reporting is necessary to accurately assess the compliance status of the source; or

(C) [Reserved]

(D) The affected source is complying with the Performance Track Provisions of §63.16, which allows less frequent reporting.

(ii) *Request to reduce frequency of excess emissions and continuous monitoring system performance reports.* Notwithstanding the frequency of reporting requirements specified in paragraph (e)(3)(i) of this section, an owner or operator who is required by a relevant standard to submit excess emissions and continuous monitoring system performance (and summary) reports on a quarterly (or more frequent) basis may reduce the frequency of reporting for that standard to semiannual if the following conditions are met:

(A) For 1 full year (e.g., 4 quarterly or 12 monthly reporting periods) the affected source's excess emissions and continuous monitoring system performance reports continually demonstrate that the source is in compliance with the relevant standard;

(B) The owner or operator continues to comply with all recordkeeping and monitoring requirements specified in this subpart and the relevant standard; and

(C) The Administrator does not object to a reduced frequency of reporting for the affected source, as provided in paragraph (e)(3)(iii) of this section.

(iii) The frequency of reporting of excess emissions and continuous monitoring system performance (and summary) reports required to comply with a relevant standard 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 period prior to the intended change, including performance test results, monitoring data, and evaluations of an owner or operator's conformance with operation and maintenance requirements. Such information may be used by the Administrator to make a judgment about the source's potential for noncompliance in the future. If the Administrator disapproves the owner or operator's request to reduce the frequency of reporting, 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.

(iv) As soon as CMS data indicate that the source is not in compliance with any emission limitation or operating parameter specified in the relevant standard, the frequency of reporting shall revert to the frequency specified in the relevant standard, and the owner or operator shall submit an excess emissions and continuous monitoring system performance (and summary) report for the noncomplying emission points at the next appropriate reporting period following the noncomplying event. After demonstrating ongoing compliance with the relevant standard for another full year, the owner or operator may again request approval from the Administrator to reduce the frequency of reporting for that standard, as provided for in paragraphs (e)(3)(ii) and (e)(3)(iii) of this section.

(v) *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, shall be delivered or postmarked by the 30th day following the end of each calendar half or quarter, as appropriate. Written reports of excess emissions or exceedances of process or control system parameters shall include all the information

required in paragraphs (c)(5) through (c)(13) of this section, in §63.8(c)(7) and §63.8(c)(8), and in the relevant standard, and they shall contain the name, title, and signature of the responsible official who is certifying the accuracy of the report. When no excess emissions or exceedances of a parameter have occurred, or a CMS has not been inoperative, out of control, repaired, or adjusted, such information shall be stated in the report.

(vi) *Summary report.* As required under paragraphs (e)(3)(vii) and (e)(3)(viii) of this section, one summary report shall be submitted for the hazardous air pollutants monitored at each affected source (unless the relevant standard specifies that more than one summary report is required, e.g., one summary report for each hazardous air pollutant monitored). The summary report shall be entitled "Summary Report—Gaseous and Opacity Excess Emission and Continuous Monitoring System Performance" and shall contain the following information:

(A) The company name and address of the affected source;

(B) An identification of each hazardous air pollutant monitored at the affected source;

(C) The beginning and ending dates of the reporting period;

(D) A brief description of the process units;

(E) The emission and operating parameter limitations specified in the relevant standard(s);

(F) The monitoring equipment manufacturer(s) and model number(s);

(G) The date of the latest CMS certification or audit;

(H) The total operating time of the affected source during the reporting period;

(I) An emission data summary (or similar summary if the owner or operator monitors control system parameters), including the total duration of excess emissions during the reporting period (recorded in minutes for opacity and hours for gases), the total duration of excess emissions expressed as a percent of the total source operating time during that reporting period, and a breakdown of the total duration of excess emissions during the reporting period into those that are due to startup/shutdown, control equipment problems, process problems, other known causes, and other unknown causes;

(J) A CMS performance summary (or similar summary if the owner or operator monitors control system parameters), including the total CMS downtime during the reporting period (recorded in minutes for opacity and hours for gases), the total duration of CMS downtime expressed as a percent of the total source operating time during that reporting period, and a breakdown of the total CMS downtime during the reporting period into periods that are due to monitoring equipment malfunctions, nonmonitoring equipment malfunctions, quality assurance/quality control calibrations, other known causes, and other unknown causes;

(K) A description of any changes in CMS, processes, or controls since the last reporting period;

(L) The name, title, and signature of the responsible official who is certifying the accuracy of the report; and

(M) The date of the report.

(vii) If the total duration of excess emissions or process or control system parameter exceedances for the reporting period is less than 1 percent of the total operating time for the reporting period, and CMS downtime for the reporting period is less than 5 percent of the total operating time for the reporting period, only the summary report shall be submitted, and the full excess emissions and continuous monitoring system performance report need not be submitted unless required by the Administrator.

(viii) If the total duration of excess emissions or process or control system parameter exceedances for the reporting period is 1 percent or greater of the total operating time for the reporting period, or the total CMS downtime for the reporting period is 5 percent or greater of the total operating time for the reporting period, both the summary report and the excess emissions and continuous monitoring system performance report shall be submitted.

(4) *Reporting continuous opacity monitoring system data produced during a performance test.* The owner or operator of an affected source required to use a COMS shall record the monitoring data produced during a performance test required under §63.7 and shall furnish the Administrator a written report of the monitoring results. The report of COMS data shall be submitted simultaneously with the report of the performance test results required in paragraph (d)(2) of this section.

(f) *Waiver of recordkeeping or reporting requirements.*

(1) Until a waiver of a recordkeeping or reporting requirement has been granted by the Administrator under this paragraph, the owner or operator of an affected source remains subject to the requirements of this section.

(2) Recordkeeping or reporting requirements may be waived upon written application to the Administrator if, in the Administrator's judgment, the affected source is achieving the relevant standard(s), or the source is operating under an extension of compliance, or the owner or operator has requested an extension of compliance and the Administrator is still considering that request.

(3) If an application for a waiver of recordkeeping or reporting is made, the application shall accompany the request for an extension of compliance under §63.6(i), any required compliance progress report or compliance status report required under this part (such as under §63.6(i) and §63.9(h)) or in the source's title V permit, or an excess emissions and continuous monitoring system performance report required under paragraph (e) of this section, whichever is applicable. The application shall include whatever information the owner or operator considers useful to convince the Administrator that a waiver of recordkeeping or reporting is warranted.

(4) The Administrator will approve or deny a request for a waiver of recordkeeping or reporting requirements under this paragraph when he/she—

(i) Approves or denies an extension of compliance; or

(ii) Makes a determination of compliance following the submission of a required compliance status report or excess emissions and continuous monitoring systems performance report; or

(iii) Makes a determination of suitable progress towards compliance following the submission of a compliance progress report, whichever is applicable.

(5) A waiver of any recordkeeping or reporting requirement granted under this paragraph may be conditioned on other recordkeeping or reporting requirements deemed necessary by the Administrator.

(6) Approval of any waiver granted under this section shall not abrogate the Administrator's authority under the Act or in any way prohibit the Administrator from later canceling the waiver. The cancellation will be made only after notice is given to the owner or operator of the affected source.

[59 FR 12430, Mar. 16, 1994, as amended at 64 FR 7468, Feb. 12, 1999; 67 FR 16604, Apr. 5, 2002; 68 FR 32601, May 30, 2003; 69 FR 21752, Apr. 22, 2004; 71 FR 20455, Apr. 20, 2006]

§ 63.11 Control device requirements.

(a) *Applicability.* The applicability of this section is set out in §63.1(a)(4).

(b) *Flares.*

(1) Owners or operators using flares to comply with the provisions of this part shall monitor these control devices to assure that they are operated and maintained in conformance with their designs. Applicable subparts will provide provisions stating how owners or operators using flares shall monitor these control devices.

(2) Flares shall be steam-assisted, air-assisted, or non-assisted.

(3) Flares shall be operated at all times when emissions may be vented to them.

(4) Flares shall be designed for and operated with no visible emissions, except for periods not to exceed a total of 5 minutes during any 2 consecutive hours. Test Method 22 in appendix A of part 60 of this chapter shall be used to determine the compliance of flares with the visible emission provisions of this part. The observation period is 2 hours and shall be used according to Method 22.

(5) Flares shall be operated with a flame present at all times. The presence of a flare pilot flame shall be monitored using a thermocouple or any other equivalent device to detect the presence of a flame.

(6) An owner/operator has the choice of adhering to the heat content specifications in paragraph (b)(6)(ii) of this section, and the maximum tip velocity specifications in paragraph (b)(7) or (b)(8) of this section, or adhering to the requirements in paragraph (b)(6)(i) of this section.

(i)

(A) Flares shall be used that have a diameter of 3 inches or greater, are nonassisted, have a hydrogen content of 8.0 percent (by volume) or greater, and are designed for and operated with an exit velocity less than 37.2 m/sec (122 ft/sec) and less than the velocity V_{max}, as determined by the following equation:

$$V_{max} = (X_{H2} - K_1) * K_2$$

Where:

V_{max} = Maximum permitted velocity, m/sec.

K_1 = Constant, 6.0 volume-percent hydrogen.

K_2 = Constant, 3.9(m/sec)/volume-percent hydrogen.

X_{H2} = The volume-percent of hydrogen, on a wet basis, as calculated by using the American Society for Testing and Materials (ASTM) Method D1946–77. (Incorporated by reference as specified in §63.14).

(B) The actual exit velocity of a flare shall be determined by the method specified in paragraph (b)(7)(i) of this section.

(ii) Flares shall be used only with the net heating value of the gas being combusted at 11.2 MJ/scm (300 Btu/scf) or greater if the flare is steam-assisted or air-assisted; or with the net heating value of the gas being combusted at 7.45 M/scm (200 Btu/scf) or greater if the flares is non-assisted. The net heating value of the gas being combusted in a flare shall be calculated using the following equation:

$$H_T = K \sum_{i=1}^{n} C_i H_i$$

Where:

H_T = Net heating value of the sample, MJ/scm; where the net enthalpy per mole of offgas is based on combustion at 25 °C and 760 mm Hg, but the standard temperature for determining the volume corresponding to one mole is 20 °C.

K = Constant=

$$1.740 \times 10^{-7} \left(\frac{1}{ppmv}\right)\left(\frac{\text{g-mole}}{\text{scm}}\right)\left(\frac{\text{MJ}}{\text{kcal}}\right)$$

where the standard temperature for (g-mole/scm) is 20 °C.

C_i = Concentration of sample component i in ppmv on a wet basis, as measured for organics by Test Method 18 and measured for hydrogen and carbon monoxide by American Society for Testing and Materials (ASTM) D1946–77 or 90 (Reapproved 1994) (incorporated by reference as specified in §63.14).

H_i = Net heat of combustion of sample component i, kcal/g-mole at 25 °C and 760 mm Hg. The heats of combustion may be determined using ASTM D2382–76 or 88 or D4809–95 (incorporated by reference as specified in §63.14) if published values are not available or cannot be calculated.

n = Number of sample components.

(7)

(i) Steam-assisted and nonassisted flares shall be designed for and operated with an exit velocity less than 18.3 m/sec (60 ft/sec), except as provided in paragraphs (b)(7)(ii) and (b)(7)(iii) of this section. The actual exit velocity of a flare shall be determined by dividing by the volumetric flow rate of gas being combusted (in units of emission standard temperature and pressure), as determined by Test Method 2, 2A, 2C, or 2D in appendix A to 40 CFR part 60 of this chapter, as appropriate, by the unobstructed (free) cross-sectional area of the flare tip.

(ii) Steam-assisted and nonassisted flares designed for and operated with an exit velocity, as determined by the method specified in paragraph (b)(7)(i) of this section, equal to or greater than 18.3 m/sec (60 ft/sec) but less than 122 m/sec (400 ft/sec), are allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1,000 Btu/scf).

(iii) Steam-assisted and nonassisted flares designed for and operated with an exit velocity, as determined by the method specified in paragraph (b)(7)(i) of this section, less than the velocity V_{max}, as determined by the method

specified in this paragraph, but less than 122 m/sec (400 ft/sec) are allowed. The maximum permitted velocity, V_{max}, for flares complying with this paragraph shall be determined by the following equation:

$$Log_{10}(V_{max})=(H_T+28.8)/31.7$$

Where:

V_{max} = Maximum permitted velocity, m/sec.

28.8 = Constant.

31.7 = Constant.

H_T = The net heating value as determined in paragraph (b)(6) of this section.

(8) Air-assisted flares shall be designed and operated with an exit velocity less than the velocity V_{max}. The maximum permitted velocity, V_{max}, for air-assisted flares shall be determined by the following equation:

$$V_{max}=8.71 = 0.708(H_T)$$

Where:

V_{max} = Maximum permitted velocity, m/sec.

8.71 = Constant.

0.708 = Constant.

H_T = The net heating value as determined in paragraph (b)(6)(ii) of this section.

[59 FR 12430, Mar. 16, 1994, as amended at 63 FR 24444, May 4, 1998; 65 FR 62215, Oct. 17, 2000; 67 FR 16605, Apr. 5, 2002]

§ 63.12 State authority and delegations.

(a) The provisions of this part shall not be construed in any manner to preclude any State or political subdivision thereof from—

(1) Adopting and enforcing any standard, limitation, prohibition, or other regulation applicable to an affected source subject to the requirements of this part, provided that such standard, limitation, prohibition, or regulation is not less stringent than any requirement applicable to such source established under this part;

(2) Requiring the owner or operator of an affected source to obtain permits, licenses, or approvals prior to initiating construction, reconstruction, modification, or operation of such source; or

(3) Requiring emission reductions in excess of those specified in subpart D of this part as a condition for granting the extension of compliance authorized by section 112(i)(5) of the Act.

(b)

(1) Section 112(l) of the Act directs the Administrator to delegate to each State, when appropriate, the authority to implement and enforce standards and other requirements pursuant to section 112 for stationary sources located in that State. Because of the unique nature of radioactive material, delegation of authority to implement and enforce standards that control radionuclides may require separate approval.

(2) Subpart E of this part establishes procedures consistent with section 112(l) for the approval of State rules or programs to implement and enforce applicable Federal rules promulgated under the authority of section 112. Subpart E also establishes procedures for the review and withdrawal of section 112 implementation and enforcement authorities granted through a section 112(l) approval.

(c) All information required to be submitted to the EPA under this part also shall be submitted to the appropriate State agency of any State to which authority has been delegated under section 112(l) of the Act, provided that each specific delegation may exempt sources from a certain Federal or State reporting requirement. The Administrator may permit all or some of the information to be submitted to the appropriate State agency only, instead of to the EPA and the State agency.

§ 63.13 Addresses of State air pollution control agencies and EPA Regional Offices.

(a) All requests, reports, applications, submittals, and other communications to the Administrator pursuant to this part shall be submitted to the appropriate Regional Office of the U.S. Environmental Protection Agency indicated in the following list of EPA Regional Offices.

EPA Region I (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont), Director, Air, Pesticides and Toxics Division, J.F.K. Federal Building, Boston, MA 02203–2211.

EPA Region II (New Jersey, New York, Puerto Rico, Virgin Islands), Director, Air and Waste Management Division, 26 Federal Plaza, New York, NY 10278.

EPA Region III (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia), Director, Air Protection Division, 1650 Arch Street, Philadelphia, PA 19103.

EPA Region IV (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee). Director, Air, Pesticides and Toxics Management Division, Atlanta Federal Center, 61 Forsyth Street, Atlanta, GA 30303–3104.

EPA Region V (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin), Director, Air and Radiation Division, 77 West Jackson Blvd., Chicago, IL 60604–3507.

EPA Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, Texas), Director, Air, Pesticides and Toxics, 1445 Ross Avenue, Dallas, TX 75202–2733.

EPA Region VII (Iowa, Kansas, Missouri, Nebraska), Director, Air, RCRA, and Toxics Division, U.S. Environmental Protection Agency, 901 N. 5th Street, Kansas City, KS 66101.

EPA Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming), Director, Air and Toxics Division, 999 18th Street, 1 Denver Place, Suite 500, Denver, CO 80202–2405.

EPA Region IX (Arizona, California, Hawaii, Nevada, American Samoa, Guam), Director, Air and Toxics Division, 75 Hawthorne Street, San Francisco, CA 94105.

EPA Region X (Alaska, Idaho, Oregon, Washington), Director, Office of Air Quality, 1200 Sixth Avenue (OAQ–107), Seattle, WA 98101.

(b) All information required to be submitted to the Administrator under this part also shall be submitted to the appropriate State agency of any State to which authority has been delegated under section 112(l) of the Act. The owner or operator of an affected source may contact the appropriate EPA Regional Office for the mailing addresses for those States whose delegation requests have been approved.

(c) If any State requires a submittal that contains all the information required in an application, notification, request, report, statement, or other communication required in this part, an owner or operator may send the appropriate Regional Office of the EPA a copy of that submittal to satisfy the requirements of this part for that communication.

[59 FR 12430, Mar. 16, 1994, as amended at 63 FR 66061, Dec. 1, 1998; 67 FR 4184, Jan. 29, 2002; 68 FR 32601, May 30, 2003; 68 FR 35792, June 17, 2003]

§ 63.14 Incorporations by reference.

(a) The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of the approval, and notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding addresses noted below, and all are available for inspection at the National Archives and Records Administration (NARA), at the Air and Radiation Docket and Information Center, U.S. EPA, 401 M St., SW., Washington, DC, and at the EPA Library (MD–35), U.S. EPA, Research Triangle Park, North Carolina. For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

(b) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428–2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.

(1) ASTM D523–89, Standard Test Method for Specular Gloss, IBR approved for §63.782.

(2) ASTM D1193–77, 91, Standard Specification for Reagent Water, IBR approved for Appendix A: Method 306, Sections 7.1.1 and 7.4.2.

(3) ASTM D1331–89, Standard Test Methods for Surface and Interfacial Tension of Solutions of Surface Active Agents, IBR approved for Appendix A: Method 306B, Sections 6.2, 11.1, and 12.2.2.

(4) ASTM D1475–90, Standard Test Method for Density of Paint, Varnish Lacquer, and Related Products, IBR approved for §63.788, Appendix A.

(5) ASTM D1946–77, 90, 94, Standard Method for Analysis of Reformed Gas by Gas Chromatography, IBR approved for §63.11(b)(6).

(6) ASTM D2369–93, 95, Standard Test Method for Volatile Content of Coatings, IBR approved for §63.788, Appendix A.

(7) ASTM D2382–76, 88, Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High-Precision Method), IBR approved for §63.11(b)(6).

(8) ASTM D2879–83, 96, Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, IBR approved for §63.111 and §63.2406.

(9) ASTM D3257–93, Standard Test Methods for Aromatics in Mineral Spirits by Gas Chromatography, IBR approved for §63.786(b).

(10) ASTM 3695–88, Standard Test Method for Volatile Alcohols in Water by Direct Aqueous-Injection Gas Chromatography, IBR approved for §63.365(e)(1) of Subpart O.

(11) ASTM D3792–91, Standard Method for Water Content of Water-Reducible Paints by Direct Injection into a Gas Chromatograph, IBR approved for §63.788, Appendix A.

(12) ASTM D3912–80, Standard Test Method for Chemical Resistance of Coatings Used in Light-Water Nuclear Power Plants, IBR approved for §63.782.

(13) ASTM D4017–90, 96a, Standard Test Method for Water in Paints and Paint Materials by the Karl Fischer Titration Method, IBR approved for §63.788, Appendix A.

(14) ASTM D4082–89, Standard Test Method for Effects of Gamma Radiation on Coatings for Use in Light-Water Nuclear Power Plants, IBR approved for §63.782.

(15) ASTM D4256–89, 94, Standard Test Method for Determination of the Decontaminability of Coatings Used in Light-Water Nuclear Power Plants, IBR approved for §63.782.

(16) ASTM D4809–95, Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter (Precision Method), IBR approved for §63.11(b)(6).

(17) ASTM E180–93, Standard Practice for Determining the Precision of ASTM Methods for Analysis and Testing of Industrial Chemicals, IBR approved for §63.786(b).

(18) ASTM E260–91, 96, General Practice for Packed Column Gas Chromatography, IBR approved for §§63.750(b)(2) and 63.786(b)(5).

(19)–(20) [Reserved]

(21) ASTM D2099–00, Standard Test Method for Dynamic Water Resistance of Shoe Upper Leather by the Maeser Water Penetration Tester, IBR approved for §63.5350.

(22)–(23) [Reserved]

(24) ASTM D2697–86 (Reapproved 1998), “Standard Test Method for Volume Nonvolatile Matter in Clear or Pigmented Coatings,” IBR approved for §§63.3161(f)(1), 63.3521(b)(1), 63.3941(b)(1), 63.4141(b)(1), 63.4741(b)(1), 63.4941(b)(1), and 63.5160(c).

(25) ASTM D6093–97 (Reapproved 2003), “Standard Test Method for Percent Volume Nonvolatile Matter in Clear or Pigmented Coatings Using a Helium Gas Pycnometer,” IBR approved for §§63.3161(f)(1), 63.3521(b)(1), 63.3941(b)(1), 63.4141(b)(1), 63.4741(b)(1), 63.4941(b)(1), and 63.5160(c).

(26) ASTM D1475–98 (Reapproved 2003), “Standard Test Method for Density of Liquid Coatings, Inks, and Related Products,” IBR approved for §§63.3151(b), 63.3941(b)(4), 63.3941(c), 63.3951(c), 63.4141(b)(3), 63.4141(c), and 63.4551(c).

(27) ASTM D6522–00, Standard Test Method for Determination of Nitrogen Oxides, Carbon Monoxide, and Oxygen Concentrations in Emissions from Natural Gas Fired Reciprocating Engines, Combustion Turbines, Boilers, and Process Heaters Using Portable Analyzers,[1] IBR approved for §63.9307(c)(2), Table 4 of Subpart ZZZZ, and Table 5 to Subpart DDDDD of this part.

(28) ASTM D6420–99 (Reapproved 2004), Standard Test Method for Determination of Gaseous Organic Compounds by Direct Interface Gas Chromatography-Mass Spectometry, IBR approved for §§63.772(a)(1)(ii), 63.2354(b)(3)(i), 63.2354(b)(3)(ii), 63.2354(b)(3)(ii)(A), and 63.2351(b)(3)(ii)(B).

(29) ASTM D6420–99, Standard Test Method for Determination of Gaseous Organic Compounds by Direct Interface Gas Chromatography-Mass Spectrometry, IBR approved for §§63.5799 and 63.5850.

(30) ASTM E 515–95 (Reapproved 2000), Standard Test Method for Leaks Using Bubble Emission Techniques, IBR approved for §63.425(i)(2).

(31) ASTM D5291–02, Standard Test Methods for Instrumental Determination of Carbon, Hydrogen, and Nitrogen in Petroleum Products and Lubricants, IBR approved for §63.3981, appendix A.

(32) ASTM D5965–02, "Standard Test Methods for Specific Gravity of Coating Powders," IBR approved for §§63.3151(b) and 63.3951(c).

(33) ASTM D6053–00, Standard Test Method for Determination of Volatile Organic Compound (VOC) Content of Electrical Insulating Varnishes, IBR approved for §63.3981, appendix A.

(34) E145–94 (Reapproved 2001), Standard Specification for Gravity-Convection and Forced-Ventilation Ovens, IBR approved for §63.4581, Appendix A.

(35) ASTM D6784–02, Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method),[1] IBR approved for Table 5 to Subpart DDDDD of this part.

(36) ASTM D5066–91 (Reapproved 2001), "Standard Test Method for Determination of the Transfer Efficiency Under Production Conditions for Spray Application of Automotive Paints-Weight Basis," IBR approved for §63.3161(g).

(37) ASTM D5087–02, "Standard Test Method for Determining Amount of Volatile Organic Compound (VOC) Released from Solventborne Automotive Coatings and Available for Removal in a VOC Control Device (Abatement)," IBR approved for §§63.3165(e) and 63.3176, appendix A.

(38) ASTM D6266–00a, "Test Method for Determining the Amount of Volatile Organic Compound (VOC) Released from Waterborne Automotive Coatings and Available for Removal in a VOC Control Device (Abatement)," IBR approved for §63.3165(e).

(39) ASTM Method D388–99,.[1] Standard Classification of Coals by Rank,[1] IBR approved for §63.7575.

(40) ASTM D396–02a, Standard Specification for Fuel Oils,[1] IBR approved for §63.7575.

(41) ASTM D1835–03a, Standard Specification for Liquified Petroleum (LP) Gases,[1] IBR approved for §63.7575.

(42) ASTM D2013–01, Standard Practice for Preparing Coal Samples for Analysis,[1] IBR approved for Table 6 to Subpart DDDDD of this part.

(43) ASTM D2234–00,.[1] Standard Practice for Collection of a Gross Sample of Coal,[1] IBR approved for Table 6 to Subpart DDDDD of this part.

(44) ASTM D3173–02, Standard Test Method for Moisture in the Analysis Sample of Coal and Coke,[1] IBR approved for Table 6 to Subpart DDDDD of this part.

(45) ASTM D3683–94 (Reapproved 2000), Standard Test Method for Trace Elements in Coal and Coke Ash Absorption,[1] IBR approved for Table 6 to Subpart DDDDD of this part.

(46) ASTM D3684–01, Standard Test Method for Total Mercury in Coal by the Oxygen Bomb Combustion/Atomic Absorption Method,[1] IBR approved for Table 6 to Subpart DDDDD of this part.

(47) ASTM D5198–92 (Reapproved 2003), Standard Practice for Nitric Acid Digestion of Solid Waste,[1] IBR approved for Table 6 to Subpart DDDDD of this part.

(48) ASTM D5865–03a, Standard Test Method for Gross Calorific Value of Coal and Coke,[1] IBR approved for Table 6 to Subpart DDDDD of this part.

(49) ASTM D6323–98 (Reapproved 2003), Standard Guide for Laboratory Subsampling of Media Related to Waste Management Activities,[1] IBR approved for Table 6 to Subpart DDDDD of this part.

(50) ASTM E711–87 (Reapproved 1996), Standard Test Method for Gross Calorific Value of Refuse-Derived Fuel by the Bomb Calorimeter,[1] IBR approved for Table 6 to Subpart DDDDD of this part.

(51) ASTM E776–87 (Reapproved 1996), Standard Test Method for Forms of Chlorine in Refuse-Derived Fuel,[1] IBR approved for Table 6 to Subpart DDDDD of this part.

(52) ASTM E871–82 (Reapproved 1998), Standard Method of Moisture Analysis of Particulate Wood Fuels,[1] IBR approved for Table 6 to Subpart DDDDD of this part.

(53) ASTM E885–88 (Reapproved 1996), Standard Test Methods for Analyses of Metals in Refuse-Derived Fuel by Atomic Absorption Spectroscopy,[1] IBR approved for Table 6 to Subpart DDDDD of this part 63.

(54) ASTM D6348–03, Standard Test Method for Determination of Gaseous Compounds by Extractive Direct Interface Fourier Transform Infrared (FTIR) Spectroscopy, incorporation by reference (IBR) approved for Table 4 to Subpart DDDD of this part as specified in the subpart.

(55) ASTM D2013–04, Standard Practice for Preparing Coal Samples for Analysis, IBR approved for Table 6 to subpart DDDDD of this part.

(56) ASTM D2234–D2234M–03, Standard Practice for Collection of a Gross Sample of Coal, IBR approved for Table 6 to subpart DDDDD of this part.

(57) ASTM D6721–01, Standard Test Method for Determination of Chlorine in Coal by Oxidative Hydrolysis Microcoulometry, IBR approved for Table 6 to subpart DDDDD of this part.

(58) ASTM D3173–03, Standard Test Method for Moisture in the Analysis Sample of Coal and Coke, IBR approved for Table 6 to subpart DDDDD of this part.

(59) ASTM D4606–03, Standard Test Method for Determination of Arsenic and Selenium in Coal by the Hydride Generation/Atomic Absorption Method, IBR approved for Table 6 to subpart DDDDD of this part.

(60) ASTM D6357–04, Standard Test Methods for Determination of Trace Elements in Coal, Coke, and Combustion Residues from Coal Utilization Processes by Inductively Coupled Plasma Atomic Emission Spectrometry, Inductively Coupled Plasma Mass Spectrometry, and Graphite Furnace Atomic Absorption Spectrometry, IBR approved for Table 6 to subpart DDDDD of this part.

(61) ASTM D6722–01, Standard Test Method for Total Mercury in Coal and Coal Combustion Residues by the Direct Combustion Analysis, IBR approved for Table 6 to subpart DDDDD of this part.

(62) ASTM D5865–04, Standard Test Method for Gross Calorific Value of Coal and Coke, IBR approved for Table 6 to subpart DDDDD of this part.

(c) The materials listed below are available for purchase from the American Petroleum Institute (API), 1220 L Street, NW., Washington, DC 20005.

(1) API Publication 2517, Evaporative Loss from External Floating-Roof Tanks, Third Edition, February 1989, IBR approved for §63.111 and §63.2406.

(2) API Publication 2518, Evaporative Loss from Fixed-roof Tanks, Second Edition, October 1991, IBR approved for §63.150(g)(3)(i)(C) of subpart G of this part.

(3) API Manual of Petroleum Measurement Specifications (MPMS) Chapter 19.2, Evaporative Loss From Floating-Roof Tanks (formerly API Publications 2517 and 2519), First Edition, April 1997, IBR approved for §63.1251 of subpart GGG of this part.

(d) *State and Local Requirements.* The materials listed below are available at the Air and Radiation Docket and Information Center, U.S. EPA, 401 M St., SW., Washington, DC.

(1) *California Regulatory Requirements Applicable to the Air Toxics Program*, January 5, 1999, IBR approved for §63.99(a)(5)(ii) of subpart E of this part.

(2) New Jersey's *Toxic Catastrophe Prevention Act Program*, (July 20, 1998), Incorporation By Reference approved for §63.99 (a)(30)(i) of subpart E of this part.

(3)

(i) Letter of June 7, 1999 to the U.S. Environmental Protection Agency Region 3 from the Delaware Department of Natural Resources and Environmental Control requesting formal full delegation to take over primary responsibility for implementation and enforcement of the Chemical Accident Prevention Program under Section 112(r) of the Clean Air Act Amendments of 1990.

(ii) Delaware Department of Natural Resources and Environmental Control, Division of Air and Waste Management, Accidental Release Prevention Regulation, sections 1 through 5 and sections 7 through 14, effective January 11, 1999, IBR approved for §63.99(a)(8)(i) of subpart E of this part.

(iii) State of Delaware Regulations Governing the Control of Air Pollution (October 2000), IBR approved for §63.99(a)(8)(ii)–(v) of subpart E of this part.

(4) Massachusetts Regulations Applicable to Hazardous Air Pollutants (July 2002). Incorporation By Reference approved for §63.99(a)(21)(ii) of subpart E of this part.

(5)

(i) New Hampshire Regulations Applicable to Hazardous Air Pollutants, March, 2003. Incorporation by Reference approved for §63.99(a)(29)(iii) of subpart E of this part.

(ii) New Hampshire Regulations Applicable to Hazardous Air Pollutants, September 2006. Incorporation by Reference approved for §63.99(a)(29)(iv) of subpart E of this part.

(6) Maine Regulations Applicable to Hazardous Air Pollutants (March 2006). Incorporation By Reference approved for §63.99(a)(19)(iii) of subpart E of this part.

(e) The materials listed below are available for purchase from the National Institute of Standards and Technology, Springfield, VA 22161, (800) 553–6847.

(1) Handbook 44, Specificiations, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices 1998, IBR approved for §63.1303(e)(3).

(2) [Reserved]

(f) The following material is available from the National Council of the Paper Industry for Air and Stream Improvement, Inc. (NCASI), P.O. Box 133318, Research Triangle Park, NC 27709–3318 or at *http://www.ncasi.org.*

(1) NCASI Method DI/MEOH–94.02, Methanol in Process Liquids GC/FID (Gas Chromatography/Flame Ionization Detection), August 1998, Methods Manual, NCASI, Research Triangle Park, NC, IBR approved for §63.457(c)(3)(ii) of subpart S of this part.

(2) NCASI Method CI/WP–98.01, Chilled Impinger Method For Use At Wood Products Mills to Measure Formaldehyde, Methanol, and Phenol, 1998, Methods Manual, NCASI, Research Triangle Park, NC, IBR approved for Table 4 to Subpart DDDD of this part.

(3) NCASI Method IM/CAN/WP–99.02, Impinger/Canister Source Sampling Method for Selected HAPs and Other Compounds at Wood Products Facilities, January 2004, Methods Manual, NCASI, Research Triangle Park, NC, IBR approved for Table 4 to Subpart DDDD of this part.

(4) NCASI Method ISS/FP A105.01, Impinger Source Sampling Method for Selected Aldehydes, Ketones, and Polar Compounds, December 2005, Methods Manual, NCASI, Research Triangle Park, NC, IBR approved for table 4 to subpart DDDD of this part.

(g) The materials listed below are available for purchase from AOAC International, Customer Services, Suite 400, 2200 Wilson Boulevard, Arlington, Virginia, 22201–3301, Telephone (703) 522–3032, Fax (703) 522–5468.

(1) AOAC Official Method 978.01 Phosphorus (Total) in Fertilizers, Automated Method, Sixteenth edition, 1995, IBR approved for §63.626(d)(3)(vi).

(2) AOAC Official Method 969.02 Phosphorus (Total) in Fertilizers, Alkalimetric Quinolinium Molybdophosphate Method, Sixteenth edition, 1995, IBR approved for §63.626(d)(3)(vi).

(3) AOAC Official Method 962.02 Phosphorus (Total) in Fertilizers, Gravimetric Quinolinium Molybdophosphate Method, Sixteenth edition, 1995, IBR approved for §63.626(d)(3)(vi).

(4) AOAC Official Method 957.02 Phosphorus (Total) in Fertilizers, Preparation of Sample Solution, Sixteenth edition, 1995, IBR approved for §63.626(d)(3)(vi).

(5) AOAC Official Method 929.01 Sampling of Solid Fertilizers, Sixteenth edition, 1995, IBR approved for §63.626(d)(3)(vi).

(6) AOAC Official Method 929.02 Preparation of Fertilizer Sample, Sixteenth edition, 1995, IBR approved for §63.626(d)(3)(vi).

(7) AOAC Official Method 958.01 Phosphorus (Total) in Fertilizers, Spectrophotometric Molybdovanadophosphate Method, Sixteenth edition, 1995, IBR approved for §63.626(d)(3)(vi).

(h) The materials listed below are available for purchase from The Association of Florida Phosphate Chemists, P.O. Box 1645, Bartow, Florida, 33830, Book of Methods Used and Adopted By The Association of Florida Phosphate Chemists, Seventh Edition 1991, IBR.

(1) Section IX, Methods of Analysis for Phosphate Rock, No. 1 Preparation of Sample, IBR approved for §63.606(c)(3)(ii) and §63.626(c)(3)(ii).

(2) Section IX, Methods of Analysis for Phosphate Rock, No. 3 Phosphorus—P_2O_5or $Ca_3(PO_4)_2$, Method A-Volumetric Method, IBR approved for §63.606(c)(3)(ii) and §63.626(c)(3)(ii).

(3) Section IX, Methods of Analysis for Phosphate Rock, No. 3 Phosphorus-P_2O_5or $Ca_3(PO_4)_2$, Method B—Gravimetric Quimociac Method, IBR approved for §63.606(c)(3)(ii) and §63.626(c)(3)(ii).

(4) Section IX, Methods of Analysis For Phosphate Rock, No. 3 Phosphorus-P_2O_5or $Ca_3(PO_4)_2$, Method C—Spectrophotometric Method, IBR approved for §63.606(c)(3)(ii) and §63.626(c)(3)(ii).

(5) Section XI, Methods of Analysis for Phosphoric Acid, Superphosphate, Triple Superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-P_2O_5, Method A—Volumetric Method, IBR approved for §63.606(c)(3)(ii), §63.626(c)(3)(ii), and §63.626(d)(3)(v).

(6) Section XI, Methods of Analysis for Phosphoric Acid, Superphosphate, Triple Superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-P_2O_5, Method B—Gravimetric Quimociac Method, IBR approved for §63.606(c)(3)(ii), §63.626(c)(3)(ii), and §63.626(d)(3)(v).

(7) Section XI, Methods of Analysis for Phosphoric Acid, Superphosphate, Triple Superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-P_2O_5, Method C—Spectrophotometric Method, IBR approved for §63.606(c)(3)(ii), §63.626(c)(3)(ii), and §63.626(d)(3)(v).

(i) The following materials are available for purchase from at least one of the following addresses: ASME International, Orders/Inquiries, P.O. Box 2900, Fairfield, NJ 07007–2900; or Global Engineering Documents, Sales Department, 15 Inverness Way East, Englewood, CO 80112.

(1) ANSI/ASME PTC 19.10–1981, “Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus],” IBR approved for §§63.309(k)(1)(iii), 63.865(b), 63.3166(a)(3), 63.3360(e)(1)(iii), 63.3545(a)(3), 63.3555(a)(3), 63.4166(a)(3), 63.4362(a)(3), 63.4766(a)(3), 63.4965(a)(3), 63.5160(d)(1)(iii), 63.9307(c)(2), 63.9323(a)(3), 63.11148(e)(3)(iii), 63.11155(e)(3), 63.11162(f)(3)(iii) and (f)(4), 63.11163(g)(1)(iii) and (g)(2), 63.11410(j)(1)(iii), and Table 5 of subpart DDDDD of this part.

(2) [Reserved]

(j) The following material is available for purchase from: British Standards Institute, 389 Chiswick High Road, London W4 4AL, United Kingdom.

(1) BS EN 1593:1999, Non-destructive Testing: Leak Testing—Bubble Emission Techniques, IBR approved for §63.425(i)(2).

(2) [Reserved]

(k) The following materials are available for purchase from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161, (703) 605–6000 or (800) 553–6847; or for purchase from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512–1800:

(1) The following methods as published in the test methods compendium known as “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” EPA Publication SW–846, Third Edition. A suffix of “A” in the method number indicates revision one (the method has been revised once). A suffix of “B” in the method number indicates revision two (the method has been revised twice).

(i) Method 0023A, "Sampling Method for Polychlorinated Dibenzo- *p* -Dioxins and Polychlorinated Dibenzofuran Emissions from Stationary Sources," dated December 1996 and in Update III, IBR approved for §63.1208(b)(1) of Subpart EEE of this part.

(ii) Method 9071B, "n-Hexane Extractable Material (HEM) for Sludge, Sediment, and Solid Samples," dated April 1998 and in Update IIIA, IBR approved for §63.7824(e) of Subpart FFFFF of this part.

(iii) Method 9095A, "Paint Filter Liquids Test," dated December 1996 and in Update III, IBR approved for §§63.7700(b) and 63.7765 of Subpart EEEEE of this part.

(2) [Reserved]

[59 FR 12430, Mar. 16, 1994]

Editorial Note: For Federal Register citations affecting §63.14, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 63.15 Availability of information and confidentiality.

(a) *Availability of information.*

(1) With the exception of information protected through part 2 of this chapter, all reports, records, and other information collected by the Administrator under this part are available to the public. In addition, a copy of each permit application, compliance plan (including the schedule of compliance), notification of compliance status, excess emissions and continuous monitoring systems performance report, and title V permit is available to the public, consistent with protections recognized in section 503(e) of the Act.

(2) The availability to the public of information provided to or otherwise obtained by the Administrator under this part shall be governed by part 2 of this chapter.

(b) *Confidentiality.*

(1) If an owner or operator is required to submit information entitled to protection from disclosure under section 114(c) of the Act, the owner or operator may submit such information separately. The requirements of section 114(c) shall apply to such information.

(2) The contents of a title V permit shall not be entitled to protection under section 114(c) of the Act; however, information submitted as part of an application for a title V permit may be entitled to protection from disclosure.

§ 63.16 Performance Track Provisions.

(a) Notwithstanding any other requirements in this part, an affected source at any major source or any area source at a Performance Track member facility, which is subject to regular periodic reporting under any subpart of this part, may submit such periodic reports at an interval that is twice the length of the regular period specified in the applicable subparts; provided, that for sources subject to permits under 40 CFR part 70 or 71 no interval so calculated for any report of the results of any required monitoring may be less frequent than once in every six months.

(b) Notwithstanding any other requirements in this part, the modifications of reporting requirements in paragraph (c) of this section apply to any major source at a Performance Track member facility which is subject to requirements under any of the subparts of this part and which has:

(1) Reduced its total HAP emissions to less than 25 tons per year;

(2) Reduced its emissions of each individual HAP to less than 10 tons per year; and

(3) Reduced emissions of all HAPs covered by each MACT standard to at least the level required for full compliance with the applicable emission standard.

(c) For affected sources at any area source at a Performance Track member facility and which meet the requirements of paragraph (b)(3) of this section, or for affected sources at any major source that meet the requirements of paragraph (b) of this section:

(1) If the emission standard to which the affected source is subject is based on add-on control technology, and the affected source complies by using add-on control technology, then all required reporting elements in the periodic report may be met through an annual certification that the affected source is meeting the emission standard by continuing to use that control technology. The affected source must continue to meet all relevant monitoring and

recordkeeping requirements. The compliance certification must meet the requirements delineated in Clean Air Act section 114(a)(3).

(2) If the emission standard to which the affected source is subject is based on add-on control technology, and the affected source complies by using pollution prevention, then all required reporting elements in the periodic report may be met through an annual certification that the affected source is continuing to use pollution prevention to reduce HAP emissions to levels at or below those required by the applicable emission standard. The affected source must maintain records of all calculations that demonstrate the level of HAP emissions required by the emission standard as well as the level of HAP emissions achieved by the affected source. The affected source must continue to meet all relevant monitoring and recordkeeping requirements. The compliance certification must meet the requirements delineated in Clean Air Act section 114(a)(3).

(3) If the emission standard to which the affected source is subject is based on pollution prevention, and the affected source complies by using pollution prevention and reduces emissions by an additional 50 percent or greater than required by the applicable emission standard, then all required reporting elements in the periodic report may be met through an annual certification that the affected source is continuing to use pollution prevention to reduce HAP emissions by an additional 50 percent or greater than required by the applicable emission standard. The affected source must maintain records of all calculations that demonstrate the level of HAP emissions required by the emission standard as well as the level of HAP emissions achieved by the affected source. The affected source must continue to meet all relevant monitoring and recordkeeping requirements. The compliance certification must meet the requirements delineated in Clean Air Act section 114(a)(3).

(4) Notwithstanding the provisions of paragraphs (c)(1) through (3), of this section, for sources subject to permits under 40 CFR part 70 or 71, the results of any required monitoring and recordkeeping must be reported not less frequently than once in every six months.

[69 FR 21753, Apr. 22, 2004]

{Last updated 4/27/06}

Subpart F - National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry (SOCMI)

40 CFR 63.100 Applicability and Designation of Source;
40 CFR 63.101 Definitions;
40 CFR 63.102 Emission standard;
40 CFR 63.103 General compliance, reporting, and recordkeeping provisions;
40 CFR 63.104 Heat exchange system requirements;
40 CFR 63.105 Maintenance wastewater requirements;
40 CFR 63.106 Delegation of authority.

Tables to Subpart F

Table 1- Synthetic Organic Chemical Manufacturing Chemicals
Table 2- Organic Hazardous Air Pollutants
Table 3- General Provisions to Subpart F, G, and H to Subpart F
Table 4- Organic Hazardous Air Pollutants subject to cooling tower monitoring required in Sec. 63.104

Appendix to Subpart F- General Provisions for Subpart F

40 CFR 63.100 - Applicability and designation of source
(a) This Subpart provides applicability provisions, definitions, and other general provisions that are applicable to Subparts G and H of this part.
(b) Except as provided in paragraphs (b)(4) and (c) of this section, the provisions of Subparts F, G, and H of this part apply to chemical manufacturing process units that meet all the criteria specified in paragraphs (b)(1), (b)(2), and (b)(3) of this section:

(1) Manufacture as a primary product one or more of the chemicals listed in paragraphs (b)(1)(i) or (b)(1)(ii) of this section.

(i) One or more of the chemicals listed in table 1 of this Subpart; or

(ii) One or more of the chemicals listed in paragraphs (b)(1)(ii)(A) or (b)(1)(ii)(B) of this section:

(A) Tetrahydrobenzaldehyde (CAS Number 100-50-5); or

(B) Crotonaldehyde (CAS Number 123-73-9).

(2) Use as a reactant or manufacture as a product, or co-product, one or more of the organic hazardous air pollutants listed in table 2 of this Subpart;

(3) Are located at a plant site that is a major source as defined in section 112(a) of the Act.

(4) The owner or operator of a chemical manufacturing processing unit is exempt from all requirements of Subparts F, G, and H of this part until not later than April 22, 1997 if the owner or operator certifies, in a notification to the appropriate EPA Regional Office, not later than May 14, 1996, that the plant site at which the chemical manufacturing processing unit is located emits, and will continue to emit, during any 12-month period, less than 10 tons per year of any individual hazardous air pollutants (HAP), and less than 25 tons per year of any combination of HAP.

(i) If such a determination is based on limitations and conditions that are not federally enforceable (as defined in Subpart A of this part), the owner or operator shall document

the basis for the determination as specified in paragraphs (b)(4)(i)(A) through (b)(4)(i)(C) and comply with the recordkeeping requirement in 63.103(f).

(A) The owner or operator shall identify all HAP emission points at the plant site, including those emission points subject to and emission points not subject to Subparts F, G, and H;

(B) The owner or operator shall calculate the amount of annual HAP emissions released from each emission point at the plant site, using acceptable measurement or estimating techniques for maximum expected operating conditions at the plant site. Examples of estimating procedures that are considered acceptable include the calculation procedures in 40 CFR 63.150 of Subpart G, the early reduction demonstration procedures specified in 40 CFR40 CFR 63.74 (c)(2), (c)(3), (d)(2), (d)(3), and (g), or accepted engineering practices. If the total annual HAP emissions for the plant site are annually reported under Emergency Planning and Community Right-to-Know Act (EPCRA) section 313, then such reported annual emissions may be used to satisfy the requirements of 40 CFR 63.100(b)(4)(i)(B).

(C) The owner or operator shall sum the amount of annual HAP emissions from all emission points on the plant site. If the total emissions of any one HAP are less than 10 tons per year and the total emissions of any combination of HAP are less than 25 tons per year, the plant site qualifies for the exemption described in paragraph (b)(4) of this section, provided that emissions are kept below these thresholds.

(ii) If such a determination is based on limitations and conditions that are federally enforceable (as defined in Subpart A of this part), the owner or operator is not subject to the provisions of paragraph (b)(4) of this section.

(c) The owner or operator of a chemical manufacturing process unit that meets the criteria specified in paragraphs (b)(1) and (b)(3) of this section but does not use as a reactant or manufacture as a product or co-product, any organic hazardous air pollutant listed in table 2 of this Subpart shall comply only with the requirements of 40 CFR 63.103(e) of this Subpart. To comply with this Subpart, such chemical manufacturing process units shall not be required to comply with the provisions of Subpart A of this part.

(d) The primary product of a chemical manufacturing process unit shall be determined according to the procedures specified in paragraphs (d)(1), (d)(2), (d)(3), and (d)(4) of this section.

(1) If a chemical manufacturing process unit produces more than one intended chemical product, the product with the greatest annual design capacity on a mass basis determines the primary product of the process.

(2) If a chemical manufacturing process unit has two or more products that have the same maximum annual design capacity on a mass basis and if one of those chemicals is listed in table 1 of this Subpart, then the listed chemical is considered the primary product and the chemical manufacturing process unit is subject to this Subpart. If more than one of the products is listed in table 1 of this Subpart, then the owner or operator may designate as the primary product any of the listed chemicals and the chemical manufacturing process unit is subject to this Subpart.

(3) For chemical manufacturing process units that are designed and operated as flexible operation units producing one or more chemicals listed in table 1 of this Subpart, the primary product shall be determined for existing sources based on the expected utilization for the five years following April 22, 1994 and for new sources based on the expected utilization for the first five years after initial startup.

(i) If the predominant use of the flexible operation unit, as described in paragraphs (d)(3)(i)(A) and (d)(3)(i)(B) of this section, is to produce one or more chemicals listed in table 1 of this Subpart, then the flexible operation unit shall be subject to the provisions of Subparts F, G, and H of this part.

(A) If the flexible operation unit produces one product for the greatest annual operating time, then that product shall represent the primary product of the flexible operation unit.

(B) If the flexible operation unit produces multiple chemicals equally based on operating time, then the product with the greatest annual production on a mass basis shall represent the primary product of the flexible operation unit.

(ii) The determination of applicability of this Subpart to chemical manufacturing process units that are designed and operated as flexible operation units shall be reported as part of an operating permit application or as otherwise specified by the permitting authority.

(4) Notwithstanding the provisions of paragraph (d)(3) of this section, for chemical manufacturing process units that are designed and operated as flexible operation units producing a chemical listed in paragraph (b)(1)(ii) of this section, the primary product shall be determined for existing sources based on the expected utilization for the five years following May 12, 1998 and for new sources based on the expected utilization for the first five years after the initial start-up.

(i) The predominant use of the flexible operation unit shall be determined according to paragraphs (d)(3)(i)(A) and (d)(3)(i)(B) of this section. If the predominant use is to produce one of the chemicals listed in paragraph (b)(1)(ii) of this section, then the flexible operation unit shall be subject to the provisions of this Subpart and Subparts G and H of this part.

(ii) The determination of applicability of this Subpart to chemical manufacturing process units that are designed and operated as flexible operation units shall be reported as part of an operating permit application or as otherwise specified by the permitting authority.

(e) The source to which this Subpart applies is the collection of all chemical manufacturing process units and the associated equipment at a major source that meet the criteria specified in paragraphs (b)(1) through (3) of this section. The source includes the process vents; storage vessels; transfer racks; waste management units; maintenance wastewater; heat exchange systems; equipment identified in 40 CFR 63.149; and pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, instrumentation systems, surge control vessels, and bottoms receivers that are associated with that collection of chemical manufacturing process units. The source also includes equipment required by, or utilized as a method of compliance with, Subparts F, G, or H of this part which may include control devices and recovery devices.

(1) This Subpart applies to maintenance wastewater and heat exchange systems within a source that is subject to this Subpart.

(2) This Subpart F and Subpart G of this part apply to process vents, storage vessels, transfer racks, equipment identified in 40 CFR 63.149 of Subpart G of this part, and wastewater streams and associated treatment residuals within a source that is subject to this Subpart.

(3) This Subpart F and Subpart H of this part apply to pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, instrumentation systems, surge control vessels, and bottoms receivers within a source that is subject to this Subpart. If specific items of equipment, comprising part of a chemical manufacturing process unit subject to this Subpart, are managed by different administrative organizations (e.g., different companies, affiliates, departments, divisions, etc.), those items of equipment may be aggregated with any chemical manufacturing process unit within the source for all purposes under Subpart H of this part, providing there is no delay in the applicable compliance date in 40 CFR 63.100(k).

(f) The source includes the emission points listed in paragraphs (f)(1) through (f)(11) of this section, but those emission points are not subject to the requirements of this Subpart F and Subparts G and H of this part. This Subpart does not require emission points that are listed in paragraphs (f)(1) through (f)(11) of this section to comply with the provisions of Subpart A of this part.

(1) Equipment that is located within a chemical manufacturing process unit that is subject to this Subpart but the equipment does not contain organic hazardous air pollutants.

(2) Stormwater from segregated sewers;

(3) Water from fire-fighting and deluge systems in segregated sewers;

(4) Spills;

(5) Water from safety showers;

(6) Water from testing of deluge systems;

(7) Water from testing of firefighting systems;

(8) Vessels storing organic liquids that contain organic hazardous air pollutants only as impurities;

(9) Loading racks, loading arms, or loading hoses that only transfer liquids containing organic hazardous air pollutants as impurities;

(10) Loading racks, loading arms, or loading hoses that vapor balance during all loading operations; and

(11) Equipment that is intended to operate in organic hazardous air pollutant service, as defined in 40 CFR 63.161 of Subpart H of this part, for less than 300 hours during the calendar year.

(g) The owner or operator shall follow the procedures specified in paragraphs (g)(1) through (g)(4) of this section to determine whether a storage vessel is part of the source to which this Subpart applies.

(1) Where a storage vessel is dedicated to a chemical manufacturing process unit, the storage vessel shall be considered part of that chemical manufacturing process unit.

(i) If the chemical manufacturing process unit is subject to this Subpart according to the criteria specified in paragraph (b) of this section, then the storage vessel is part of the source to which this Subpart applies.

(ii) If the chemical manufacturing process unit is not subject to this Subpart according to the criteria specified in paragraph (b) of this section, then the storage vessel is not part of the source to which this Subpart applies.

(2) If a storage vessel is not dedicated to a single chemical manufacturing process unit, then the applicability of this Subpart F and Subpart G of this part shall be determined according to the provisions in paragraphs (g)(2)(i) through (g)(2)(iii) of this section.

(i) If a storage vessel is shared among chemical manufacturing process units and one of the process units has the predominant use, as determined by paragraph (g)(2)(i)(A) and (g)(2)(i)(B) of this section, then the storage vessel is part of that chemical manufacturing process unit.

(A) If the greatest input into the storage vessel is from a chemical manufacturing process unit that is located on the same plant site, then that chemical manufacturing process unit has the predominant use.

(B) If the greatest input into the storage vessel is provided from a chemical manufacturing process unit that is not located on the same plant site, then the predominant use is the chemical manufacturing process unit on the same plant site that receives the greatest amount of material from the storage vessel.

(ii) If a storage vessel is shared among chemical manufacturing process units so that there is no single predominant use, and at least one of those chemical manufacturing process units is subject to this Subpart, the storage vessel shall be considered to be part of the chemical manufacturing process unit that is subject to this Subpart. If more than one chemical manufacturing process unit is subject to this Subpart, the owner or operator may assign the storage vessel to any of the chemical manufacturing process units subject to this Subpart.

(iii) If the predominant use of a storage vessel varies from year to year, then the applicability of this Subpart shall be determined according to the criteria in paragraphs (g)(2)(iii)(A) and (g)(2)(iii)(B) of this section, as applicable.

(A) For chemical manufacturing process units that produce one or more of the chemicals listed in table 1 of this Subpart and meet the criteria in paragraphs (b)(2) and

(b)(3) of this section, the applicability shall be based on the utilization that occurred during the 12-month period preceding April 22, 1994.

(B) For chemical manufacturing process units that produce one or more of the chemicals listed in paragraph (b)(1)(ii) of this section and meet the criteria in paragraphs (b)(2) and (b)(3) of this section, the applicability shall be based on the utilization that occurred during the 12-month period preceding May 12, 1998.

(iv) If there is a change in the material stored in the storage vessel, the owner or operator shall reevaluate the applicability of this Subpart to the vessel.

(3) Where a storage vessel is located at a major source that includes one or more chemical manufacturing process units which place material into, or receive materials from the storage vessel, but the storage vessel is located in a tank farm (including a marine tank farm), the applicability of this Subpart F and Subpart G of this part shall be determined according to the provisions in paragraphs (g)(3)(i) through (g)(3)(iv) of this section.

(i) The storage vessel may only be assigned to a chemical manufacturing process unit that utilizes the storage vessel and does not have an intervening storage vessel for that product (or raw material, as appropriate). With respect to any chemical manufacturing process unit, an intervening storage vessel means a storage vessel connected by hard-piping to the chemical manufacturing process unit and to the storage vessel in the tank farm so that product or raw material entering or leaving the chemical manufacturing process unit flows into (or from) the intervening storage vessel and does not flow directly into (or from) the storage vessel in the tank farm.

(ii) If there is no chemical manufacturing process unit at the major source that meets the criteria of paragraph (g)(3)(i) of this section with respect to a storage vessel, this Subpart F and Subpart G of this part do not apply to the storage vessel.

(iii) If there is only one chemical manufacturing process unit at the major source that meets the criteria of paragraph (g)(3)(i) of this section with respect to a storage vessel, the storage vessel shall be assigned to that chemical manufacturing process unit. Applicability of this Subpart F and Subpart G to this part to the storage vessel shall then be determined according to the provisions of paragraph (b) of this section.

(iv) If there are two or more chemical manufacturing process units at the major source that meet the criteria of paragraph (g)(3)(i) of this section with respect to a storage vessel, the storage vessel shall be assigned to one of those chemical manufacturing process units according to the provisions of paragraph (g)(2) of this section. The predominant use shall be determined among only those chemical manufacturing process units that meet the criteria of paragraph (g)(3)(i) of this section. Applicability of this Subpart F and Subpart G of this part to the storage vessel shall then be determined according to the provisions of paragraph (b) of this section.

(4) If the storage vessel begins receiving material from (or sending material to) another chemical manufacturing process unit, or ceasing to receive material from (or send material to) a chemical manufacturing process unit, or if the applicability of this Subpart F and Subpart G of this part to a storage vessel has been determined according to the provisions of paragraphs (g)(2)(i) through (g)(2)(ii) of this section and there is a change so that the predominant use may reasonably have changed, the owner or operator shall reevaluate the applicability of this Subpart to the storage vessel.

(h) The owner or operator shall follow the procedures specified in paragraphs (h)(1) and (h)(2) of this section to determine whether the arms and hoses in a loading rack are part of the source to which this Subpart applies.

(1) Where a loading rack is dedicated to a chemical manufacturing process unit, the loading rack shall be considered part of that specific chemical manufacturing process unit.

(i) If the chemical manufacturing process unit is subject to this Subpart according to the criteria specified in paragraph (b) of this section and the loading rack does not meet the

criteria specified in paragraphs (f)(9) and (f)(10) of this section, then the loading rack is considered a transfer rack (as defined in 40 CFR 63.101 of this Subpart) and is part of the source to which this Subpart applies.

(ii) If the chemical manufacturing process unit is not subject to this Subpart according to the criteria specified in paragraph (b) of this section, then the loading rack is not considered a transfer rack (as defined in 40 CFR 63.101 of this Subpart) and is not a part of the source to which this Subpart applies.

(2) If a loading rack is shared among chemical manufacturing process units, then the applicability of this Subpart F and Subpart G of this part shall be determined at each loading arm or loading hose according to the provisions in paragraphs (h)(2)(i) through (h)(2)(iv) of this section.

(i) Each loading arm or loading hose that is dedicated to the transfer of liquid organic hazardous air pollutants listed in table 2 of this Subpart from a chemical manufacturing process unit to which this Subpart applies is part of that chemical manufacturing process unit and is part of the source to which this Subpart applies unless the loading arm or loading hose meets the criteria specified in paragraphs (f)(9) or (f)(10) of this section.

(ii) If a loading arm or loading hose is shared among chemical manufacturing process units, and one of the chemical manufacturing process units provides the greatest amount of the material that is loaded by the loading arm or loading hose, then the loading arm or loading hose is part of that chemical manufacturing process unit.

(A) If the chemical manufacturing process unit is subject to this Subpart according to the criteria specified in paragraph (b) of this section, then the loading arm or loading hose is part of the source to which this Subpart applies unless the loading arm or loading hose meets the criteria specified in paragraphs (f)(9) or (f)(10) of this section.

(B) If the chemical manufacturing process unit is not subject to this Subpart according to the criteria specified in paragraph (b) of this section, then the loading arm or loading hose is not part of the source to which this Subpart applies.

(iii) If a loading arm or loading hose is shared among chemical manufacturing process units so that there is no single predominant use as described in paragraph (h)(2)(ii) of this section and at least one of those chemical manufacturing process units is subject to this Subpart, then the loading arm or hose is part of the chemical manufacturing process unit that is subject to this Subpart. If more than one of the chemical manufacturing process units is subject to this Subpart, the owner or operator may assign the loading arm or loading hose to any of the chemical manufacturing process units subject to this Subpart.

(iv) If the predominant use of a loading arm or loading hose varies from year to year, then the applicability of this Subpart shall be determined according to the criteria in paragraphs (h)(2)(iv)(A) and (h)(2)(iv)(B) of this section, as applicable.

(A) For chemical manufacturing process units that produce one or more of the chemicals listed in table 1 of this Subpart and meet the criteria in paragraphs (b)(2) and (b)(3) of this section, the applicability shall be based on the utilization that occurred during the 12-month period preceding April 22, 1994.

(B) For chemical manufacturing process units that produce one or more of the chemicals listed in paragraph (b)(1)(ii) of this section and meet the criteria in paragraphs (b)(2) and (b)(3) of this section, the applicability shall be based on the utilization that occurred during the year preceding May 12, 1998.

(3) If a loading rack that was dedicated to a single chemical manufacturing process unit begins to serve another chemical manufacturing process unit, or if applicability was determined under the provisions of paragraphs (h)(2)(i) through (h)(2)(iv) of this section and there is a change so that the predominant use may reasonably have changed, the owner or operator shall reevaluate the applicability of this Subpart to the loading rack, loading arm, or loading hose.

(i) Except as provided in paragraph (i)(4) of this section, the owner or operator shall follow the procedures specified in paragraphs (i)(1) through (i)(3) and (i)(5) of this section to determine whether the vent(s) from a distillation unit is part of the source to which this Subpart applies.

(1) Where a distillation unit is dedicated to a chemical manufacturing process unit, the distillation column shall be considered part of that chemical manufacturing process unit.

(i) If the chemical manufacturing process unit is subject to this Subpart according to the criteria specified in paragraph (b) of this section, then the distillation unit is part of the source to which this Subpart applies.

(ii) If the chemical manufacturing process unit is not subject to this Subpart according to the criteria specified in paragraph (b) of this section, then the distillation unit is not part of the source to which this Subpart applies.

(2) If a distillation unit is not dedicated to a single chemical manufacturing process unit, then the applicability of this Subpart and Subpart G of this part shall be determined according to the provisions in paragraphs (i)(2)(i) through (i)(2)(iv) of this section.

(i) If the greatest input to the distillation unit is from a chemical manufacturing process unit located on the same plant site, then the distillation unit shall be assigned to that chemical manufacturing process unit.

(ii) If the greatest input to the distillation unit is provided from a chemical manufacturing process unit that is not located on the same plant site, then the distillation unit shall be assigned to the chemical manufacturing process unit located at the same plant site that receives the greatest amount of material from the distillation unit.

(iii) If a distillation unit is shared among chemical manufacturing process units so that there is no single predominant use as described in paragraphs (i)(2)(i) and (i)(2)(ii) of this section, and at least one of those chemical manufacturing process units is subject to this Subpart, the distillation unit shall be assigned to the chemical manufacturing process unit that is subject to this Subpart. If more than one chemical manufacturing process unit is subject to this Subpart, the owner or operator may assign the distillation unit to any of the chemical manufacturing process units subject to this Subpart.

(iv) If the predominant use of a distillation unit varies from year to year, then the applicability of this Subpart shall be determined according to the criteria in paragraphs (i)(2)(iv)(A) and (i)(2)(iv)(B), as applicable.

(A) For chemical manufacturing process units that produce one or more of the chemicals listed in table 1 of this Subpart and meet the criteria in paragraphs (b)(2) and (b)(3) of this section, the applicability shall be based on the utilization that occurred during the year preceding April 22, 1994.

(B) For chemical manufacturing process units that produce one or more of the chemicals listed in paragraph (b)(1)(i) of this section and meet the criteria in paragraphs (b)(2) and (b)(3) of this section, the applicability shall be based on the utilization that occurred during the year preceding May 12, 1998.

(3) If the chemical manufacturing process unit to which the distillation unit is assigned is subject to this Subpart, then each vent from the individual distillation unit shall be considered separately to determine whether it is a process vent (as defined in 40 CFR 63.101 of this Subpart). Each vent that is a process vent is part of the source to which this Subpart applies.

(4) If the distillation unit is part of one of the chemical manufacturing process units listed in paragraphs (i)(4)(i) through (i)(4)(iii) of this section, then each vent from the individual distillation unit shall be considered separately to determine whether it is a process vent (as defined in 40 CFR 63.101 of this Subpart). Each vent that is a process vent is part of the source to which this Subpart applies:

(i) The Aromex unit that produces benzene, toluene, and xylene;

(ii) The unit that produces hexane; or

(iii) The unit that produces cyclohexane.

(5) If a distillation unit that was dedicated to a single chemical manufacturing process unit, or that was part of a chemical manufacturing unit identified in paragraphs (i)(4)(i) through (i)(4)(iii) of this section, begins to serve another chemical manufacturing process unit, or if applicability was determined under the provisions of paragraphs (i)(2)(i) through (i)(2)(iv) of this section and there is a change so that the predominant use may reasonably have changed, the owner or operator shall reevaluate the applicability of this Subpart to the distillation unit.

(j) The provisions of Subparts F, G, and H of this part do not apply to the processes specified in paragraphs (j)(1) through (j)(6) of this section. Subparts F, G, and H do not require processes specified in paragraphs (j)(1) through (j)(6) to comply with the provisions of Subpart A of this part.

(1) Research and development facilities, regardless of whether the facilities are located at the same plant site as a chemical manufacturing process unit that is subject to the provisions of Subparts F, G, or H of this part.

(2) Petroleum refining process units, regardless of whether the units supply feedstocks that include chemicals listed in table 1 of this Subpart to chemical manufacturing process units that are subject to the provisions of Subparts F, G, or H of this part.

(3) Ethylene process units, regardless of whether the units supply feedstocks that include chemicals listed in table 1 of this Subpart to chemical manufacturing process units that are subject to the provisions of Subpart F, G, or H of this part.

(4) Batch process vents within a chemical manufacturing process unit;

(5) Chemical manufacturing process units that are located in coke by-product recovery plants.

(6) Solvent reclamation, recovery, or recycling operations at hazardous waste TSDF facilities requiring a permit under 40 CFR 270 that are separate entities and not part of a SOCMI chemical manufacturing process unit.

(k) Except as provided in paragraphs (l), (m), and (p) of this section, sources subject to Subpart F, G, or H of this part are required to achieve compliance on or before the dates specified in paragraphs (k)(1) through (k)(8) of this section.

(1) (i) New sources that commence construction or reconstruction after December 31, 1992, but before August 27, 1996 shall be in compliance with this Subpart F, Subparts G and H of this part upon initial start-up or by April 22, 1994, whichever is later, as provided in 40 CFR 63.6(b) of Subpart A of this part, and further, where start-up occurs before January 17, 1997 shall also be in compliance with this Subpart F and Subparts G and H of this part (as amended on January 17, 1997) by January 17, 1997, except that, with respect to all new sources that commenced construction or reconstruction after December 31, 1992, and before August 27, 1996:

(A) Heat exchange systems and maintenance wastewater, that are part of a new source on which construction or reconstruction commenced after December 31, 1992, but before August 27, 1996, shall be in compliance with this Subpart F no later than initial start-up or 180 days after January 17, 1997, whichever is later;

(B) Process wastewater streams and equipment subject to 40 CFR 63.149, that are part of a new source on which construction or reconstruction commenced after December 31, 1992, but before August 27, 1996, shall be in compliance with this Subpart F and Subpart G of this part no later than initial start-up or 180 days after January 17, 1997, whichever is later; and

(ii) New sources that commence construction after August 26, 1996 shall be in compliance with this Subpart F, Subparts G and H of this part upon initial start-up or by January 17, 1997, whichever is later.

(2) Existing sources shall be in compliance with this Subpart F and Subpart G of this part no later than the dates specified in paragraphs (k)(2)(i) and (k)(2)(ii) of this section, unless an extension has been granted by the Administrator as provided in 40 CFR 63.151(a)(6) of Subpart

G of this part or granted by the permitting authority as provided in 40 CFR 63.6(i) of Subpart A of this part.

(i) Process vents, storage vessels, and transfer racks at an existing source shall be in compliance with the applicable sections of this Subpart and Subpart G of this part no later than April 22, 1997.

(ii) Heat exchange systems and maintenance wastewater shall be in compliance with the applicable sections of this Subpart, and equipment subject to 40 CFR 63.149 and process wastewater streams shall be in compliance with the applicable sections of this Subpart and Subpart G of this part no later than April 22, 1999, except as provided in paragraphs (k)(2)(ii)(A) and (k)(2)(ii)(B) of this section.

(A) If a process wastewater stream or equipment subject to 40 CFR 63.149 is subject to the control requirements of Subpart G of this part due to the contribution of nitrobenzene to the total annual average concentration (as determined according to the procedures in 40 CFR 63.144(b) of Subpart G of this part), the wastewater stream shall be in compliance no later than January 18, 2000.

(B) If a process wastewater stream is used to generate credits in an emissions average in accordance with 40 CFR 63.150 of Subpart G of this part, the process wastewater stream shall be in compliance with the applicable sections of Subpart G of this part no later than April 22, 1997.

(3) Existing sources shall be in compliance with Subpart H of this part no later than the dates specified in paragraphs (k)(3)(i) through (k)(3)(v) of this section, except as provided for in paragraphs (k)(4) through (k)(8) of this section, unless an extension has been granted by the Administrator as provided in 40 CFR 63.182(a)(6) of this part or granted by the permitting authority as provided in 40 CFR 63.6(I) of Subpart A of this part. The group designation for each process unit is indicated in table 1 of this Subpart.

(i) Group I: October 24, 1994.

(ii) Group II: January 23, 1995.

(iii) Group III: April 24, 1995.

(iv) Group IV: July 24, 1995.

(v) Group V: October 23, 1995.

(4) Existing chemical manufacturing process units in Groups I and II as identified in table 1 of this Subpart shall be in compliance with the requirements of 40 CFR 63.164 of Subpart H no later than May 10, 1995, for any compressor meeting one or more of the criteria in paragraphs (k)(4)(i) through (k)(4)(iv) of this section, if the work can be accomplished without a process unit shutdown, as defined in 40 CFR 63.161 in Subpart H.

(i) The seal system will be replaced;

(ii) A barrier fluid system will be installed;

(iii) A new barrier fluid will be utilized which requires changes to the existing barrier fluid system; or

(iv) The compressor must be modified to permit connecting the compressor to a closed vent system.

(5) Existing chemical manufacturing process units shall be in compliance with the requirements of 40 CFR 63.164 in Subpart H no later than 1 year after the applicable compliance date specified in paragraph (k)(3) of this section, for any compressor meeting the criteria in paragraphs (k)(5)(i) through (k)(5)(iv) of this section.

(i) The compressor meets one or more of the criteria specified in paragraphs (k)(4) (i) through (iv) of this section;

(ii) The work can be accomplished without a process unit shutdown as defined in 40 CFR 63.161 of Subpart H;

(iii) The additional time is actually necessary due to the unavailability of parts beyond the control of the owner or operator; and

(iv) The owner or operator submits a request to the appropriate EPA Regional Office at the addresses listed in 40 CFR 63.13 of Subpart A of this part no later than 45 days before the applicable compliance date in paragraph (k)(3) of this section, but in no event earlier than May 10, 1995. The request shall include the information specified in paragraphs (k)(5)(iv)(A) through (k)(5)(iv)(E) of this section. Unless the EPA Regional Office objects to the request within 30 days after receipt, the request shall be deemed approved.

(A) The name and address of the owner or operator and the address of the existing source if it differs from the address of the owner or operator;

(B) The name, address, and telephone number of a contact person for further information;

(C) An identification of the chemical manufacturing process unit, and of the specific equipment for which additional compliance time is required;

(D) The reason compliance can not reasonably be achieved by the applicable date specified in paragraphs (k)(3)(i) through (k)(3)(v) of this section; and

(E) The date by which the owner or operator expects to achieve compliance.

(6) (i) If compliance with the compressor provisions of 40 CFR 63.164 of Subpart H of this part can not reasonably be achieved without a process unit shutdown, as defined in 40 CFR 63.161 of Subpart H, the owner or operator shall achieve compliance no later than April 22, 1996, except as provided for in paragraph (k)(6)(ii) of this section. The owner or operator who elects to use this provision shall comply with the requirements of 40 CFR 63.103(g) of this Subpart.

(ii) If compliance with the compressor provisions of 40 CFR 63.164 of Subpart H of this part can not be achieved without replacing the compressor or recasting the distance piece, the owner or operator shall achieve compliance no later than April 22, 1997. The owner or operator who elects to use this provision shall also comply with the requirements of 40 CFR 63.103(g) of this Subpart.

(7) Existing sources shall be in compliance with the provisions of 40 CFR 63.170 of Subpart H no later than April 22, 1997.

(8) If an owner or operator of a chemical manufacturing process unit subject to the provisions of Subparts F, G, and H of Part 63 plans to implement pollution prevention measures to eliminate the use or production of HAP listed in table 2 of this Subpart by October 23, 1995, the provisions of Subpart H do not apply regardless of the compliance dates specified in paragraph (k)(3) of this section. The owner or operator who elects to use this provision shall comply with the requirements of 40 CFR 63.103(h) of this Subpart.

(9) All terms in this Subpart F or Subpart G of this part that define a period of time for completion of required tasks (e.g., weekly, monthly, quarterly, annual), unless specified otherwise in the section or subsection that imposes the requirement, refer to the standard calendar periods.

(i) Notwithstanding time periods specified in this Subpart F or Subpart G of this part for completion of required tasks, such time periods may be changed by mutual agreement between the owner or operator and the Administrator, as specified in Subpart A of this part (e.g., a period could begin on the compliance date or another date, rather than on the first day of the standard calendar period). For each time period that is changed by agreement, the revised period shall remain in effect until it is changed. A new request is not necessary for each recurring period.

(ii) Where the period specified for compliance is a standard calendar period, if the initial compliance date occurs after the beginning of the period, compliance shall be required according to the schedule specified in paragraphs (k)(9)(ii)(A) or (k)(9)(ii)(B) of this section, as appropriate.

(A) Compliance shall be required before the end of the standard calendar period within which the compliance deadline occurs, if there remain at least 3 days for tasks that must be performed weekly, at least 2 weeks for tasks that must be performed monthly, at least 1

month for tasks that must be performed each quarter, or at least 3 months for tasks that must be performed annually; or

(B) In all other cases, compliance shall be required before the end of the first full standard calendar period after the period within which the initial compliance deadline occurs.

(iii) In all instances where a provision of this Subpart F or Subpart G of this part requires completion of a task during each of multiple successive periods, an owner or operator may perform the required task at any time during the specified period, provided the task is conducted at a reasonable interval after completion of the task during the previous period.

(l) (1) If an additional chemical manufacturing process unit meeting the criteria specified in paragraph (b) of this section is added to a plant site that is a major source as defined in section 112(a) of the Act, the addition shall be subject to the requirements for a new source in Subparts F, G, and H of this part if:

(i) It is an addition that meets the definition of construction in 40 CFR 63.2 of Subpart A of this part;

(ii) (A) Such construction commenced after December 31, 1992 for chemical manufacturing process units that produce as a primary product one or more of the chemicals listed in table 1 of this Subpart;

(B) Such construction commenced after August 22, 1997 for chemical manufacturing process units that produce as a primary product one or more of the chemicals listed in paragraph (b)(1)(ii) of this section; and

(iii) The addition has the potential to emit 10 tons per year or more of any HAP or 25 tons per year or more of any combination of HAP's, unless the Administrator establishes a lesser quantity.

(2) If any change is made to a chemical manufacturing process unit subject to this Subpart, the change shall be subject to the requirements of a new source in Subparts F, G, and H of this part if:

(i) It is a change that meets the definition of reconstruction in 40 CFR 63.2 of Subpart A of this part; and

(ii) (A) Such construction commenced after December 31, 1992 for chemical manufacturing process units that produce as a primary product one or more of the chemicals listed in table 1 of this Subpart;

(B) Such construction commenced after August 22, 1997 for chemical manufacturing process units that produce as a primary product one or more of the chemicals listed in paragraph (b)(1)(ii) of this section.

(3) If an additional chemical manufacturing process unit is added to a plant site or a change is made to a chemical manufacturing process unit and the addition or change is determined to be subject to the new source requirements according to paragraph (l)(1) or (l)(2) of this section:

(i) The new or reconstructed source shall be in compliance with the new source requirements of Subparts F, G, and H of this part upon initial start-up of the new or reconstructed source or by April 22, 1994, whichever is later; and

(ii) The owner or operator of the new or reconstructed source shall comply with the reporting and recordkeeping requirements in Subparts F, G, and H of this part that are applicable to new sources. The applicable reports include, but are not limited to:

(A) The application for approval of construction or reconstruction which shall be submitted by the date specified in 40 CFR 63.151(b)(2)(ii) of Subpart G of this part, or an Initial Notification as specified in 40 CFR 63.151(b)(2)(iii) of Subpart G of this part;

(B) Changes that meet the criteria in 40 CFR 63.151(j) of Subpart G of this part, unless the information has been submitted in an operating permit application or amendment;

(C) The Notification of Compliance Status as required by 40 CFR 63.152(b) of Subpart G of this part for the new or reconstructed source;

(D) Periodic Reports and Other Reports as required by 40 CFR 63.152(c) and (d) of Subpart G of this part;

(E) Reports required by 40 CFR 63.182 of Subpart H of this part; and

(F) Reports and notifications required by sections of Subpart A of this part that are applicable to Subparts F, G, and H of this part, as identified in table 3 of this Subpart.

(4) If an additional chemical manufacturing process unit is added to a plant site, or if an emission point is added to an existing chemical manufacturing process unit, or if another deliberate operational process change creating an additional Group 1 emission point(s) is made to an existing chemical manufacturing process unit, or if a surge control vessel or bottoms receiver becomes subject to 40 CFR 63.170 of Subpart H, or if a compressor becomes subject to 40 CFR 63.164 of Subpart H, and if the addition or change is not subject to the new source requirements as determined according to paragraph (l)(1) or (l)(2) of this section, the requirements in paragraphs (l)(4)(i) through (l)(4)(iii) of this section shall apply. Examples of process changes include, but are not limited to, changes in production capacity, feedstock type, or catalyst type, or whenever there is replacement, removal, or addition of recovery equipment. For purposes of this paragraph and paragraph (m) of this section, process changes do not include: Process upsets, unintentional temporary process changes, and changes that are within the equipment configuration and operating conditions documented in the Notification of Compliance Status required by 40 CFR 63.152(b) of Subpart G of this part.

(i) The added emission point(s) and any emission point(s) within the added or changed chemical manufacturing process unit are subject to the requirements of Subparts F, G, and H of this part for an existing source;

(ii) The added emission point(s) and any emission point(s) within the added or changed chemical manufacturing process unit shall be in compliance with Subparts F, G, and H of this part by the dates specified in paragraph (l)(4)(ii) (A) or (B) of this section, as applicable.

(A) If a chemical manufacturing process unit is added to a plant site or an emission point(s) is added to an existing chemical manufacturing process unit, the added emission point(s) shall be in compliance upon initial startup of the added chemical manufacturing process unit or emission point(s) or by 3 years after April 22, 1994, whichever is later.

(B) If a deliberate operational process change to an existing chemical manufacturing process unit causes a Group 2 emission point to become a Group 1 emission point, if a surge control vessel or bottoms receiver becomes subject to 40 CFR 63.170 of Subpart H, or if a compressor becomes subject to 40 CFR 63.164 of Subpart H, the owner or operator shall be in compliance upon initial start-up or by 3 years after April 22, 1994, whichever is later, unless the owner or operator demonstrates to the Administrator that achieving compliance will take longer than making the change. If this demonstration is made to the Administrator's satisfaction, the owner or operator shall follow the procedures in paragraphs (m)(1) through (m)(3) of this section
to establish a compliance date.

(iii) The owner or operator of a chemical manufacturing process unit or emission point that is added to a plant site and is subject to the requirements for existing sources shall comply with the reporting and recordkeeping requirements of Subparts F, G, and H of this part that are applicable to existing sources, including, but not limited to, the reports listed in paragraphs (l)(4)(iii) (A) through (E) of this section. A change to an existing chemical manufacturing process unit shall be subject to the reporting requirements for existing sources, including but not limited to, the reports listed in paragraphs (l)(4)(iii)(A) through (E) of this section if the change meets the criteria specified in 40 CFR 63.118(g), (h), (i), or (j) of Subpart G of this part for process vents or the criteria in 40 CFR 63.155(i) or (j) of Subpart G of this part. The applicable reports include, but are not limited to:

(A) Reports specified in 40 CFR 63.151(i) and (j) of Subpart G of this part, unless the information has been submitted in an operating permit application or amendment;

(B) The Notification of Compliance Status as required by 40 CFR 63.152(b) of Subpart G of this part for the emission points that were added or changed;

(C) Periodic Reports and other reports as required by 40 CFR 63.152 (c) and (d) of Subpart G of this part;

(D) Reports required by 40 CFR 63.182 of Subpart H of this part; and

(E) Reports and notifications required by sections of Subpart A of this part that are applicable to Subparts F, G, and H of this part, as identified in table 3 of this Subpart.

(m) If a change that does not meet the criteria in paragraph (l)(4) of this section is made to a chemical manufacturing process unit subject to Subparts F and G of this part, and the change causes a Group 2 emission point to become a Group 1 emission point (as defined in 40 CFR 63.111 of Subpart G of this part), then the owner or operator shall comply with the requirements of Subpart G of this part for the Group 1 emission point as expeditiously as practicable, but in no event later than 3 years after the emission point becomes Group 1.

(1) The owner or operator shall submit to the Administrator for approval a compliance schedule, along with a justification for the schedule.

(2) The compliance schedule shall be submitted with the report required in 40 CFR 63.151(i)(2) of Subpart G of this part for emission points included in an emissions average or 40 CFR 63.151(j)(1) or Subpart G of this part for emission points not in an emissions average, unless the compliance schedule has been submitted in an operating permit application or amendment.

(3) The Administrator shall approve the compliance schedule or request changes within 120 calendar days of receipt of the compliance schedule and justification.

(n) *Rules stayed for reconsideration.* Notwithstanding any other provision of this Subpart, the effectiveness of Subpart F is stayed from October 24, 1994, to April 24, 1995, only as applied to those sources for which the owner or operator makes a representation in writing to the Administrator that the resolution of the area source definition issues could have an effect on the compliance status of the source with respect to Subpart F.

(o) *Sections stayed for reconsideration.* Notwithstanding any other provision of this Subpart, the effectiveness of 40 CFR 63.164 and 63.170 of Subpart H is stayed from October 28, 1994, to April 24, 1995, only as applied to those sources subject to 40 CFR 63.100(k)(3) (i) and (ii).

(p) Compliance dates for chemical manufacturing process units that produce crotonaldehyde or tetrahydrobenzaldehyde. Notwithstanding the provisions of paragraph (k) of this section, chemical manufacturing process units that meet the criteria in paragraphs (b)(1)(ii), (b)(2), and (b)(3) of this section shall be in compliance with this Subpart and Subparts G and H of this part by the dates specified in paragraphs (p)(1) and (p)(2) of this section, as applicable.

(1) If the source consists only of chemical manufacturing process units that produce as a primary product one or more of the chemicals listed in paragraph (b)(1)(ii) of this section, new sources shall comply by the date specified in paragraph (p)(1)(i) of this section and existing sources shall comply by the dates specified in paragraphs (p)(1)(ii) and (p)(1)(iii) of this section.

(i) Upon initial startup or May 12, 1998, whichever is later.

(ii) This Subpart and Subpart G of this part by May 14, 2001, unless an extension has been granted by the Administrator as provided in Sec. 63.151(a)(6) or granted by the permitting authority as provided in Sec. 63.6(i) of Subpart A of this part. When April 22, 1994 is referred to in this Subpart and Subpart G of this part, May 12, 1998 shall be used as the applicable date for that provision. When December 31, 1992 is referred to in this Subpart and Subpart G of this part, August 22, 1997 shall be used as the applicable date for that provision.

(iii) Subpart H of this part by May 12, 1999, unless an extension has been granted by the Administrator as provided in 40 CFR 63.151(a)(6) or granted by the permitting authority as provided in 40 CFR 63.6(i) of Subpart A of this part. When April 22, 1994 is referred to in Subpart H of this part, May 12, 1998 shall be used as the applicable date for that

provision. When December 31, 1992 is referred to in Subpart H of this part, August 22, 1997 shall be used as the applicable date for that provision.

(2) If the source consists of a combination of chemical manufacturing process units that produce as a primary product one or more of the chemicals listed in paragraphs (b)(1)(i) and (b)(1)(ii) of this section, new chemical manufacturing process units that meet the criteria in paragraph (b)(1)(ii) of this section shall comply by the date specified in paragraph (p)(1)(i) of this section and existing chemical manufacturing process units producing crotonaldehyde and/or tetrahydrobenzaldehyde shall comply by the dates specified in paragraphs (p)(1)(ii) and (p)(1)(iii) of this section.

(q) If the owner or operator of a process vent, or of a gas stream transferred subject to 40 CFR 63.113(i), is unable to comply with the provisions of 40 CFR 63.113 through 63.118 by the applicable compliance date specified in paragraph (k),(l), or (m) of this section for the reasons stated in paragraph (q)(1),(3), or (5) of this section, the owner or operator shall comply with the applicable provisions in 40 CFR 63.113 through 63.118 as expeditiously as practicable, but in no event later than the date approved by the Administrator pursuant to paragraph (q)(2), (4), or (6) of this section, respectively. For requests under paragraph (q)(1) or (3) of this section, the date approved by the Administrator may be earlier than, and shall not be later than, the later of January 22, 2004 or 3 years after the transferee's refusal to accept the stream for disposal. For requests submitted under paragraph (q)(5) of this section, the date approved by the Administrator may be earlier than, and shall not be later than, 3 years after the date of publication of the amendments to this Subpart or to Subpart G of this part which created the need for an extension of the compliance.

(1) If the owner or operator has been sending a gas stream for disposal as described in 40 CFR 63.113(i) prior to January 22, 2001, and the transferee does not submit a written certification as described in 40 CFR 63.113(i)(2) and ceases to accept the gas stream for disposal, the owner or operator shall comply with paragraph (q)(2) of this section.

(2) (i) An owner or operator directed to comply with paragraph (q)(2) of this section shall submit to the Administrator for approval a compliance schedule, along with a justification for the schedule.

(ii) The compliance schedule and justification shall be submitted no later than 90 days after the transferee ceases to accept the gas stream for disposal.

(iii) The Administrator shall approve the compliance schedule or request changes within 120 days of receipt of the compliance schedule and justification.

(3) If the owner or operator has been sending the gas stream for disposal as described in 40 CFR 63.113(i) to a transferee who had submitted a written certification as described in 40 CFR 63.113(i)(2), and the transferee revokes its written certification, the owner or operator shall comply with paragraph (q)(4) of this section. During the period between the date when the owner or operator receives notice of revocation of the transferee's written certification and the compliance date established under paragraph (q)(4) of this section, the owner or operator shall implement, to the extent reasonably available, measures to prevent or minimize excess emissions to the extent practical. For purposes of this paragraph (q)(3), the term ''excess emissions'' means emissions in excess of those that would have occurred if the transferee had continued managing the gas stream in compliance with the requirements in 40 CFR 63.113 through 63.118. The measures to be taken shall be identified in the applicable startup, shutdown, and malfunction plan. If the measures that can be reasonably taken will change over time, so that a more effective measure which could not reasonably be taken initially would be reasonable at a later date, the Administrator may require the more effective measure by a specified date (in addition to or instead of any other measures taken sooner or later than that date) as a condition of approval of the compliance schedule.

(4) (i) An owner or operator directed to comply with this paragraph (q)(4) shall submit to the Administrator for approval the documents specified in paragraphs (q)(4)(i)(A)

through (E) of this section no later than 90 days after the owner or operator receives notice of revocation of the transferee's written certification.

(A) A request for determination of a compliance date.

(B) A justification for the request for determination of a compliance date.

(C) A compliance schedule.

(D) A justification for the compliance schedule.

(E) A description of the measures that will be taken to minimize excess emissions until the new compliance date, and the date when each measure will first be implemented. The owner or operator shall describe how, and to what extent, each measure will minimize excess emissions, and shall justify any period of time when measures are not in place.

(ii) The Administrator shall approve or disapprove the request for determination of a compliance date and the compliance schedule, or request changes, within 120 days after receipt of the documents specified in paragraphs (q)(4)(i)(A) through (E) of this section. Upon approving the request for determination and compliance schedule, the Administrator shall specify a reasonable compliance date consistent with the introductory text in paragraph (q) of this section.

(5) If the owner's or operator's inability to meet otherwise applicable compliance deadlines is due to amendments of this Subpart or of Subpart G of this part published on or after January 22, 2001 and neither condition specified in paragraph (q)(1) or (3) of this section is applicable, the owner or operator shall comply with paragraph (q)(6) of this section.

(6) (i) An owner or operator directed to comply with this paragraph (6)(i) shall submit to the Administrator for approval, a request for determination of a compliance date, a compliance schedule, a justification for the determination of a compliance date, and a justification for the compliance schedule.

(ii) The documents required to be submitted under paragraph (q)(6)(i) of this section shall be submitted no later than 120 days after publication of the amendments of this Subpart or of Subpart G of this part which necessitate the request for an extension.

(iii) The Administrator shall approve or disapprove the request for a determination of a compliance date, or request changes, within 120 days after receipt of the request for determination of a compliance date, the compliance schedule, and the two justifications. If the request for determination of a compliance date is disapproved, the compliance schedule is disapproved and the owner or operator shall comply by the applicable date specified in paragraph (k),(l), or (m) of this section. If the request for the determination of a compliance date is approved, the Administrator shall specify, at the time of approval, a reasonable compliance date consistent with the introductory text in paragraph (q) of this section.

40 CFR 63.101 - Definitions

(a) The following terms as used in Subparts F, G, and H of this part shall have the meaning given them in Subpart A of this part: Act, actual emissions, Administrator, affected source, approved permit program, commenced, compliance date, construction, continuous monitoring system, continuous parameter monitoring system, effective date, emission standard, emissions averaging, EPA, equivalent emission limitation, existing source, Federally enforceable, fixed capital cost, hazardous air pollutant, lesser quantity, major source, malfunction, new source, owner or operator, performance evaluation, performance test, permit program, permitting authority, reconstruction, relevant standard, responsible official, run, standard conditions, State, and stationary source.

(b) All other terms used in this Subpart and Subparts G and H of this part shall have the meaning given them in the Act and in this section. If the same term is defined in Subpart A of this part and in this section, it shall have the meaning given in this section for purposes of Subparts F, G, and H of this part.

Air oxidation reactor means a device or vessel in which air, or a combination of air and oxygen, is used as an oxygen source in combination with one or more organic reactants to produce one or more organic compounds. Air oxidation reactor includes the product separator and any associated vacuum pump or steam jet.

Batch operation means a noncontinuous operation in which a discrete quantity or batch of feed is charged into a unit operation within a chemical manufacturing process unit and processed at one time. Batch operation includes noncontinuous operations in which the equipment is fed intermittently or discontinuously. Addition of raw material and withdrawal of product do not occur simultaneously in a batch operation. After each batch operation, the equipment is generally emptied before a fresh batch is started.

Batch process vent means gaseous venting to the atmosphere from a batch operation.

Bottoms receiver means a tank that collects distillation bottoms before the stream is sent for storage or for further downstream processing.

By-product means a chemical that is produced coincidentally during the production of another chemical.

Chemical manufacturing process unit means the equipment assembled and connected by pipes or ducts to process raw materials and to manufacture an intended product. A chemical manufacturing process unit consists of more than one unit operation. For the purpose of this Subpart, chemical manufacturing process unit includes air oxidation reactors and their associated product separators and recovery devices; reactors and their associated product separators and recovery devices; distillation units and their associated distillate receivers and recovery devices; associated unit operations; associated recovery devices; and any feed, intermediate and product storage vessels, product transfer racks, and connected ducts and piping. A chemical manufacturing process unit includes pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, instrumentation systems, and control devices or systems. A chemical manufacturing process unit is identified by its primary product.

Control device means any combustion device, recovery device, or recapture device. Such equipment includes, but is not limited to, absorbers, carbon adsorbers, condensers, incinerators, flares, boilers, and process heaters. For process vents (as defined in this section), recapture devices are considered control devices but recovery devices are not considered control devices. For a steam stripper, a primary condenser is not considered a control device.

Co-product means a chemical that is produced during the production of another chemical.

Distillate receiver means overhead receivers, overhead accumulators, reflux drums, and condenser(s) including ejector-condenser(s) associated with a distillation unit.

Distillation unit means a device or vessel in which one or more feed streams are separated into two or more exit streams, each exit stream having component concentrations different from those in the feed stream(s). The separation is achieved by the redistribution of the components between the liquid and the vapor phases by vaporization and condensation as they approach equilibrium within the distillation unit. Distillation unit includes the distillate receiver, reboiler, and any associated vacuum pump or steam jet.

Emission point means an individual process vent, storage vessel, transfer rack, wastewater stream, or equipment leak.

Equipment leak means emissions of organic hazardous air pollutants from a connector, pump, compressor, agitator, pressure relief device, sampling connection system, open-ended valve or line, valve, surge control vessel, bottoms receiver, or instrumentation system in organic hazardous air pollutant service as defined in 40 CFR 63.161.

Ethylene process or *ethylene process unit* means a chemical manufacturing process unit in which ethylene and/or propylene are produced by separation from petroleum refining process streams or by subjecting hydrocarbons to high temperatures in the presence of steam. The ethylene process unit includes the separation of ethylene and/or propylene from associated

streams such as a C4 product, pyrolysis gasoline, and pyrolysis fuel oil. The ethylene process does not include the manufacture of SOCMI chemicals such as the production of butadiene from the C4 stream and aromatics from pyrolysis gasoline.

Flexible operation unit means a chemical manufacturing process unit that manufactures different chemical products periodically by alternating raw materials or operating conditions. These units are also referred to as campaign plants or blocked operations.

Fuel gas means gases that are combusted to derive useful work or heat.

Fuel gas system means the offsite and onsite piping and flow and pressure control system that gathers gaseous stream(s) generated by onsite operations, may blend them with other sources of gas, and transports the gaseous stream for use as fuel gas in combustion devices or in in-process combustion equipment such as furnaces and gas turbines either singly or in combination.

Heat exchange system means any cooling tower system or once-through cooling water system (e.g., river or pond water). A heat exchange system can include more than one heat exchanger and can include an entire recirculating or once-through cooling system.

Impurity means a substance that is produced coincidentally with the primary product, or is present in a raw material. An impurity does not serve a useful purpose in the production or use of the primary product and is not isolated.

Initial start-up means the first time a new or reconstructed source begins production, or, for equipment added or changed as described in 40 CFR 63.100 (l) or (m) of this Subpart, the first time the equipment is put into operation. Initial start-up does not include operation solely for testing equipment. For purposes of Subpart G of this part, initial start-up does not include subsequent start-ups (as defined in this section) of chemical manufacturing process units following malfunctions or shutdowns or following changes in product for flexible operation units or following recharging of equipment in batch operation. For purposes of Subpart H of this part, initial start-up does not include subsequent start-ups (as defined in 40 CFR 63.161 of Subpart H of this part) of process units (as defined in 40 CFR 63.161 of Subpart H of this part) following malfunctions or process unit shutdowns.

Loading rack means a single system used to fill tank trucks and railcars at a single geographic site. Loading equipment and operations that are physically separate (i.e, do not share common piping, valves, and other equipment) are considered to be separate loading racks.

Maintenance wastewater means wastewater generated by the draining of process fluid from components in the chemical manufacturing process unit into an individual drain system prior to or during maintenance activities. Maintenance wastewater can be generated during planned and unplanned shutdowns and during periods not associated with a shutdown. Examples of activities that can generate maintenance wastewaters include descaling of heat exchanger tubing bundles, cleaning of distillation column traps, draining of low legs and high point bleeds, draining of pumps into an individual drain system, and draining of portions of the chemical manufacturing process unit for repair.

On-site or *On site* means, with respect to records required to be maintained by this Subpart, that the records are stored at a location within a major source which encompasses the affected source. On-site includes, but is not limited to, storage at the chemical manufacturing process unit to which the records pertain, or storage in central files elsewhere at the major source.

Operating permit means a permit required by 40 CFR 70 or 71.

Organic hazardous air pollutant or *organic HAP* means one of the chemicals listed in table 2 of this Subpart.

Petroleum refining process, also referred to as a *petroleum refining process unit*, means a process that for the purpose of producing transportation fuels (such as gasoline and diesel fuels), heating fuels (such as fuel gas, distillate, and residual fuel oils), or lubricants separates petroleum or separates, cracks, or reforms unfinished derivatives. Examples of such units include, but are not limited to, alkylation units, catalytic hydrotreating, catalytic hydrorefining, catalytic hydrocracking, catalytic reforming, catalytic cracking, crude distillation, and thermal processes.

Plant site means all contiguous or adjoining property that is under common control, including properties that are separated only by a road or other public right-of-way. Common control includes properties that are owned, leased, or operated by the same entity, parent entity, subsidiary, or any combination thereof.

Process vent means the point of discharge to the atmosphere (or the point of entry into a control device, if any) of a gas stream if the gas stream has the characteristics specified in 40 CFR 63.107(b) through (h), or meets the criteria specified in 40 CFR 63.107(i). For purposes of 40 CFR40 CFR 63.113 through 63.118, all references to the characteristics of a process vent (e.g., flow rate, total HAP concentration, or TRE index value) shall mean the characteristics of the gas stream.

Process wastewater means wastewater which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product. Examples are product tank drawdown or feed tank drawdown; water formed during a chemical reaction or used as a reactant; water used to wash impurities from organic products or reactants; water used to cool or quench organic vapor streams through direct contact; and condensed steam from jet ejector systems pulling vacuum on vessels containing organics.

Product means a compound or chemical which is manufactured as the intended product of the chemical manufacturing process unit. By-products, isolated intermediates, impurities, wastes, and trace contaminants are not considered products.

Product separator means phase separators, flash drums, knock-out drums, decanters, degassers, and condenser(s) including ejector-condenser(s) associated with a reactor or an air oxidation reactor.

Reactor means a device or vessel in which one or more chemicals or reactants, other than air, are combined or decomposed in such a way that their molecular structures are altered and one or more new organic compounds are formed. Reactor includes the product separator and any associated vacuum pump or steam jet.

Recapture device means an individual unit of equipment capable of and used for the purpose of recovering chemicals, but not normally for use, reuse, or sale. For example, a recapture device may recover chemicals primarily for disposal. Recapture devices include, but are not limited to, absorbers, carbon adsorbers, and condensers.

Recovery device means an individual unit of equipment capable of and normally used for the purpose of recovering chemicals for fuel value (i.e., net positive heating value), use, reuse or for sale for fuel value, use, or reuse. Examples of equipment that may be recovery devices include absorbers, carbon adsorbers, condensers, oil-water separators or organic-water separators, or organic removal devices such as decanters, strippers, or thin-film evaporation units. For purposes of the monitoring, recordkeeping, and reporting requirements of Subpart G of this part, recapture devices are considered recovery devices.

Research and development facility means laboratory and pilot plant operations whose primary purpose is to conduct research and development into new processes and products, where the operations are under the close supervision of technically trained personnel, and is not engaged in the manufacture of products for commercial sale, except in a *de minimis* manner.

Shutdown means for purposes including, but not limited to, periodic maintenance, replacement of equipment, or repair, the cessation of operation of a chemical manufacturing process unit or a reactor, air oxidation reactor, distillation unit, waste management unit, equipment required or used to comply with this Subpart F, Subparts G, or H of this part or the emptying and degassing of a storage vessel. Shutdown does not include the routine rinsing or washing of equipment in batch operation between batches.

Source means the collection of emission points to which this Subpart applies as determined by the criteria in 40 CFR 63.100 of this Subpart. For purposes of Subparts F, G, and

H of this part, the term *affected source* as used in Subpart A of this part has the same meaning as the term *source* defined here.

Start-up means the setting into operation of a chemical manufacturing process unit or a reactor, air oxidation reactor, distillation unit, waste management unit, or equipment required or used to comply with this Subpart F, Subpart G, or H of this part or a storage vessel after emptying and degassing. Start-up includes initial start-up, operation solely for testing equipment, the recharging of equipment in batch operation, and transitional conditions due to changes in product for flexible operation units.

Start-up, shutdown, and malfunction plan means the plan required under 40 CFR 63.6(e)(3) of Subpart A of this part. This plan details the procedures for operation and maintenance of the source during periods of start-up, shutdown, and malfunction.

Storage vessel means a tank or other vessel that is used to store organic liquids that contain one or more of the organic HAP's listed in table 2 of this Subpart and that has been assigned, according to the procedures in 40 CFR 63.100(g) of this Subpart, to a chemical manufacturing process unit that is subject to this Subpart. Storage vessel does not include:

(1) Vessels permanently attached to motor vehicles such as trucks, railcars, barges, or ships;

(2) Pressure vessels designed to operate in excess of 204.9 kilopascals and without emissions to the atmosphere;

(3) Vessels with capacities smaller than 38 cubic meters;

(4) Vessels storing organic liquids that contain organic hazardous air pollutants only as impurities;

(5) Bottoms receiver tanks;

(6) Surge control vessels; or

(7) Wastewater storage tanks. Wastewater storage tanks are covered under the wastewater provisions.

Surge control vessel means feed drums, recycle drums, and intermediate vessels. Surge control vessels are used within a chemical manufacturing process unit when in-process storage, mixing, or management of flow rates or volumes is needed to assist in production of a product.

Transfer operation means the loading, into a tank truck or railcar, of organic liquids that contain one or more of the organic hazardous air pollutants listed in table 2 of this Subpart from a transfer rack (as defined in this section). Transfer operations do not include loading at an operating pressure greater than 204.9 kilopascals.

Transfer rack means the collection of loading arms and loading hoses, at a single loading rack, that are assigned to a chemical manufacturing process unit subject to this Subpart according to the procedures specified in 40 CFR 63.100(h) of this Subpart and are used to fill tank trucks and/or railcars with organic liquids that contain one or more of the organic hazardous air pollutants listed in table 2 of this Subpart. Transfer rack includes the associated pumps, meters, shutoff valves, relief valves, and other piping and valves. Transfer rack does not include:

(1) Racks, arms, or hoses that only transfer liquids containing organic hazardous air pollutants as impurities;

(2) Racks, arms, or hoses that vapor balance during all loading operations; or

(3) Racks transferring organic liquids that contain organic hazardous air pollutants only as impurities.

Unit operation means one or more pieces of process equipment used to make a single change to the physical or chemical characteristics of one or more process streams. Unit operations include, but are not limited to, reactors, distillation units, extraction columns, absorbers, decanters, dryers, condensers, and filtration equipment.

Vapor balancing system means a piping system that is designed to collect organic hazardous air pollutants vapors displaced from tank trucks or railcars during loading; and to route the collected organic hazardous air pollutants vapors to the storage vessel from which the liquid

being loaded originated, or to another storage vessel connected by a common header or to compress and route to a process or a fuel gas system the collected organic hazardous air pollutants vapors.

Waste management unit means the equipment, structure(s), and/or device(s) used to convey, store, treat, or dispose of wastewater streams or residuals. Examples of waste management units include: Wastewater tanks, surface impoundments, individual drain systems, and biological wastewater treatment units. Examples of equipment that may be waste management units include containers, air flotation units, oil-water separators or organic-water separators, or organic removal devices such as decanters, strippers, or thin-film evaporation units. If such equipment is used for recovery then it is part of a chemical manufacturing process unit and is not a waste management unit.

Wastewater means water that:

(1) Contains either:

(i) An annual average concentration of Table 9 compounds (as defined in 40 CFR 63.111 of Subpart G of this part) of at least 5 parts per million by weight and has an annual average flow rate of 0.02 liter per minute or greater, or

(ii) An annual average concentration of Table 9 compounds (as defined in 40 CFR 63.111 of Subpart G) of at least 10,000 parts per million by weight at any flow rate, and that

(2) Is discarded from a chemical manufacturing process unit that meets all of the criteria specified in 40 CFR 63.100 (b)(1) through (b)(3) of this Subpart.

Wastewater is process wastewater or maintenance wastewater.

40 CFR 63.102 - General standards

(a) Owners and operators of sources subject to this Subpart shall comply with the requirements of Subparts G and H of this part.

(1) The provisions set forth in this Subpart F and Subpart G of this part shall apply at all times except during periods of start-up or shutdown (as defined in 40 CFR 63.101 of this Subpart), malfunction, or non-operation of the chemical manufacturing process unit (or specific portion thereof) resulting in cessation of the emissions to which this Subpart F and Subpart G of this part apply. However, if a start-up, shutdown, malfunction or period of non-operation of one portion of a chemical manufacturing process unit does not affect the ability of a particular emission point to comply with the specific provisions to which it is subject, then that emission point shall still be required to comply with the applicable provisions of this Subpart F and Subpart G of this part during the start-up, shutdown, malfunction or period of non-operation. For example, if there is an overpressure in the reactor area, a storage vessel in the chemical manufacturing process unit would still be required to be controlled in accordance with 40 CFR 63.119 of Subpart G of the part. Similarly, the degassing of a storage vessel would not affect the ability of a process vent to meet the requirements of 40 CFR 63.113 of Subpart G of this part.

(2) The provisions set forth in Subpart H of this part shall apply at all times except during periods of start-up or shutdown, as defined in 40 CFR 63.101(b) of this Subpart, malfunction, process unit shutdown (as defined in 40 CFR 63.161 of Subpart H of this part), or non-operation of the chemical manufacturing process unit (or specific portion thereof) in which the lines are drained and depressurized resulting in cessation of the emissions to which Subpart H of this part applies.

(3) The owner or operator shall not shut down items of equipment that are required or utilized for compliance with the provisions of this Subpart F, Subpart G or H of this part during times when emissions (or, where applicable, wastewaters streams or residuals) are being routed to such items of equipment, if the shutdown would contravene requirements of this Subpart F, Subpart G or H of this part applicable to such items of equipment. This paragraph does not apply if the item of equipment is malfunctioning, or if the owner or operator must shut down the

equipment to avoid damage due to a contemporaneous start-up, shutdown, or malfunction of the chemical manufacturing process unit or portion thereof.

(4) During start-ups, shutdowns, and malfunctions when the requirements of this Subpart F, Subparts G and/or H of this part do not apply pursuant to paragraphs (a)(1) through (a)(3) of this section, the owner or operator shall implement, to the extent reasonably available, measures to prevent or minimize excess emissions to the extent practical. The general duty to minimize emissions during a period of startup, shutdown, or malfunction does not require the owner or operator to achieve emission levels that would be required by the applicable standard at other times if this is not consistent with safety and good air pollution control practices, nor does it require the owner or operator to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether such 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 (including the startup, shutdown, and malfunction plan required in 40 CFR 63.6(e)(3)), review of operation and maintenance records, and inspection of the source. The measures to be taken may include, but are not limited to, air pollution control technologies, recovery technologies, work practices, pollution prevention, monitoring, and/or changes in the manner of operation of the source. Back-up control devices are not required, but may be used if available.

(b) If, in the judgment of the Administrator, an alternative means of emission limitation will achieve a reduction in organic HAP emissions at least equivalent to the reduction in organic HAP emissions from that source achieved under any design, equipment, work practice, or operational standards in Subpart G or H of this part, the Administrator will publish in the FEDERAL REGISTER a notice permitting the use of the alternative means for purposes of compliance with that requirement.

(1) The notice may condition the permission on requirements related to the operation and maintenance of the alternative means.

(2) Any notice under paragraph (b) of this section shall be published only after public notice and an opportunity for a hearing.

(3) Any person seeking permission to use an alternative means of compliance under this section shall collect, verify, and submit to the Administrator information showing that the alternative means achieves equivalent emission reductions.

(c) Each owner or operator of a source subject to this Subpart shall obtain a permit under 40 CFR 70 or 71 from the appropriate permitting authority by the date determined by 40 CFR 70 or 71, as appropriate.

(1) If the EPA has approved a State operating permit program under 40 CFR 70, the permit shall be obtained from the State authority. I f the State operating permit program has not been approved, the source shall apply to the EPA Regional Office.

(2) [Reserved]

(d) The requirements in Subparts F, G, and H of this part are Federally enforceable under section 112 of the Act on and after the dates specified in 40 CFR 63.100(k) of this Subpart.

40 CFR 63.103 - General compliance, reporting, and recordkeeping provisions

(a) Table 3 of this Subpart specifies the provisions of Subpart A that apply and those that do not apply to owners and operators of sources subject to Subparts F, G, and H of this part.

(b) Initial performance tests and initial compliance determinations shall be required only as specified in Subparts G and H of this part.

(1) Performance tests and compliance determinations shall be conducted according to the schedule and procedures in 40 CFR 63.7(a) of Subpart A of this part and the applicable sections of Subparts G and H of this part.

(2) The owner or operator shall notify the Administrator of the intention to conduct a performance test at least 30 calendar days before the performance test is scheduled to allow the Administrator the opportunity to have an observer present during the test.

(3) Performance tests shall be conducted according to the provisions of 40 CFR 63.7(e) of Subpart A of this part, except that performance tests shall be conducted at maximum representative operating conditions for the process. During the performance test, an owner or operator may operate the control or recovery device at maximum or minimum representative operating conditions for monitored control or recovery device parameters, whichever results in lower emission reduction.

(4) Data shall be reduced in accordance with the EPA-approved methods specified in the applicable Subpart or, if other test methods are used, the data and methods shall be validated according to the protocol in Method 301 of appendix A of this part.

(5) Performance tests may be waived with approval of the Administrator as specified in 40 CFR 63.7(h)(2) of Subpart A of this part. Owners or operators of sources subject to Subparts F, G, and H of this part who apply for a waiver of a performance test shall submit the application by the dates specified in paragraph (b)(5)(i) of this section rather than the dates specified in 40 CFR 63.7(h)(3) of Subpart A of this part.

(i) If a request is made for an extension of compliance under 40 CFR 63.151(a)(6) of Subpart G or 40 CFR 63.6(i) of Subpart A of this part, the application for a waiver of an initial performance test shall accompany the information required for the request for an extension of compliance. If no extension of compliance is requested, the application for a waiver of an initial performance test shall be submitted no later than 90 calendar days before the Notification of Compliance Status required in 40 CFR 63.152(b) of Subpart G of this part is due to be submitted.

(ii) Any application for a waiver of a performance test shall include information justifying the owner or operator's request for a waiver, such as the technical or economic infeasibility, or the impracticality, of the source performing the required test.

(6) The owner or operator of a flexible operation unit shall conduct all required compliance demonstrations during production of the primary product. The owner or operator is not required to conduct compliance demonstrations for operating conditions during production of a product other than the primary product. Except as otherwise provided in this Subpart or in Subpart G or Subpart H of this part, as applicable, the owner or operator shall operate each control device, recovery device, and/or recapture device that is required or used for compliance, and associated monitoring systems, without regard for whether the product that is being produced is the primary product or a different product. Except as otherwise provided in this Subpart, Subpart G and/or Subpart H of this part, as applicable, operation of a control device, recapture device and/or recovery device required or used for compliance such that the daily average of monitored parameter values is outside the parameter range established pursuant to 40 CFR 63.152(b)(2), or such that the monitoring data show operation inconsistent with the monitoring plan established pursuant to 40 CFR 63.120(d)(2) or 63.181(g)(1)(iv), shall constitute a violation of the required operating conditions.

(c) Each owner or operator of a source subject to Subparts F, G, and H of this part shall keep copies of all applicable reports and records required by Subparts F, G, and H of this part for at least 5 years; except that, if Subparts G or H require records to be maintained for a time period different than 5 years, those records shall be maintained for the time specified in Subpart G or H of this part. If an owner or operator submits copies of reports to the applicable EPA Regional Office, the owner or operator is not required to maintain copies of reports. If the EPA Regional Office has waived the requirement of 40 CFR 63.10(a)(4)(ii) for submittal of copies of reports, the owner or operator is not required to maintain copies of reports.

(1) All applicable records shall be maintained in such a manner that they can be readily accessed. The most recent 6 months of records shall be retained on site or shall be accessible

from a central location by computer or other means that provides access within 2 hours after a request. The remaining four and one-half years of records may be retained offsite. Records may be maintained in hard copy or computer-readable form including, but not limited to, on paper, microfilm, computer, floppy disk, magnetic tape, or microfiche.

(2) The owner or operator subject to Subparts F, G, and H of this part shall keep the records specified in this paragraph, as well as records specified in Subparts G and H.

(i) Records of the occurrence and duration of each start-up, shutdown, and malfunction of operation of process equipment or of air pollution control equipment or continuous monitoring systems used to comply with this Subpart F, Subpart G, or H of this part during which excess emissions (as defined in 40 CFR 63.102(a)(4)) occur.

(ii) For each start-up, shutdown, and malfunction during which excess emissions (as defined in 40 CFR 63.102(a)(4)) occur, records that the procedures specified in the source's start-up, shutdown, and malfunction plan were followed, and documentation of actions taken that are not consistent with the plan. For example, if a start-up, shutdown, and malfunction plan includes procedures for routing a control device to a backup control device (e.g., the incinerator for a halogenated stream could be routed to a flare during periods when the primary control device is out of service), records must be kept of whether the plan was followed. These records may take the form of a ''checklist,'' or other form of recordkeeping that confirms conformance with the start-up, shutdown, and malfunction plan for the event.

(iii) For continuous monitoring systems used to comply with Subpart G of this part, records documenting the completion of calibration checks and maintenance of continuous monitoring systems that are specified in the manufacturer's instructions or other written procedures that provide adequate assurance that the equipment would reasonably be expected to monitor accurately.

(3) Records of start-up, shutdown and malfunction and continuous monitoring system calibration and maintenance are not required if they pertain solely to Group 2 emission points, as defined in 40 CFR 63.111 of Subpart G of this part, that are not included in an emissions average.

(d) All reports required under Subparts F, G, and H of this part shall be sent to the Administrator at the addresses listed in 40 CFR 63.13 of Subpart A of this part, except that requests for permission to use an alternative means of compliance as provided for in 40 CFR 63.102(b) of this Subpart and application for approval of a nominal efficiency as provided for in 40 CFR 63.150 (i)(1) through (i)(6) of Subpart G of this part shall be submitted to the Director of the EPA Office of Air Quality Planning and Standards rather than to the Administrator or delegated authority.

(1) Wherever Subpart A of this part specifies ''postmark'' dates, submittals may be sent by methods other than the U.S. Mail (e.g., by fax or courier). Submittals shall be sent 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.

(e) The owner or operator of a chemical manufacturing process unit which meets the criteria of 40 CFR 63.100(b)(1) and 63.100(b)(3), but not the criteria of 40 CFR 63.100(b)(2), shall comply with the requirements of either paragraph (e)(1) or (e)(2) of this section.

(1) Retain information, data, and analysis used to determine that the chemical manufacturing process unit does not use as a reactant or manufacture as a product or co-product any organic hazardous air pollutant. Examples of information that could document this include, but are not limited to, records of chemicals purchased for the process, analyses of process stream composition, engineering calculations, or process knowledge.

(2) When requested by the Administrator, demonstrate that the chemical manufacturing process unit does not use as a reactant or manufacture as a product or co-product any organic hazardous air pollutant.

(f) To qualify for the exemption specified in 40 CFR 63.100(b)(4) of this Subpart, the owner or operator shall maintain the documentation of the information required pursuant to 40 CFR 63.100(b)(4)(i), and documentation of any update of this information requested by the EPA Regional Office, and shall provide the documentation to the EPA Regional Office upon request. The EPA Regional Office will notify the owner or operator, after reviewing such documentation, if the source does not qualify for the exemption specified in 40 CFR 63.100(b)(4) of this section. In such cases, compliance with Subpart H shall be required no later than 90 days after expiration of the applicable compliance date in 40 CFR 63.100(k)(3), but in no event earlier than 90 days after the date of such notification by the EPA Regional Office. Compliance with this Subpart F and Subpart G of this part shall be no later than April 22, 1997, or as otherwise specified in 40 CFR 63.100(k)(2)(ii) of this Subpart, unless an extension has been granted by the EPA Regional Office or permitting authority as provided in 40 CFR 63.6(i) of Subpart A of this part.
(g) An owner or operator who elects to use the compliance extension provisions of 40 CFR 63.100(k)(6)(i) or (ii) shall submit a compliance extension request to the appropriate EPA Regional Office no later than 45 days before the applicable compliance date in 40 CFR 63.100(k)(3), but in no event is submittal required earlier than May 10, 1995. The request shall contain the information specified in 40 CFR 63.100(k)(5)(iv) and the reason compliance can not reasonably be achieved without a process unit shutdown, as defined in 40 CFR 63.161 or without replacement of the compressor or recasting of the distance piece.
(h) An owner or operator who elects to use the compliance extension provisions of 40 CFR 63.100(k)(8) shall submit to the appropriate EPA Regional Office a brief description of the process change, identify the HAP eliminated, and the expected date of cessation of use or production of HAP. The description shall be submitted no later than May 10, 1995, or with the Notice of Compliance Status as required in 40 CFR 63.182(c) of Subpart H, whichever is later.

40 CFR 63.104 - Heat exchange system requirements
(a) Unless one or more of the conditions specified in paragraphs (a)(1) through (a)(6) of this section are met, owners and operators of sources subject to this Subpart shall monitor each heat exchange system used to cool process equipment in a chemical manufacturing process unit meeting the conditions of 40 CFR 63.100 (b)(1) through (b)(3) of this Subpart, except for chemical manufacturing process units meeting the condition specified in 40 CFR 63.100(c) of this Subpart, according to the provisions in either paragraph (b) or (c) of this section. Whenever a leak is detected, the owner or operator shall comply with the requirements in paragraph (d) of this section.

(1) The heat exchange system is operated with the minimum pressure on the cooling water side at least 35 kilopascals greater than the maximum pressure on the process side.

(2) There is an intervening cooling fluid, containing less than 5 percent by weight of total hazardous air pollutants listed in table 4 of this Subpart, between the process and the cooling water. This intervening fluid serves to isolate the cooling water from the process fluid and the intervening fluid is not sent through a cooling tower or discharged. For purposes of this section, discharge does not include emptying for maintenance purposes.

(3) The once-through heat exchange system is subject to a National Pollution Discharge Elimination System (NPDES) permit with an allowable discharge limit of 1 part per million or less above influent concentration or 10 percent or less above influent concentration, whichever is greater.

(4) The once-through heat exchange system is subject to an NPDES permit that:

(i) Requires monitoring of a parameter(s) or condition(s) to detect a leak of process fluids into cooling water;

(ii) Specifies or includes the normal range of the parameter or condition;

(iii) Requires monitoring for the parameters selected as leak indicators no less frequently than monthly for the first six months and quarterly thereafter; and

(iv) Requires the owner or operator to report and correct leaks to the cooling water when the parameter or condition exceeds the normal range.

(5) The recirculating heat exchange system is used to cool process fluids that contain less than 5 percent by weight of total hazardous air pollutants listed in table 4 of this Subpart.

(6) The once-through heat exchange system is used to cool process fluids that contain less than 5 percent by weight of total hazardous air pollutants listed in table 9 of Subpart G of this part.

(b) The owner or operator who elects to comply with the requirements of paragraph (a) of this section by monitoring the cooling water for the presence of one or more organic hazardous air pollutants or other representative substances whose presence in cooling water indicates a leak shall comply with the requirements specified in paragraphs (b)(1) through (b)(6) of this section. The cooling water shall be monitored for total hazardous air pollutants, total volatile organic compounds, total organic carbon, one or more speciated HAP compounds, or other representative substances that would indicate the presence of a leak in the heat exchange system.

(1) The cooling water shall be monitored monthly for the first 6 months and quarterly thereafter to detect leaks.

(2) (i) For recirculating heat exchange systems (cooling tower systems), the monitoring of speciated hazardous air pollutants or total hazardous air pollutants refers to the hazardous air pollutants listed in table 4 of this Subpart.

(ii) For once-through heat exchange systems, the monitoring of speciated hazardous air pollutants or total hazardous air pollutants refers to the hazardous air pollutants listed in table 9 of Subpart G of this part.

(3) The concentration of the monitored substance(s) in the cooling water shall be determined using any EPA-approved method listed in Part 136 of this chapter as long as the method is sensitive to concentrations as low as 10 parts per million and the same method is used for both en-trance and exit samples. Alternative methods may be used upon approval by the Administrator.

(4) The samples shall be collected either at the entrance and exit of each heat exchange system or at locations where the cooling water enters and exits each heat exchanger or any combination of heat exchangers.

(i) For samples taken at the entrance and exit of recirculating heat exchange systems, the entrance is the point at which the cooling water leaves the cooling tower prior to being returned to the process equipment and the exit is the point at which the cooling water is introduced to the cooling tower after being used to cool the process fluid.

(ii) For samples taken at the entrance and exit of once-through heat exchange systems, the entrance is the point at which the cooling water enters and the exit is the point at which the cooling water exits the plant site or chemical manufacturing process units.

(iii) For samples taken at the entrance and exit of each heat exchanger or any combination of heat exchangers in chemical manufacturing process units, the entrance is the point at which the cooling water enters the individual heat exchanger or group of heat exchangers and the exit is the point at which the cooling water exits the heat exchanger or group of heat exchangers.

(5) A minimum of three sets of samples shall be taken at each entrance and exit as defined in paragraph (b)(4) of this section. The average entrance and exit concentrations shall then be calculated. The concentration shall be corrected for the addition of any makeup water or for any evaporative losses, as applicable.

(6) A leak is detected if the exit mean concentration is found to be greater than the entrance mean using a one-sided statistical procedure at the 0.05 level of significance and the amount by which it is greater is at least 1 part per million or 10 percent of the entrance mean, whichever is greater.

(c) The owner or operator who elects to comply with the requirement of paragraph (a) of this section by monitoring using a surrogate indicator of heat exchange system leaks shall comply with the requirements specified in paragraphs (c)(1) through (c)(3) of this section. Surrogate indicators that could be used to develop an acceptable monitoring program are ion specific electrode monitoring, pH, conductivity or other representative indicators.

(1) The owner or operator shall prepare and implement a monitoring plan that documents the procedures that will be used to detect leaks of process fluids into cooling water. The plan shall require monitoring of one or more surrogate indicators or monitoring of one or more process parameters or other conditions that indicate a leak. Monitoring that is already being conducted for other purposes may be used to satisfy the requirements of this section. The plan shall include the information specified in paragraphs (c)(1)(i) and (c)(1)(ii) of this section.

(i) A description of the parameter or condition to be monitored and an explanation of how the selected parameter or condition will reliably indicate the presence of a leak.

(ii) The parameter level(s) or conditions(s) that shall constitute a leak. This shall be documented by data or calculations showing that the selected levels or conditions will reliably identify leaks. The monitoring must be sufficiently sensitive to determine the range of parameter levels or conditions when the system is not leaking. When the selected parameter level or condition is outside that range, a leak is indicated.

(iii) The monitoring frequency which shall be no less frequent than monthly for the first 6 months and quarterly thereafter to detect leaks.

(iv) The records that will be maintained to document compliance with the requirements of this section.

(2) If a substantial leak is identified by methods other than those described in the monitoring plan and the method(s) specified in the plan could not detect the leak, the owner or operator shall revise the plan and document the basis for the changes. The owner or operator shall complete the revisions to the plan no later than 180 days after discovery of the leak.

(3) The owner or operator shall maintain, at all times, the monitoring plan that is currently in use. The current plan shall be maintained on-site, or shall be accessible from a central location by computer or other means that provides access within 2 hours after a request. If the monitoring plan is superseded, the owner or operator shall retain the most recent superseded plan at least until 5 years from the date of its creation. The superseded plan shall be retained on-site (or accessible from a central location by computer or other means that provides access within two hours after a request) for at least 6 months after its creation.

(d) If a leak is detected according to the criteria of paragraph (b) or (c) of this section, the owner or operator shall comply with the requirements in paragraphs (d)(1) and (d)(2) of this section, except as provided in paragraph (e) of this section.

(1) The leak shall be repaired as soon as practical but not later than 45 calendar days after the owner or operator receives results of monitoring tests indicating a leak. The leak shall be repaired unless the owner or operator demonstrates that the results are due to a condition other than a leak.

(2) Once the leak has been repaired, the owner or operator shall confirm that the heat exchange system has been repaired within 7 calendar days of the repair or startup, whichever is later.

(e) Delay of repair of heat exchange systems for which leaks have been detected is allowed if the equipment is isolated from the process. Delay of repair is also allowed if repair is technically infeasible without a shutdown and any one of the conditions in paragraph (e)(1) or (e)(2) of this section is met. All time periods in paragraphs (e)(1) and (e)(2) of this section shall be determined from the date when the owner or operator determines that delay of repair is necessary.

(1) If a shutdown is expected within the next 2 months, a special shutdown before that planned shutdown is not required.

(2) If a shutdown is not expected within the next 2 months, the owner or operator may delay repair as provided in paragraph (e)(2)(i) or (e)(2)(ii) of this section. Documentation of a decision to delay repair shall state the reasons repair was delayed and shall specify a schedule for completing the repair as soon as practical.

(i) If a shutdown for repair would cause greater emissions than the potential emissions from delaying repair, the owner or operator may delay repair until the next shutdown of the process equipment associated with the leaking heat exchanger. The owner or operator shall document the basis for the determination that a shutdown for repair would cause greater emissions than the emissions likely to result from delaying repair as specified in paragraphs (e)(2)(i)(A) and (e)(2)(i)(B) of this section.

(A) The owner or operator shall calculate the potential emissions from the leaking heat exchanger by multiplying the concentration of total hazardous air pollutants listed in table 4 of this Subpart in the cooling water from the leaking heat exchanger by the flowrate of the cooling water from the leaking heat exchanger by the expected duration of the delay. The owner or operator may calculate potential emissions using total organic carbon concentration instead of total hazardous air pollutants listed in table 4 of this Subpart.

(B) The owner or operator shall determine emissions from purging and depressurizing the equipment that will result from the unscheduled shut-down for the repair.

(ii) If repair is delayed for reasons other than those specified in paragraph (e)(2)(i) of this section, the owner or operator may delay repair up to a maximum of 120 calendar days. The owner shall demonstrate that the necessary parts or personnel were not available.

(f) (1) *Required records*. The owner or operator shall retain the records identified in paragraphs (f)(1)(i) through (f)(1)(iv) of this section as specified in 40 CFR 63.103(c)(1).

(i) Monitoring data required by this section indicating a leak and the date when the leak was detected, and if demonstrated not to be a leak, the basis for that determination;

(ii) Records of any leaks detected by procedures subject to paragraph (c)(2) of this section and the date the leak was discovered;

(iii) The dates of efforts to repair leaks; and

(iv) The method or procedure used to confirm repair of a leak and the date repair was confirmed.

(2) *Reports.* If an owner or operator invokes the delay of repair provisions for a heat exchange system, the following information shall be submitted in the next semi-annual periodic report required by 40 CFR 63.152(c) of Subpart G of this part. If the leak remains unrepaired, the information shall also be submitted in each subsequent periodic report, until repair of the leak is reported.

(i) The owner or operator shall report the presence of the leak and the date that the leak was detected.

(ii) The owner or operator shall report whether or not the leak has been repaired.

(iii) The owner or operator shall report the reason(s) for delay of repair. If delay of repair is invoked due to the reasons described in paragraph (e)(2) of this section, documentation of emissions estimates must also be submitted.

(iv) If the leak remains unrepaired, the owner or operator shall report the expected date of repair.

(v) If the leak is repaired, the owner or operator shall report the date the leak was successfully repaired.

40 CFR 63.105 - Maintenance wastewater requirements

(a) Each owner or operator of a source subject to this Subpart shall comply with the requirements of paragraphs (b) through (e) of this section for maintenance wastewaters containing those organic HAP's listed in table 9 of Subpart G of this part.

(b) The owner or operator shall prepare a description of maintenance procedures for management

of wastewaters generated from the emptying and purging of equipment in the process during temporary shutdowns for inspections, maintenance, and repair (i.e., a maintenance-turnaround) and during periods which are not shutdowns (i.e., routine maintenance). The descriptions shall:

(1) Specify the process equipment or maintenance tasks that are anticipated to create wastewater during maintenance activities.

(2) Specify the procedures that will be followed to properly manage the wastewater and control organic HAP emissions to the atmosphere; and

(3) Specify the procedures to be followed when clearing materials from process equipment.

(c) The owner or operator shall modify and update the information required by paragraph (b) of this section as needed following each maintenance procedure based on the actions taken and the wastewaters generated in the preceding maintenance procedure.

(d) The owner or operator shall incorporate the procedures described in paragraphs (b) and (c) of this section as part of the start-up, shutdown, and malfunction plan required under 40 CFR 63.6(e)(3).

(e) The owner or operator shall maintain a record of the information required by paragraphs (b) and (c) of this section as part of the start-up, shutdown, and malfunction plan required under 40 CFR 63.6(e)(3) of Subpart A of this part.

40 CFR 63.106 - Delegation of authority

(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 requirements in 40 CFR 63.100, 63.102, and 63.104. Where these standards reference another Subpart, the cited provisions will be delegated according to the delegation provisions of the referenced Subpart.

(2) Approval of major alternatives to test methods under 40 CFR 63.7(e)(2)(ii) and (f), as defined in 40 CFR 63.90, and as required in this Subpart.

(3) Approval of major alternatives to monitoring under 40 CFR 63.8(f), as defined in 40 CFR 63.90, and as required in this Subpart.

(4) Approval of major alternatives to recordkeeping and reporting under 40 CFR 63.10(f), as defined in 40 CFR 63.90, and as required in this Subpart.

40 CFR 63.107 - Identification of process vents subject to this Subpart

(a) The owner or operator shall use the criteria specified in this 40 CFR 63.107 to determine whether there are any process vents associated with an air oxidation reactor, distillation unit, or reactor that is in a source subject to this Subpart. A process vent is the point of discharge to the atmosphere (or the point of entry into a control device, if any) of a gas stream if the gas stream has the characteristics specified in paragraphs (b) through (h) of this section, or meets the criteria specified in paragraph (i) of this section.

(b) Some, or all, of the gas stream originates as a continuous flow from an air oxidation reactor, distillation unit, or reactor during operation of the chemical manufacturing process unit.

(c) The discharge to the atmosphere (with or without passing through a control device) meets at least one of the conditions specified in paragraphs (c)(1) through (3) of this section.

(1) Is directly from an air oxidation reactor, distillation unit, or reactor; or

(2) Is from an air oxidation reactor, distillation unit, or reactor after passing solely *(i.e.,* without passing through any other unit operation for a process purpose) through one or more recovery devices within the chemical manufacturing process unit; or

(3) Is from a device recovering only mechanical energy from a gas stream that comes either directly from an air oxidation reactor, distillation unit, or reactor, or from an air oxidation reactor, distillation unit, or reactor after passing solely *(i.e.,* without passing through any other unit operation for a process purpose) through one or more recovery devices within the chemical manufacturing process unit.

(d) The gas stream contains greater than 0.005 weight percent total organic HAP at the point of discharge to the atmosphere (or at the point of entry into a control device, if any).

(e) The air oxidation reactor, distillation unit, or reactor is part of a chemical manufacturing process unit that meets the criteria of 40 CFR 63.100(b).

(f) The gas stream is in the gas phase from the point of origin at the air oxidation reactor, distillation unit, or reactor to the point of discharge to the atmosphere (or to the point of entry into a control device, if any).

(g) The gas stream is discharged to the atmosphere either on-site, off-site, or both.

(h) The gas stream is not any of the items identified in paragraphs (h)(1) through (9) of this section.

(1) A relief valve discharge.

(2) A leak from equipment subject to Subpart H of this part.

(3) A gas stream going to a fuel gas system as defined in 40 CFR 63.101.

(4) A gas stream exiting a control device used to comply with 40 CFR 63.113.

(5) A gas stream transferred to other processes (on-site or off-site) for reaction or other use in another process *(i.e.,* for chemical value as a product, isolated intermediate, byproduct, or coproduct, or for heat value).

(6) A gas stream transferred for fuel value *(i.e.,* net positive heating value), use, reuse, or for sale for fuel value, use, or reuse.

(7) A storage vessel vent or transfer operation vent subject to 40 CFR 63.119 or 40 CFR 63.126.

(8) A vent from a waste management unit subject to 40 CFR 63.132 through 63.137.

(9) A gas stream exiting an analyzer.

(i) The gas stream would meet the characteristics specified in paragraphs (b) through (g) of this section, but, for purposes of avoiding applicability, has been deliberately interrupted, temporarily liquefied, routed through any item of equipment for no process purpose, or disposed of in a flare that does not meet the criteria in 40 CFR 63.11(b), or an incinerator that does not reduce emissions of organic HAP by 98 percent or to a concentration of 20 parts per million by volume, whichever is less stringent.

TABLE 1 TO SUBPART F - SYNTHETIC ORGANIC CHEMICAL MANUFACTURING INDUSTRY CHEMICALS

Chemical name[a]	CAS No.[b]	Group
Acenaphthene	83329	V
Acetal	105577	V
Acetaldehyde	75070	II
Acetamide	60355	II
Acetanilide	103844	II
Acetic acid	64197	II
Acetic anhydride	108247	II
Acetoacetanilide	102012	III
Acetone	67641	I
Acetone cyanohydrin	75865	V
Acetonitrile	75058	I
Acetophenone	98862	I
Acrolein	107028	IV
Acrylamide	79061	I
Acrylic acid	79107	IV
Acrylonitrile	107131	I
Adiponitrile	111693	I
Alizarin	72480	V
Alkyl anthraquinones	008	V
Allyl alcohol	107186	I
Allyl chloride	107051	IV
Allyl cyanide	109751	IV
Aminophenol sulfonic acid	0010	V
Aminophenol (p-)	123308	I
Aniline	62533	I
Aniline hydrochloride	142041	III
Anisidine (o-)	90040	II
Anthracene	120127	V
Anthraquinone	84651	III
Azobenzene	103333	I
Benzaldehyde	100527	III
Benzene	71432	I
Benzenedisulfonic acid	98486	I
Benzenesulfonic acid	98113	I
Benzil	134816	III
Benzilic acid	76937	III
Benzoic acid	65850	III
Benzoin	119539	III
Benzonitrile	100470	III
Benzophenone	119619	I
Benzotrichloride	98077	III
Benzoyl chloride	98884	III
Benzyl acetate	140114	III
Benzyl alcohol	100516	III
Benzyl benzoate	120514	III
Benzyl chloride	100447	III

Benzyl dichloride	98873	III
Biphenyl	92524	I
Bisphenol A	80057	III
Bis(Chloromethyl) Ether	542881	I
Bromobenzene	108861	I
Bromoform	75252	V
Bromonaphthalene	27497514	IV
Butadiene (1,3-)	106990	II
Butanediol (1,4-)	110634	I
Butyl acrylate (n-)	141322	V
Butylene glycol (1,3-)	107880	II
Butyrolactone	96480	I
Caprolactam	105602	II
Carbaryl	63252	V
Carbazole	86748	V
Carbon disulfide	75150	IV
Carbon tetrabromide	558134	II
Carbon tetrachloride	56235	I
Carbon tetrafluoride	75730	II
Chloral	75876	II
Chloroacetic acid	79118	II
Chloroacetophenone (2-)	532274	I
Chloroaniline (p-)	106478	II
Chlorobenzene	108907	I
2-Chloro-1,3-butadiene (Chloroprene)	126998	II
Chlorodifluoroethane	25497294	V
Chlorodifluoromethane	75456	I
Chloroform	67663	I
Chloronaphthalene	25586430	IV
Chloronitrobenzene(m-)	121733	I
Chloronitrobenzene(o-)	88733	I
Chloronitrobenzene(p-)	100005	
Chlorophenol (m-)	108430	II
Chlorophenol (o-)	95578	II
Chlorophenol (p-)	106489	II
Chlorotoluene (m-)	108418	III
Chlorotoluene (o-)	95498	III
Chlorotoluene (p-)	106434	III
Chlorotrifluoromethane	75729	II
Chrysene	218019	V
Cresol and cresylic acid (m-)	108394	III
Cresol and cresylic acid (o-)	95487	III
Cresol and cresylic acid (p-)	106445	III
Cresols and cresylic acids (mixed)	1319773	III
Cumene	98828	I
Cumene hydroperoxide	80159	I
Cyanoacetic acid	372098	II
Cyclohexane	110827	I
Cyclohexanol	108930	I
Cyclohexanone	108941	I
Cyclohexylamine	108918	III

Cyclooctadienes ..... 29965977 II
Decahydronaphthalene ..... 91178 IV
Diacetoxy-2-Butene (1,4-) ..... 0012 V
Diaminophenol hydrochloride ..... 137097 V
Dibromomethane ..... 74953 V
Dichloroaniline (mixed isomers) ..... 27134276 I
Dichlorobenzene (p-) ..... 106467 I
Dichlorobenzene (m-) ..... 541731 I
Dichlorobenzene (o-) ..... 95501 I
Dichlorobenzidine(3,3'-).....91941 I
Dichlorodifluoromethane ..... 75718 I
Dichloroethane (1,2-)(Ethylenedichloride) (EDC).107062 I
Dichloroethyl ether (bis(2-chloroethyl)ether).111444 I
Dichloroethylene (1,2-) ..... 540590 II
Dichlorophenol (2,4-) ..... 120832 III
Dichloropropene (1,3-) ..... 542756 II
Dichlorotetrafluoro-ethane. 1320372 V
Dichloro-1-butene (3,4-) ..... 760236 II
Dichloro-2-butene (1,4-) ..... 764410 V
Diethanolamine (2,2'-Iminodiethanol) 111422 I
Diethyl sulfate ..... 64675 II
Diethylamine ..... 109897 IV
Diethylaniline (2,6-) ..... 579668 V
Diethylene glycol ..... 111466 I
Diethylene glycol dibutyl ether ..... 112732 I
Diethylene glycol diethyl ether .....112367 I
Diethylene glycol dimethyl ether ....111966 I
Diethylene glycol monobutyl ether acetate.124174 I
Diethylene glycol monobutyl ether .....112345 I
Diethylene glycol monoethyl ether acetate.112152 I
Diethylene glycol monoethyl ether .... 111900 I
Diethylene glycol monohexyl ether ... 112594 V
Diethylene glycol monomethyl ether acetate.629389 V
Diethylene glycol monomethyl ether.. 111773 I
Dihydroxybenzoic acid (Resorcylic acid).27138574 V
Dimethylbenzidine(3,3'-)..... 119937 II
Dimethyl ether ..... 115106 IV
Dimethylformamide (N,N-) ..... 68122 II
Dimethylhydrazine (1,1-)..... 57147 II
Dimethyl sulfate ..... 77781 I
Dimethyl terephthalate ..... 120616 II
Dimethylamine ..... 124403 IV
Dimethylaminoethanol (2-) ..... 108010 I
Dimethylaniline (N,N') ..... 121697 III
Dinitrobenzenes (NOS) [c] ..... 25154545 I
Dinitrophenol (2,4-) ..... 51285 III
Dinitrotoluene (2,4-) ..... 121142 III
Dioxane (1,4-) (1,4-Diethyleneoxide) ..1239 11I
Dioxolane (1,3-) ..... 646060 I
Diphenyl methane ..... 101815 I
Diphenyl oxide ..... 101848 I

Diphenyl thiourea ..... 102089 III
Diphenylamine ..... 122394 III
Dipropylene glycol ..... 110985 I
Di-o-tolyguanidine ..... 97392 III
Dodecanedioic acid ..... 693232 I
Dodecyl benzene (branched) ..... 123013 V
Dodecyl phenol (branched) ..... 121158585 V
Dodecylaniline ..... 28675174 V
Dodecylbenzene (n-) ..... 121013 I
Dodecylphenol ..... 27193868 III
Epichlorohydrin (1-chloro-2,3-epoxypropane).106898 I
Ethanolamine ..... 141435 I
Ethyl acrylate ..... 140885 II
Ethylbenzene ..... 100414 I
Ethyl chloride (Chloroethane) ..... 75003 IV
Ethyl chloroacetate ..... 105395 II
Ethylamine ..... 75047 V
Ethylaniline (N-) ..... 103695 III
Ethylaniline (o-) ..... 578541 III
Ethylcellulose ..... 9004573 V
Ethylcyanoacetate ..... 105566 V
Ethylene carbonate ..... 96491 I
Ethylene dibromide (Dibromoethane) 106934 I
Ethylene glycol ..... 107211 I
Ethylene glycol diacetate ..... 111557 I
Ethylene glycol dibutyl ether ..... 112481 V
Ethylene glycol diethyl ether
(1,2-diethoxyethane). .....629141 I
Ethylene glycol dimethyl ether.....110714 I
Ethylene glycol monoacetate ..... 542596 V
Ethylene glycol monobutyl ether acetate.112072 I
Ethylene glycol monobutyl ether ..... 111762 I
Ethylene glycol monoethyl ether acetate.111159 I
Ethylene glycol monoethyl ether ..... 110805 I
Ethylene glycol monohexyl ether ..... 112254 V
Ethylene glycol monomethyl ether acetate.110496 I
Ethylene glycol monomethyl ether .... 109864 I
Ethylene glycol monooctyl ether ..... 002 V
Ethylene glycol monophenyl ether .... 122996 I
Ethylene glycol monopropyl ether ..... 2807309 I
Ethylene oxide ..... 75218 I
Ethylenediamine ..... 107153 II
Ethylenediamine tetraacetic acid ..... 60004 V
Ethylenimine (Aziridine) ..... 151564 II
Ethylhexyl acrylate (2-isomer) ..... 103117 II
Fluoranthene ..... 206440 V
Formaldehyde ..... 50000 I
Formamide ..... 75127 II
Formic acid ..... 64186 II
Fumaric acid ..... 110178 I
Glutaraldehyde ..... 111308 IV

Glyceraldehyde	367475	V
Glycerol	56815	II
Glycine	56406	II
Glyoxal	107222	II
Hexachlorobenzene	118741	II
Hexachlorobutadiene	87683	II
Hexachloroethane	67721	II
Hexadiene (1,4-)	592450	II
Hexamethylene- tetramine	100970	I
Hexane	110543	V
Hexanetriol (1,2,6-)	106694	IV
Hydroquinone	123319	I
Hydroxyadipaldehyde	141311	V
Isobutyl acrylate	106638	V
Isobutylene	115117	V
Isophorone	78591	IV
Isophorone nitrile	0017	V
Isophthalic acid	121915	III
Isopropylphenol	25168063	III
Linear alkylbenzene	—[d]	I
Maleic anhydride	108316	I
Maleic hydrazide	123331	I
Malic acid	6915157	I
Metanilic acid	121471	I
Methacrylic acid	79414	V
Methanol	67561	IV
Methionine	63683	I
Methyl acetate	79209	IV
Methyl acrylate	96333	V
Methyl bromide (Bromomethane)	74839	IV
Methyl chloride (Chloromethane)	74873	IV
Methyl ethyl ketone (2-butanone)	78933	V
Methyl formate	107313	II
Methyl hydrazine	60344	IV
Methyl isobutyl carbinol	108112	IV
Methyl isobutyl ketone (Hexone)	108101	IV
Methyl isocyanate	624839	IV
Methyl mercaptan	74931	IV
Methyl methacrylate	80626	IV
Methyl phenyl carbinol	98851	II
Methyl tert-butyl ether	1634044	V
Methylamine	74895	IV
Methylaniline (N-)	100618	III
Methylcyclohexane	108872	III
Methylcyclohexanol	25639423	V
Methylcyclohexanone	1331222	III
Methylene chloride (Dichloromethane)	75092	I
Methylene dianiline (4,4’-isomer)	101779	I
Methylene diphenyl diisocyanate (4,4’-) (MDI)	101688	III

TABLE 1 TO SUBPART F - SYNTHETIC ORGANIC CHEMICAL MANUFACTURING INDUSTRY CHEMICALS (Continued)-

Chemical name[a]	CAS No.[b]	Group
Methylionones (a-)	79696	V
Methylpentynol	77758	V
Methylstyrene (a-)	98839	I
Naphthalene	91203	IV
Naphthalene sulfonic acid (a-)	85472	IV
Naphthalene sulfonic acid (b-)	120183	IV
Naphthol (a-)	90153	IV
Naphthol (b-)	135193	IV
Naphtholsulfonic acid (1-)	567180	V
Naphthylamine sulfonic acid (1,4-)	84866	V
Naphthylamine sulfonic acid (2,1-)	81163	V
Naphthylamine (1-)	134327	V
Naphthylamine (2-)	91598	V
Nitroaniline (m-)	99092	II
Nitroaniline (o-)	88744	I
Nitroanisole (o-)	91236	III
Nitroanisole (p-)	100174	III
Nitrobenzene	98953	I
Nitronaphthalene (1-)	86577	IV
Nitrophenol (p-)	100027	III
Nitrophenol (o-)	88755	III
Nitropropane (2-)	79469	II
Nitrotoluene (all isomers)	1321126	III
Nitrotoluene (o-)	88722	III
Nitrotoluene (m-)	99081	III
Nitrotoluene (p-)	99990	III
Nitroxylene	25168041	V
Nonylbenzene (branched)	1081772	V
Nonylphenol	25154523	V
Octene-1	111660	I
Octylphenol	27193288	III
Paraformaldehyde	30525894	I
Paraldehyde	123637	II
Pentachlorophenol	87865	III
Pentaerythritol	115775	I
Peracetic acid	79210	II
Perchloromethyl mercaptan	594423	IV
Phenanthrene	85018	V
Phenetidine (p-)	156434	III
Phenol	108952	III
Phenolphthalein	77098	III
Phenolsulfonic acids (all isomers)	1333397	III
Phenyl anthranilic acid (all isomers)	91407	III
Phenylenediamine (p-)	106503	I
Phloroglucinol	108736	III
Phosgene	75445	IV

Phthalic acid	88993	III
Phthalic anhydride	85449	III
Phthalimide	85416	III
Phthalonitrile	91156	III
Picoline (b-)	108996	II
Piperazine	110850	I
Propiolactone (beta-)	57578	I
Propionaldehyde	123386	IV
Propionic acid	79094	I
Propylene carbonate	108327	V
Propylene dichloride (1,2-dichloropropane)	78875	IV
Propylene glycol	57556	I
Propylene glycol monomethyl ether	107982	I
Propylene oxide	75569	I
Pyrene	129000	V
Pyridine	110861	II
p-tert-Butyl toluene	98511	III
Quinone	106514	III
Resorcinol	108463	I
Salicylic acid	69727	III
Sodium methoxide	124414	IV
Sodium phenate	139026	III
Stilbene	588590	III
Styrene	100425	I
Succinic acid	110156	I
Succinonitrile	110612	I
Sulfanilic acid	121573	III
Sulfolane	126330	II
Tartaric acid	526830	I
Terephthalic acid	100210	II
Tetrabromophthalic anhydride	632791	III
Tetrachlorobenzene (1,2,4,5-)	95943	I
Tetrachloroethane (1,1,2,2-)	79345	II
Tetrachloroethylene (Perchloroethylene)	127184	I
Tetrachlorophthalic-anhydride	117088	III
Tetraethyl lead	78002	IV
Tetraethylene glycol	112607	I
Tetraethylene-pentamine	112572	V
Tetrahydrofuran	109999	I
Tetrahydronapthalene	119642	IV
Tetrahydrophthalic anhydride	85438	II
Tetramethylene-diamine	110601	II
Tetramethylethylenediamine	110189	V
Tetramethyllead	75741	V
Toluene	108883	I
Toluene 2,4 diamine	95807	II
Toluene 2,4 diisocyanate	584849	II
Toluene diisocyanates (mixture)	26471625	II
Toluene sulfonic acids	104154	III
Toluenesulfonyl chloride	98599	III
Toluidine (o-)	95534	II

Trichloroaniline-(2,4,6-).....	634935	III
Trichlorobenzene (1,2,3-)	87616	V
Trichlorobenzene (1,2,4-)	120821	I
Trichloroethane (1,1,1-).....	71556	II
Trichloroethane (1,1,2-) (Vinyl tri-chloride).	79005	II
Trichloroethylene	79016	I
Trichlorofluoromethane	75694	I
Trichlorophenol (2,4,5-).	95954	I
(1,1,2-) Trichloro (1,2,2-) trifluoroethane.	76131	I
Triethanolamine	102716	I
Triethylamine	121448	IV
Triethylene glycol	112276	I
Triethylene glycol dimethyl ether.	112492	I
Triethylene glycol monoethyl ether	112505	V
Triethylene glycol monomethyl ether ...	112356	I
Trimethylamine	75503	IV
Trimethylcyclohexanol	933482	IV
Trimethylcyclo-hexanone.....	2408379	IV
Trimethylcyclo-hexylamine.....	34216347	V
Trimethylolpropane	77996	I
Trimethylpentane (2,2,4-)	540841	V
Tripropylene glycol	24800440	V
Vinyl acetate	108054	II
Vinyl chloride (Chloroethylene)	75014	I
Vinyl toluene	25013154	III
Vinylcyclohexene (4-)	100403	II
Vinylidene chloride (1,1-dichloroethylene).	75354	II
Vinyl(N-)-pyrrolidone(2-)	88120	V
Xanthates	140896	V
Xylene sulfonic acid	25321419	III
Xylenes (NOS) c	1330207	I
Xylene (m-)	108383	I
Xylene (o-)	95476	I
Xylene (p-)	106423	I
Xylenols (Mixed)	1300716	V
Xylidene	1300738	III

[a] Isomer means all structural arrangements for the same number of atoms of each element and does not mean salts, esters, or derivatives.
[b] CAS Number = Chemical Abstract Service number.
[c] NOS = not otherwise specified.
[d] No CAS number assigned.

TABLE 2 TO SUPBART F - ORGANIC HAZARDOUS AIR POLLUTANTS

Chemical name [a,b]	CAS No.[c]
Acenaphthene	83329
Acetaldehyde	75070
Acetamide	60355
Acetonitrile	75058
Acetophenone	98862
Acrolein	107028
Acrylamide	79061
Acrylic acid	79107
Acrylonitrile	107131
Alizarin	72480
Allyl chloride	107051
Aniline	62533
Anisidine (o-)	90040
Anthracene	120127
Anthraquinone	84651
Benzene	71432
Benzotrichloride	98077
Benzyl chloride	100447
Biphenyl	92524
Bis(chloromethyl)ether	542881
Bromoform	75252
Bromonaphthalene	27497514
Butadiene (1,3-)	106990
Carbon disulfide	75150
Carbon tetrachloride	56235
Chloroacetic acid	79118
Chloroacetophenone (2-)	532274
Chlorobenzene	108907
2–Chloro-,1,3-butadiene (Chloroprene)	126998
Chloroform	67663
Chloronaphthalene	25586430
Chrysene	218019
Cresols and cresylic acids (mixed)	1319773
Cresol and cresylic acid (o-)	95487
Cresol and cresylic acid (m-)	108394
Cresol and cresylic acid (p-)	106445
Cumene	98828
Dichlorobenzene (p-)	106467
Dichlorobenzidine (3,3’-)	91941
Dichloroethane (1,2-) (Ethylene dichloride)(EDC)	107062
Dichloroethylether (Bis(2-chloroethyl)ether)	111444
Dichloropropene (1,3-)	542756
Diethanolamine (2,2’-Iminodiethanol)	111422
Dimethylaniline (N,N-)	121697
Diethyl sulfate	64675
Dimethylbenzidine (3,3’-)	119937
Dimethylformamide (N,N-)	68122

Dimethylhydrazine (1,1-) 58147
Dimethylphthalate 131113
Dimethylsulfate 77781
Dinitrophenol (2,4-) 51285
Dinitrotoluene (2,4-) 121142
Dioxane (1,4-) (1,4–Diethyleneoxide) 123911
1,2–Diphenylhydrazine 122667
Epichlorohydrin (1–Chloro-2,3-epoxypropane) 106898
Ethyl acrylate 140885
Ethylbenzene 100414
Ethyl chloride (Chloroethane) 75003
Ethylene dibromide (Dibromoethane) 106934
Ethylene glycol 107211
Ethylene oxide 75218
Ethylidene dichloride (1,1–Dichloroethane) 75343
Fluoranthene 206440
Formaldehyde 50000
Glycol ethers [d] .
Hexachlorobenzene 118741
Hexachlorobutadiene 87683
Hexachloroethane 67721
Hexane 110543
Hydroquinone 123319
Isophorone 78591
Maleic anhydride 108316
Methanol 67561
Methylbromide (Bromomethane) 74839
Methylchloride (Chloromethane) 74873
Methyl ethyl ketone (2–Butanone) 78933
Methyl hydrazine 60344
Methyl isobutyl ketone (Hexone) 108101
Methyl isocyanate 624839
Methyl methacrylate 80626
Methyl tert-butyl ether 1634044
Methylene chloride (Dichloromethane) 75092
Methylene diphenyl diisocyanate (4,4’-) (MDI) ... 101688
Methylenedianiline (4,4’-) 101779
Naphthalene 91203
Naphthalene sulfonic acid (a)..... 85472
Naphthalene sulfonic acid ( ) 120183
Naphthol (a) 90153
Naphthol ( ) 135193
Naphtholsulfonic acid (1-) 567180
Naphthylamine sulfonic acid (1,4-) 84866
Naphthylamine sulfonic acid (2,1-) 81163
Naphthylamine (1-) 134327
Naphthylamine (2-) 91598
Nitronaphthalene (1-) 86577
Nitrobenzene 98953
Nitrophenol (p-) 100027
Nitropropane (2-) 79469

Phenanthrene 85018
Phenol 108952
Phenylenediamine (p-) 106503
Phosgene 75445
Phthalic anhydride 85449
Propiolactone (beta-) 57578
Propionaldehyde 123386
Propylene dichloride (1,2–Dichloropropane) 78875
Propylene oxide 75569
Pyrene 129000
Quinone 106514
Styrene 100425
Tetrachloroethane (1,1,2,2-) 79345
Tetrachloroethylene (Perchloroethylene) 127184
Tetrahydronaphthalene 119642
Toluene 108883
Toluene diamine (2,4-) 95807
Toluene diisocyanate (2,4-) 584849
Toluidine (o-) 95534
Trichlorobenzene (1,2,4-) 120821
Trichloroethane (1,1,1-) (Methyl chloroform) 71556
Trichloroethane (1,1,2-) (Vinyl trichloride) 79005
Trichloroethylene 79016
Trichlorophenol (2,4,5-) 95954
Triethylamine 121448
Trimethylpentane (2,2,4-) 540841
Vinyl acetate 108054
Vinyl chloride (Chloroethylene) 75014
Vinylidene chloride (1,1–Dichloroethylene) 75354
Xylenes (NOS) 1330207
Xylene (m-) 108383
Xylene (o-) 95476
Xylene (p-) 106423

[a] For all Listings above containing the word ‘‘Compounds,’’ the following applies: Unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical (i.e., antimony, arsenic) as part of that chemical’s infrastructure.
[b] Isomer means all structural arrangements for the same number of atoms of each element and does not mean salts, esters, or derivatives.
[c] CAS No. = Chemical Abstract Service number.
[d] Includes mono- and di- ethers of ethylene glycol, diethylene glycol, and triethylene glycol
R(OCH2CH2)n-OR
where:

n = 1, 2, or 3;
R = alkyl or aryl groups; and R’ = R, H or groups which, when removed, yield glycol ethers with the structure: R-(OCH2CH2)n-OH
Polymers are excluded from the glycol category.

Table 3- General Provisions Applicability to Subparts F, G, and H to Subpart F- Please refer to Appendix to Subpart F

TABLE 4. TO SUBPART F. - ORGANIC HAZARDOUS AIR POLLUTANTS SUBJECT TO COOLING TOWER MONITORING REQUIREMENTS IN 40 CFR 63.104

Chemical name	CAS Number[a]
Acetaldehyde	75070
Acetonitrile	75058
Acetophenone	98862
Acrolein	107028
Acrylonitrile	107131
Allyl chloride	107051
Aniline	62533
Anisidine (o-)	90040
Benzene	71432
Benzyl chloride	100447
Biphenyl	92524
Bromoform	75252
Butadiene (1,3-)	106990
Carbon disulfide	75150
Carbon tetrachloride	56235
Chloroacetophenone (2-)	532274
Chlorobenzene	108907
2–Chloro-1,3-butadiene (Chloroprene)	126998
Chloroform	67663
Cresol and cresylic acid (o-)	95487
Cresol and cresylic acid (m-)	108394
Cresol and cresylic acid (p-)	106445
Cumene	98828
Dichlorobenzene (p-)	106467
Dichlorobenzidine (3,3’-)	91941
Dichloroethane (1,2-) (Ethylene dichloride)(EDC)	107062
Dichloroethyl ether (Bis(2-chloroethyl)ether)	111444
Dichloropropene (1,3-)	542756
Diethylene glycol diethyl ether	112367
Diethylene glycol dimethyl ether	111966
Diethyl sulfate	64675
Dimethylaniline (N,N-)	121697
Dimethylhydrazine (1,1-)	57147
Dimethyl phthalate	131113
Dimethyl sulfate	77781
Dinitrophenol (2,4-)	51285
Dinitrotoluene (2,4-)	121142
Dioxane (1,4-) (1,4-Diethyleneoxide)	123911
Epichlorohydrin (1-Chloro-2,3-epoxypropane)	106898
Ethyl acrylate	140885
Ethylbenzene	100414

Ethyl chloride (Chloroethane) 75003
Ethylene dibromide (Dibromoethane) 106934
Ethylene glycol dimethyl ether 110714
Ethylene glycol monobutyl ether 111762
Ethylene glycol monobutyl ether acetate 112072
Ethylene glycol monoethyl ether acetate 111159
Ethylene glycol monoethyl ether 110805
Ethylene glycol monomethyl ether 109864
Ethylene glycol monomethyl ether acetate 110496
Ethylene glycol monopropyl ether 2807309
Ethylene oxide 75218
Ethylidene dichloride (1,1-Dichloroethane) 75343
Formaldehyde 50000
Hexachlorobenzene 118741
Hexachlorobutadiene 87683
Hexachloroethane 67721
Hexane 110543
Isophorone 78591
Methanol 67561
Methyl bromide (Bromomethane) 74839
Methyl chloride (Chloromethane) 74873
Methyl ethyl ketone (2–Butanone) 78933
Methyl hydrazine 60344
Methyl isobutyl ketone (Hexone) 108101
Methyl methacrylate 80626
Methyl tert-butyl ether 1634044
Methylene chloride (Dichloromethane) 75092
Methylenedianiline (4,4’-) 101779
Naphthalene 91203
Nitrobenzene 98953
Nitropropane (2-) 79469
Phenol 108952
Phenylenediamine (p-) 106503
Phosgene 75445
Propionaldehyde 123386
Propylene dichloride (1,2-Dichloropropane) 78875
Propylene oxide 75569
Quinone 106514
Styrene 100425
Tetrachloroethane (1,1,2,2-) 79345
Tetrachloroethylene (Perchloroethylene) 127184
Toluene 108883
Toluidine (o-) 95534
Trichlorobenzene (1,2,4-) 120821
Trichloroethane (1,1,1-) (Methyl chloroform) 71556
Trichloroethane (1,1,2-) (Vinyl trichloride) 79005
Trichloroethylene 79016
Trichlorophenol (2,4,5-) 95954
Triethylamine 121448
Trimethylpentane (2,2,4-) 540841
Vinyl acetate 108054

Vinyl chloride (chloroethylene) 75014
Vinylidene chloride (1,1-Dichloroethylene) 75354
Xylene (m-) 108383
Xylene (o-) 95476
Xylene (p-) 106423

[a] CAS Number = Chemical Abstract Service number.

Federal Regulations Adopted by Reference

In accordance with Rule 62-204.800, F.A.C., the following federal regulation in Title 40 of the Code of Federal Regulations (CFR) was adopted by reference. The original federal rule numbering has been retained.

Federal Revision Date: December 22, 2008

State Rule Effective Date: November 18, 2009

Standardized Conditions Revision Date: February 16, 2010

40 CFR 63 Subpart G - National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater

Source: 59 FR 19468, Apr. 22, 1994, unless otherwise noted.

40 CFR 63.110 - Applicability

(a) This Subpart applies to all process vents, storage vessels, transfer racks, wastewater streams, and in-process equipment subject to 40 CFR 63.149 within a source subject to Subpart F of this part.

(b) *Overlap with other regulations for storage vessels.*

(1) After the compliance dates specified in 40 CFR 63.100 of Subpart F of this part, a Group 1 or Group 2 storage vessel that is also subject to the provisions of 40 CFR 60 Subpart Kb is required to comply only with the provisions of this Subpart.

(2) After the compliance dates specified in 40 CFR 63.100 of Subpart F of this part, a Group 1 storage vessel that is also subject to the provisions of 40 CFR 61 Subpart Y is required to comply only with the provisions of this Subpart.

(3) After the compliance dates specified in 40 CFR 63.100 of Subpart F of this part, a Group 2 storage vessel that is also subject to the provisions of 40 CFR 61 Subpart Y is required to comply only with the provisions of 40 CFR 61 Subpart Y. The recordkeeping and reporting requirements of 40 CFR 61 Subpart Y will be accepted as compliance with the recordkeeping and reporting requirements of this Subpart.

(c) *Overlap with other regulations for transfer racks.*

(1) After the compliance dates specified in 40 CFR 63.100 of Subpart F of this part, a Group 1 transfer rack that is also subject to the provisions of 40 CFR 61 Subpart BB is required to comply only with the provisions of this Subpart.

(2) After the compliance dates specified in 40 CFR 63.100 of Subpart F of this part, a Group 2 transfer rack that is also subject to the provisions of 40 CFR 61 Subpart BB is required to comply with the provisions of either paragraph (c)(2)(i) or (c)(2)(ii) of this Subpart.

(i) If the transfer rack is subject to the control requirements specified in 40 CFR 61.302 of 40 CFR 61 Subpart BB, then the transfer rack is required to comply with the control requirements of 40 CFR 61.302 of 40 CFR 61 Subpart BB. The owner or operator may elect to comply with either the associated testing, monitoring, reporting, and recordkeeping requirements of 40 CFR 61 Subpart BB or with the testing, monitoring, recordkeeping, and reporting requirements specified in this Subpart for Group 1 transfer racks. The owner or operator shall indicate this decision in either the Notification of Compliance Status specified in 40 CFR 63.152(b) of this Subpart or in an operating permit application or amendment.

(ii) If the transfer rack is subject only to reporting and recordkeeping requirements under 40 CFR 61 Subpart BB, then the transfer rack is required to comply only with the reporting and recordkeeping requirements specified in this Subpart for Group 2 transfer racks and is exempt from the reporting and recordkeeping requirements in 40 CFR 61 Subpart BB.

(d) *Overlap with other regulations for process vents.*

(1) After the compliance dates specified in 40 CFR 63.100 of Subpart F of this part, a Group 1 process vent that is also subject to the provisions of 40 CFR 60 Subpart III is required to comply only with the provisions of this Subpart.

(2) After the compliance dates specified in 40 CFR 63.100 of Subpart F of this part, the owner or operator of a Group 2 process vent that is also subject to the provisions of 40 CFR 60 Subpart III shall determine requirements according to paragraphs (d)(2)(i) and (d)(2)(ii) of this section.

(i) If the Group 2 process vent has a TRE value less than 1 as determined by the procedures in 40 CFR 60 Subpart III, the process vent is required to comply with the provisions in paragraphs (d)(2)(i)(A) through (d)(2)(i)(C) of this section.

(A) The provisions in both this Subpart and in 40 CFR 60 Subpart III for applicability determination and the associated recordkeeping and reporting;

(B) The provisions in both this Subpart and in 40 CFR 60 Subpart III for process changes and recalculation of the TRE index value and the associated recordkeeping and reporting; and

(C) The control requirements in 40 CFR 60.612 of 40 CFR 60 Subpart III. The owner or operator may elect to comply with either the associated testing, monitoring, reporting, and recordkeeping requirements of 40 CFR 60 Subpart III or with the testing, monitoring, reporting, and recordkeeping requirements specified in this Subpart for Group 1 process vents. The owner or operator shall indicate this decision in either the Notification of Compliance Status specified in 40 CFR 63.152(b) of this Subpart or in an operating permit application or amendment.

(ii) If the Group 2 process vent has a TRE value greater than or equal to 1 as determined by the procedures in 40 CFR 60 Subpart III, the process vent is required to comply only with the provisions specified in paragraphs (d)(2)(ii)(A) through (d)(2)(ii)(D) of this section.

(A) The provisions in both this Subpart and in 40 CFR 60 Subpart III for applicability determination and the associated recordkeeping and reporting;

(B) The provisions in both this Subpart and in 40 CFR 60 Subpart III for process changes and recalculation of the TRE index value and the associated recordkeeping and reporting;

(C) If the provisions of both this Subpart and 40 CFR 60 Subpart III require continuous monitoring of recovery device operating parameters, the process vent is required to comply only with the provisions that are specified in this Subpart for continuous monitoring of recovery device operating parameters and the associated testing, reporting, and recordkeeping.

(D) If only the provisions of 40 CFR 60 Subpart III require continuous monitoring of recovery device operating parameters, the process vent is required to comply only with the provisions that are specified in 40 CFR 60 Subpart III for continuous monitoring of recovery device operating parameters and the associated testing, reporting, and recordkeeping.

(3) After the compliance dates specified in 63.100 of Subpart F of this part, if an owner or operator of a process vent subject to this Subpart that is also subject to the provisions of 40 CFR 60 Subpart III elects to control the process vent to the levels required in 40 CFR 63.113 (a)(1) or (a)(2) of this Subpart without calculating the TRE index value for the vent according to the procedures specified in 40 CFR 63.115(d) of this Subpart then the owner or operator shall comply with the testing, monitoring, reporting, and recordkeeping provisions of this Subpart and shall be exempt from the testing, monitoring, reporting, and recordkeeping provisions of 40 CFR 60 Subpart III.

(4) After the compliance dates specified in 40 CFR 63.100 of Subpart F of this part, a Group 1 process vent that is also subject to the provisions of 40 CFR 60 Subpart NNN is required to comply only with the provisions of this Subpart.

(5) After the compliance dates specified in 40 CFR 63.100 of Subpart F of this part, the owner or operator of a Group 2 process vent that is also subject to the provisions of 40 CFR 60 Subpart NNN shall determine requirements according to paragraphs (d)(5)(i) and (d)(5)(ii) of this section.

(i) If the Group 2 process vent has a TRE value less than 1 as determined by the procedures in 40 CFR 60 Subpart NNN, the process vent is required to comply with the provisions in paragraphs (d)(5)(i)(A) through (d)(5)(i)(C) of this section.

(A) The provisions in both this Subpart and in 40 CFR 60 Subpart NNN for applicability determination and the associated recordkeeping and reporting;

(B) The provisions in both this Subpart and in 40 CFR 60 Subpart NNN for process changes and recalculation of the TRE index value and the associated recordkeeping and reporting; and

(C) The control requirements in 40 CFR 60.662 of 40 CFR 60 Subpart NNN. The owner or operator may elect to comply with either the associated testing, monitoring, reporting, and recordkeeping requirements of 40 CFR 60 Subpart NNN or with the testing, monitoring, reporting, and recordkeeping requirements specified in this Subpart for Group 1 process vents. The owner or operator shall indicate this decision in either the

Notification of Compliance Status specified in 40 CFR 63.152(b) of this Subpart or in an operating permit application or amendment.

(ii) If the Group 2 process vent has a TRE value greater than or equal to 1 as determined by the procedures in 40 CFR 60 Subpart NNN, the process vent is required to comply only with the provisions specified in paragraphs (d)(5)(ii)(A) through (d)(5)(ii)(D) of this section.

(A) The provisions in both this Subpart and in 40 CFR 60 Subpart NNN for applicability determination and the associated recordkeeping and reporting;

(B) The provisions in both this Subpart and in 40 CFR 60 Subpart NNN for process changes and recalculation of the TRE index value and the associated recordkeeping and reporting;

(C) If the provisions of both this Subpart and 40 CFR 60 Subpart NNN require continuous monitoring of recovery device operating parameters, the process vent is required to comply only with the provisions that are specified in this Subpart for continuous monitoring of recovery device operating parameters and the associated testing, reporting, and recordkeeping.

(D) If only the provisions of 40 CFR 60 Subpart NNN require continuous monitoring of recovery device operating parameters, the process vent is required to comply only with the provisions that are specified in 40 CFR 60 Subpart NNN for continuous monitoring of recovery device operating parameters and the associated testing, reporting, and recordkeeping.

(6) After the compliance dates specified in 40 CFR 63.100 of Subpart F of this part, if an owner or operator of a process vent subject to this Subpart that is also subject to the provisions of 40 CFR 60 Subpart NNN elects to control the process vent to the levels required in 40 CFR 63.113(a)(1) or (a)(2) of this Subpart without calculating the TRE index value for the vent according to the procedures specified in 40 CFR 63.115(d) of this Subpart then the owner or operator shall comply with the testing, monitoring, reporting, and recordkeeping provisions of this Subpart and shall be exempt from the testing, monitoring, reporting, and recordkeeping provisions of 40 CFR 60 Subpart NNN.

(7) After the compliance dates specified in 40 CFR 63.100 of Subpart F of this part, a Group 1 process vent that is also subject to the provisions of 40 CFR 60 Subpart RRR is required to comply only with the provisions of this Subpart.

(8) After the compliance dates specified in 40 CFR 63.100 of Subpart F of this part, the owner or operator of a Group 2 process vent that is also subject to the provisions of 40 CFR 60 Subpart RRR shall determine requirements according to paragraphs (d)(8)(i) and (d)(8)(ii) of this section.

(i) If the Group 2 process vent has a TRE value less than 1 as determined by the procedures in 40 CFR 60, Subpart RRR, the process vent is required to comply with the provisions in paragraphs (d)(8)(i)(A) through (d)(8)(i)(C) of this section.

(A) The provisions in both this Subpart and in 40 CFR 60 Subpart RRR for applicability determination and the associated recordkeeping and reporting;

(B) The provisions in both this Subpart and in 40 CFR 60 Subpart RRR for process changes and recalculation of the TRE index value and the associated recordkeeping and reporting; and

(C) The control requirements in 40 CFR 60.702 of 40 CFR 60 Subpart RRR. The owner or operator may elect to comply with either the associated testing, monitoring, reporting, and recordkeeping requirements of 40 CFR 60 Subpart RRR or with the testing, monitoring, reporting, and recordkeeping requirements specified in this Subpart for Group 1 process vents. The owner or operator shall indicate this decision in either the Notification of Compliance Status specified in 40 CFR 63.152(b) of this Subpart or in an operating permit application or amendment.

(ii) If the Group 2 process vent has a TRE value greater than or equal to 1 as determined by the procedures in 40 CFR 60 Subpart RRR, the process vent is required to comply only with the provisions specified in paragraphs (d)(8)(ii)(A) through (d)(8)(ii)(D) of this section.

(A) The provisions in both this Subpart and in 40 CFR 60 Subpart RRR for applicability determination and the associated recordkeeping and reporting;

(B) The provisions in both this Subpart and in 40 CFR 60 Subpart RRR for process changes and recalculation of the TRE index value and the associated recordkeeping and reporting;

(C) If the provisions of both this Subpart and 40 CFR 60 Subpart RRR require continuous monitoring of recovery device operating parameters, the process vent is required to comply only with the provisions that are specified in this Subpart for continuous monitoring of recovery device operating parameters and the associated testing, reporting, and recordkeeping.

(D) If only the provisions of 40 CFR 60 Subpart RRR require continuous monitoring of recovery device operating parameters, the process vent is required to comply only with the provisions that are specified in 40 CFR 60 Subpart RRR for continuous monitoring of recovery device operating parameters and the associated testing, reporting, and recordkeeping.

(9) After the compliance dates specified in 40 CFR 63.100 of Subpart F of this part, if an owner or operator of a process vent subject to this Subpart that is also subject to the provisions of 40 CFR 60 Subpart RRR elects to control the process vent to the levels required in 40 CFR 63.113(a)(1) or (a)(2) of this Subpart without calculating the TRE index value for the vent according to the procedures specified in 40 CFR 63.115(d) of this Subpart then the owner or operator shall comply with the testing, monitoring, reporting, and recordkeeping provisions of this Subpart and shall be exempt from the testing, monitoring, reporting, and recordkeeping provisions of 40 CFR 60 Subpart RRR.

(10) As an alternative to the requirements of paragraphs (d)(2), (d)(3), (d)(5), (d)(6), (d)(8), and/or (d)(9) of this section as applicable, if a chemical manufacturing process unit has equipment subject to the provisions of this Subpart and equipment subject to the provisions of 40 CFR 60 Subpart III, NNN, or RRR, the owner or operator may elect to apply this Subpart to all such equipment in the chemical manufacturing process unit. If the owner or operator elects this method of compliance, all total organic compounds minus methane and ethane, in such equipment shall be considered for purposes of applicability and compliance with this Subpart, as if they were organic hazardous air pollutants. Compliance with the provisions of this Subpart, in the manner described in this paragraph, shall be deemed to constitute compliance with 40 CFR 60 Subpart III, NNN, or RRR, as applicable.

(e) *Overlap with other regulations for wastewater.*

(1) After the compliance dates specified in 40 CFR 63.100 of Subpart F of this part, the owner or operator of a Group 1 or Group 2 wastewater stream that is also subject to the provisions of 40 CFR 61 Subpart FF is required to comply with the provisions of both this Subpart and 40 CFR 61 Subpart FF. Alternatively, the owner or operator may elect to comply with the provisions of paragraphs (e)(1)(i) and (e)(1)(ii) of this section, which shall constitute compliance with the provisions of 40 CFR 61 Subpart FF.

(i) Comply with the provisions of this Subpart; and

(ii) For any Group 2 wastewater stream or organic stream whose benzene emissions are subject to control through the use of one or more treatment processes or waste management units under the provisions of 40 CFR 61 Subpart FF on or after December 31, 1992, comply with the requirements of this Subpart for Group 1 wastewater streams.

(2) After the compliance dates specified in 40 CFR 63.100 of Subpart F of this part, the owner or operator of any Group 1 or Group 2 wastewater stream that is also subject to provisions in 40 CFR 260 through 272 shall comply with the requirements of either paragraph (e)(2)(i) or (e)(2)(ii) of this section.

(i) For each Group 1 or Group 2 wastewater stream, the owner or operator shall comply with the more stringent control requirements (e.g., waste management units, numerical treatment standards, etc.) and the more stringent testing, monitoring, recordkeeping, and reporting requirements that overlap between the provisions of this Subpart and the provisions of 40 CFR 260 through 272. The owner or operator shall keep a record of the information used to determine which requirements were the most stringent and shall submit this information if requested by the Administrator; or

(ii) The owner or operator shall submit, no later than four months before the applicable compliance date specified in 40 CFR 63.100 of Subpart F of this part, a request for a case-by-case determination of requirements. The request shall include the information specified in paragraphs (e)(2)(ii)(A) and (e)(2)(ii)(B) of this section.

(A) Identification of the wastewater streams that are subject to this Subpart and to provisions in 40 CFR 260 through 272, determination of the Group 1/Group 2 status of those streams, determination of whether or not those streams are listed or exhibit a characteristic as specified in 40 CFR 261, and determination of whether the waste management unit is subject to permitting under 40 CFR 270.

(B) Identification of the specific control requirements (e.g., waste management units, numerical treatment standards, etc.) and testing, monitoring, recordkeeping, and reporting requirements that overlap between the provisions of this Subpart and the provisions of 40 CFR 260 through 272.

(f) *Overlap with the Vinyl Chloride NESHAP.*

(1) After the compliance dates specified in 40 CFR 63.100 of Subpart F of this part, the owner or operator of any Group 1 process vent that is also subject to the provisions of 40 CFR 61 Subpart F shall comply only with the provisions of this Subpart.

(2) After the compliance dates specified in 40 CFR 63.100 of Subpart F of this part, the owner or operator of any Group 2 process vent that is also subject to the provisions of 40 CFR 61 Subpart F shall comply with the provisions specified in either paragraph (f)(2)(i) or (f)(2)(ii) of this Subpart.

(i) If the process vent is already controlled by a combustion device meeting the requirements of 40 CFR 61 Subpart F, then the owner or operator shall comply with either the associated testing, monitoring, reporting, and recordkeeping provisions for Group 1 process vents in this Subpart or the testing, monitoring, reporting, and recordkeeping provisions of 40 CFR 61 Subpart F. The owner or operator shall indicate this decision in either the Notification of Compliance Status specified in 40 CFR 63.152(b) of this Subpart or in an operating permit application or amendment.

(ii) If the process vent is not already controlled by a combustion device, then the owner or operator shall comply with the provisions of both this Subpart and 40 CFR 61 Subpart F.

(3) After the compliance dates specified in 40 CFR 63.100 of Subpart F of this part, if an owner or operator of a process vent subject to this Subpart that is also subject to the provisions of 40 CFR 61 Subpart F elects to control the process vent to the levels required in 40 CFR 63.113(a)(1) or (a)(2) of this Subpart without calculating the TRE index value for the vent according to the procedures specified in 40 CFR 63.115(d) of this Subpart then the owner or operator shall comply with the testing, monitoring, reporting, and recordkeeping provisions of this Subpart and shall be exempt from the testing, monitoring, reporting, and recordkeeping provisions of 40 CFR 61 Subpart F.

(4) After the compliance dates specified in 40 CFR 63.100 of Subpart F of this part, the owner or operator of a Group 1 or Group 2 wastewater stream that is also subject to the provisions of 40 CFR 61 Subpart F shall comply with the provisions of either paragraph (f)(4)(i) or (f)(4)(ii) of this section.

(i) The owner or operator shall comply with the provisions of both this Subpart and 40 CFR 61 Subpart F or

(ii) The owner or operator may submit, no later than four months before the applicable compliance date specified in 40 CFR 63.100 of Subpart F of this part, information demonstrating how compliance with 40 CFR 61 Subpart F, will also ensure compliance with this Subpart. The information shall include a description of the testing, monitoring, reporting, and recordkeeping that will be performed.

(g) *Rules stayed for reconsideration.* Notwithstanding any other provision of this Subpart, the effectiveness of Subpart G is stayed from October 24, 1994, to April 24, 1995, only as applied to those sources for which the owner or operator makes a representation in writing to the Administrator that the resolution of the area source definition issues could have an effect on the compliance status of the source with respect to Subpart G.

(h) *Overlap with other regulations for monitoring, recordkeeping, or reporting with respect to combustion devices, recovery devices, or recapture devices.* After the compliance dates specified in 40 CFR 63.100 of Subpart F of this part, if any combustion device, recovery device, or recapture device subject to this Subpart is also subject to monitoring, recordkeeping, and reporting requirements in 40 CFR 264 Subpart AA or CC, or is subject to monitoring and recordkeeping requirements in 40 CFR 265 Subpart AA or CC and the owner or operator complies with the periodic reporting requirements under 40 CFR 264 Subpart AA or CC that would apply to the device if the facility had final-permitted status, the owner or operator may elect to comply either with the monitoring, recordkeeping, and reporting requirements of this Subpart, or with the monitoring, recordkeeping, and reporting requirements in 40 CFR 264 and/or 265, as described in this paragraph, which shall constitute compliance with the monitoring, recordkeeping, and reporting requirements of this Subpart. The owner or operator shall identify which option has been selected in the Notification of Compliance Status required by 40 CFR 63.152(b).

(i) *Alternative means of compliance —*

(1) *Option to comply with part 65.* Owners or operators of CMPU that are subject to 40 CFR 63.100 may choose to comply with the provisions of 40 CFR 65 for all Group 1 and Group 2 process vents, Group 1 storage vessels, Group 1 transfer operations, and equipment that are subject to 40 CFR 63.100, that are part of the CMPU. Other provisions applying to owners or operators who choose to comply with 40 CFR 65 are provided in 40 CFR 65.1. Group 1 and Group 2 wastewater streams, Group 2 transfer operations, Group 2 storage vessels, and in-process streams are not eligible to comply with 40 CFR 65 and must continue to comply with the requirements of this Subpart and Subpart F of this part.

(i) For Group 1 and Group 2 process vents, 40 CFR 5, Subpart D, satisfies the requirements of 40 CFR 63.102, 63.103, 63.112 through 63.118, 63.148, 63.151, and 63.152.

(ii) For Group 1 storage vessels, 40 CFR 65, Subpart C, satisfies the requirements of 40 CFR 63.102, 63.103, 63.112, 63.119 through 63.123, 63.148, 63.151, and 63.152.

(iii) For Group 1 transfer racks, 40 CFR 65, Subpart E, satisfies the requirements of 40 CFR 63.102, 63.103, 63.112, 63.126 through 63.130, 63.148, 63.151, and 63.152.

(iv) For equipment, comply with 40 CFR 65.160(g).

(2) *Part 63, Subpart A.* Owners or operators who choose to comply with 40 CFR 65 must also comply with the applicable general provisions of this Part 63 listed in table 1A of this Subpart. All sections and paragraphs of Subpart A of this part that are not mentioned in table 1A of this Subpart do not apply to owners or operators who choose to comply with 40 CFR 65, except that provisions required to be met prior to implementing 40 CFR 65 still apply. Owners and operators who choose to comply with a Subpart of 40 CFR 65 must comply with 40 CFR 65 Subpart A.

[59 FR 19468, Apr. 22, 1994, as amended at 59 FR 53360, Oct. 24, 1994; 60 FR 5321, Jan. 27, 1995; 61 FR 64575, Dec. 5, 1996; 62 FR 2742, Jan. 17, 1997; 65 FR 78284, Dec. 14, 2000; 66 FR 6929, Jan. 22, 2001]

40 CFR 63.111 - Definitions

All terms used in this Subpart shall have the meaning given them in the Act, in Subpart F of this part, and in this section, as follows.

Air oxidation reactor means a device or vessel in which air, or a combination of air and oxygen, is used as an oxygen source in combination with one or more organic reactants to produce one or more organic compounds. Air oxidation reactor includes the product separator and any associated vacuum pump or steam jet.

Annual average concentration, as used in the wastewater provisions, means the flow-weighted annual average concentration, as determined according to the procedures specified in 40 CFR 63.144(b) of this Subpart.

Annual average flow rate, as used in the wastewater provisions, means the annual average flow rate, as determined according to the procedures specified in 40 CFR 63.144(c).

Automated monitoring and recording system means any means of measuring values of monitored parameters and creating a hard copy or computer record of the measured values that does not require manual reading of monitoring instruments and manual transcription of data values. Automated monitoring and recording systems include, but are not limited to, computerized systems and strip charts.

Batch operation means a noncontinuous operation in which a discrete quantity or batch of feed is charged into a unit operation within a chemical manufacturing process unit and distilled or reacted at one time. Batch operation includes noncontinuous operations in which the equipment is fed intermittently or discontinuously. Addition of raw material and withdrawal of product do not occur simultaneously in a batch operation. After each batch operation, the equipment is generally emptied before a fresh batch is started.

Boiler means any enclosed combustion device that extracts useful energy in the form of steam and is not an incinerator. Boiler also means any industrial furnace as defined in 40 CFR 260.10.

By compound means by individual stream components, not carbon equivalents.

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

Chemical manufacturing process unit means the equipment assembled and connected by pipes or ducts to process raw materials and to manufacture an intended product. A chemical manufacturing process unit consists of more than one unit operation. For the purpose of this Subpart, chemical manufacturing process unit includes air oxidation reactors and their associated product separators and recovery devices; reactors and their associated product separators and recovery devices; distillation units and their associated distillate receivers and recovery devices; associated unit operations; associated recovery devices; and any feed, intermediate and product storage vessels, product transfer racks, and connected ducts and piping. A chemical manufacturing process unit includes pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, instrumentation systems, and control devices or systems. A chemical manufacturing process unit is identified by its primary product.

Closed biological treatment process means a tank or surface impoundment where biological treatment occurs and air emissions from the treatment process are routed to either a control device by means of a closed vent system or to a fuel gas system by means of hard-piping. The tank or surface impoundment has a fixed roof, as defined in 40 CFR 63.111 of this Subpart, or a floating flexible membrane cover that meets the requirements specified in 40 CFR 63.134 of this Subpart.

Closed-vent system means a system that is not open to the atmosphere and is composed of piping, ductwork, connections, and, if necessary, flow inducing devices that transport gas or vapor from an emission point to a control device.

Combustion device means an individual unit of equipment, such as a flare, incinerator, process heater, or boiler, used for the combustion of organic hazardous air pollutant emissions.

Container, as used in the wastewater provisions, means any portable waste management unit that has a capacity greater than or equal to 0.1 m^3 in which a material is stored, transported, treated, or otherwise handled. Examples of containers are drums, barrels, tank trucks, barges, dumpsters, tank cars, dump trucks, and ships.

Continuous record means documentation, either in hard copy or computer readable form, of data values measured at least once every 15 minutes and recorded at the frequency specified in 40 CFR 63.152(f) or 40 CFR 63.152(g) of this Subpart.

Continuous recorder means a data recording device that either records an instantaneous data value at least once every 15 minutes or records 15-minute or more frequent block average values.

Continuous seal means a seal that forms a continuous closure that completely covers the space between the wall of the storage vessel and the edge of the floating roof. A continuous seal may be a vapor-mounted, liquid-mounted, or metallic shoe seal. A continuous seal may be constructed of fastened segments so as to form a continuous seal.

Continuous vapor processing system means a vapor processing system that treats total organic compound vapors collected from tank trucks or railcars on a demand basis without intermediate accumulation in a vapor holder.

Control device means any combustion device, recovery device, or recapture device. Such equipment includes, but is not limited to, absorbers, carbon adsorbers, condensers, incinerators, flares, boilers, and process heaters. For process vents, recapture devices are considered control devices but recovery devices are not considered control devices, and for a steam stripper, a primary condenser is not considered a control device.

Cover, as used in the wastewater provisions, means a device or system which is placed on or over a waste management unit containing wastewater or residuals so that the entire surface area is enclosed to minimize air emissions. A cover may have openings necessary for operation, inspection, and maintenance of the waste management unit such as access hatches, sampling ports, and gauge wells provided that each opening is closed when not in use. Examples of covers include a fixed roof installed on a wastewater tank, a lid installed on a container, and an air-supported enclosure installed over a waste management unit.

Distillate receiver means overhead receivers, overhead accumulators, reflux drums, and condenser(s) including ejector-condenser(s) associated with a distillation unit.

Distillation unit means a device or vessel in which one or more feed streams are separated into two or more exit streams, each exit stream having component concentrations different from those in the feed stream(s). The separation is achieved by the redistribution of the components between the liquid and the vapor phases by vaporization and condensation as they approach equilibrium within the distillation unit. Distillation unit includes the distillate receiver, reboiler, and any associated vacuum pump or steam jet.

Duct work means a conveyance system such as those commonly used for heating and ventilation systems. It is often made of sheet metal and often has sections connected by screws or crimping. Hard-piping is not ductwork.

Enhanced biological treatment system or enhanced biological treatment process means an aerated, thoroughly mixed treatment unit(s) that contains biomass suspended in water followed by a clarifier that removes biomass from the treated water and recycles recovered biomass to the aeration unit. The mixed liquor volatile suspended solids (biomass) is greater than 1 kilogram per cubic meter throughout each aeration unit. The biomass is suspended and aerated in the water of the aeration unit(s) by either submerged air flow or mechanical agitation. A thoroughly mixed treatment unit is a unit that is designed and operated to approach or achieve uniform biomass distribution and organic compound concentration throughout the aeration unit by quickly dispersing the recycled biomass and the wastewater entering the unit.

External floating roof means a pontoon-type or double-deck-type cover that rests on the liquid surface in a storage vessel or waste management unit with no fixed roof.

Fill or *filling* means the introduction of organic hazardous air pollutant into a storage vessel or the introduction of a wastewater stream or residual into a waste management unit, but not necessarily to complete capacity.

First attempt at repair means to take action for the purpose of stopping or reducing leakage of organic material to the atmosphere.

Fixed roof means a cover that is mounted on a waste management unit or storage vessel in a stationary manner and that does not move with fluctuations in liquid level.

Flame zone means the portion of the combustion chamber in a boiler or process heater occupied by the flame envelope.

Floating roof means a cover consisting of a double deck, pontoon single deck, internal floating cover or covered floating roof, which rests upon and is supported by the liquid being contained, and is equipped with a closure seal or seals to close the space between the roof edge and waste management unit or storage vessel wall.

Flow indicator means a device which indicates whether gas flow is, or whether the valve position would allow gas flow to be, present in a line.

Fuel gas means gases that are combusted to derive useful work or heat.

Fuel gas system means the offsite and onsite piping and control system that gathers gaseous stream(s) generated by onsite operations, may blend them with other sources of gas, and transports the gaseous stream for use as fuel gas in combustion devices, or in-process combustion equipment such as furnaces and gas turbines, either singly or in combination.

Group 1 process vent means a process vent for which the vent stream flow rate is greater than or equal to 0.005 standard cubic meter per minute, the total organic HAP concentration is greater than or equal to 50 parts per million by volume, and the total resource effectiveness index value, calculated according to 40 CFR 63.115, is less than or equal to 1.0.

Group 2 process vent means a process vent for which the vent stream flow rate is less than 0.005 standard cubic meter per minute, the total organic HAP concentration is less than 50 parts per million by volume or the total resource effectiveness index value, calculated according to 40 CFR 63.115, is greater than 1.0.

Group 1 storage vessel means a storage vessel that meets the criteria for design storage capacity and stored-liquid maximum true vapor pressure specified in table 5 of this Subpart for storage vessels at existing sources, and in table 6 of this Subpart for storage vessels at new sources.

Group 2 storage vessel means a storage vessel that does not meet the definition of a Group 1 storage vessel.

Group 1 transfer rack means a transfer rack that annually loads greater than or equal to 0.65 million liter of liquid products that contain organic hazardous air pollutants with a rack weighted average vapor pressure greater than or equal to 10.3 kilopascals.

Group 2 transfer rack means a transfer rack that does not meet the definition of Group 1 transfer rack.

Group 1 wastewater stream means a wastewater stream consisting of process wastewater as defined in 40 CFR 63.101 of Subpart F at an existing or new source that meets the criteria for Group 1 status in 40 CFR 63.132(c) of this Subpart for Table 9 compounds and/or a wastewater stream consisting of process wastewater at a new source that meets the criteria for Group 1 status in 40 CFR 63.132(d) of this Subpart for Table 8 compounds.

Group 2 wastewater stream means any process wastewater stream that does not meet the definition of a Group 1 wastewater stream.

Halogenated vent stream or *halogenated stream* means a vent stream from a process vent or transfer operation determined to have a mass emission rate of halogen atoms contained in organic compounds of 0.45 kilograms per hour or greater determined by the procedures presented in 40 CFR 63.115(d)(2)(v) of this Subpart.

Halogens and *hydrogen halides* means hydrogen chloride (HCl), chlorine (Cl_2), hydrogen bromide (HBr), bromine (Br_2), and hydrogen fluoride (HF).

Hard-piping means pipe or tubing that is manufactured and properly installed using good engineering judgment and standards such as American National Standards Institute (ANSI) B31–3.

Incinerator means an enclosed combustion device that is used for destroying organic compounds. Auxiliary fuel may be used to heat waste gas to combustion temperatures. Any energy recovery section present is not physically formed into one manufactured or assembled unit with the combustion section; rather, the energy recovery section is a separate section following the combustion section and the two are joined by ducts or connections carrying flue gas. The above energy recovery section limitation does not apply to an energy recovery section used solely to preheat the incoming vent stream or combustion air.

Individual drain system means the stationary system used to convey wastewater streams or residuals to a waste management unit or to discharge or disposal. The term includes hard-piping, all process drains and junction boxes, together with their associated sewer lines and other junction boxes, manholes, sumps, and lift stations, conveying wastewater streams or residuals. A segregated stormwater sewer system, which is a drain and collection system designed and operated for the sole purpose of collecting rainfall runoff at a facility, and which is segregated from all other individual drain systems, is excluded from this definition.

Intermittent vapor processing system means a vapor processing system that employs an intermediate vapor holder to accumulate total organic compound vapors collected from tank trucks or railcars, and treats the accumulated vapors only during automatically controlled cycles.

Internal floating roof means a cover that rests or floats on the liquid surface (but not necessarily in complete contact with it) inside a storage vessel or waste management unit that has a permanently affixed roof.

Junction box means a manhole or access point to a wastewater sewer line or a lift station.

Liquid-mounted seal means a foam- or liquid-filled seal mounted in contact with the liquid between the wall of the storage vessel or waste management unit and the floating roof. The seal is mounted continuously around the circumference of the vessel or unit.

Loading cycle means the time period from the beginning of filling a tank truck or railcar until flow to the control device ceases, as measured by the flow indicator.

Loading rack means a single system used to fill tank trucks and railcars at a single geographic site. Loading equipment and operations that are physically separate (i.e., do not share common piping, valves, and other equipment) are considered to be separate loading racks.

Maximum true vapor pressure means the equilibrium partial pressure exerted by the total organic HAP's in the stored or transferred liquid at the temperature equal to the highest calendar-month average of the liquid storage or transfer temperature for liquids stored or transferred above or below the ambient temperature or at the local maximum monthly average temperature as reported by the National Weather Service for liquids stored or transferred at the ambient temperature, as determined:

(1) In accordance with methods described in American Petroleum Institute Publication 2517, Evaporative Loss From External Floating-Roof Tanks (incorporated by reference as specified in 40 CFR 63.14 of Subpart A of this part); or

(2) As obtained from standard reference texts; or

(3) As determined by the American Society for Testing and Materials Method D2879–83 or 96 (incorporated by reference as specified in 40 CFR 63.14 of Subpart A of this part); or

(4) Any other method approved by the Administrator.

Metallic shoe seal or *mechanical shoe seal* means metal sheets that are held vertically against the wall of the storage vessel by springs, weighted levers, or other mechanisms and connected to the floating roof by braces or other means. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.

Non-automated monitoring and recording system means manual reading of values measured by monitoring instruments and manual transcription of those values to create a record. Non-automated systems do not include strip charts.

Oil-water separator or *organic-water separator* means a waste management unit, generally a tank used to separate oil or organics from water. An oil-water or organic-water separator consists of not only the separation unit but also the forebay and other separator basins, skimmers, weirs, grit chambers, sludge hoppers, and bar screens that are located directly after the individual drain system and prior to additional treatment units such as an air flotation unit, clarifier, or biological treatment unit. Examples of an oil-water or organic-water separator include, but are not limited to, an American Petroleum Institute separator, parallel-plate interceptor, and corrugated-plate interceptor with the associated ancillary equipment.

Open biological treatment process means a biological treatment process that is not a closed biological treatment process as defined in this section.

Operating permit means a permit required by 40 CFR 70 or 71.

Organic hazardous air pollutant or *organic HAP* means any of the chemicals listed in table 2 of Subpart F of this part.

Organic monitoring device means a unit of equipment used to indicate the concentration level of organic compounds exiting a recovery device based on a detection principle such as infra-red, photoionization, or thermal conductivity.

Point of determination means each point where process wastewater exits the chemical manufacturing process unit.

Note to definition for point of determination: The regulation allows determination of the characteristics of a wastewater stream (1) at the point of determination or (2) downstream of the point of determination if corrections are made for changes in flow rate and annual average concentration of Table 8 or Table 9 compounds as determined in 40 CFR 63.144 of this Subpart. Such changes include losses by air emissions; reduction of annual average concentration or changes in flow rate by mixing with other water or wastewater streams; and reduction in flow rate or annual average concentration by treating or otherwise handling the wastewater stream to remove or destroy hazardous air pollutants.

Point of transfer means:

(1) If the transfer is to an off-site location for control, the point where the conveyance crosses the property line; or

(2) If the transfer is to an on-site location not owned or operated by the owner or operator of the source, the point where the conveyance enters the operation or equipment of the transferee.

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 without the addition of other fuels.

Process heater means a device that transfers heat liberated by burning fuel directly to process streams or to heat transfer liquids other than water.

Process unit has the same meaning as *chemical manufacturing process unit* as defined in this section.

Process wastewater stream means a stream that contains process wastewater as defined in 40 CFR 63.101 of Subpart F of this part.

Product separator means phase separators, flash drums, knock-out drums, decanters, degassers, and condenser(s) including ejector-condenser(s) associated with a reactor or an air oxidation reactor.

Product tank, as used in the wastewater provisions, means a stationary unit that is designed to contain an accumulation of materials that are fed to or produced by a process unit, and is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) which provide structural support. This term has the same meaning as a product storage vessel.

Product tank drawdown means any material or mixture of materials discharged from a product tank for the purpose of removing water or other contaminants from the product tank.

Rack-weighted average partial pressure means the throughput weighted average of the average maximum true vapor pressure of liquids containing organic HAP transferred at a transfer rack. The rack-weighted average partial pressure shall be calculated using the equation below:

Where:

P = Rack-weighted average partial pressure, kilopascals.

$$P = \frac{\sum P_i G_i}{\sum G_i}$$

P_i = Individual HAP maximum true vapor pressure, kilopascals, = X_i*P, where X_i is the mole fraction of compound i in the liquid.

G_i = Yearly volume of each liquid that contains organic HAP that is transferred at the rack, liters.

i = Each liquid that contains HAP that is transferred at the rack.

Reactor means a device or vessel in which one or more chemicals or reactants, other than air, are combined or decomposed in such a way that their molecular structures are altered and one or more new organic compounds are formed. Reactor includes the product separator and any associated vacuum pump or steam jet.

Recapture device means an individual unit of equipment capable of and used for the purpose of recovering chemicals, but not normally for use, reuse, or sale. For example, a recapture device may recover chemicals primarily for disposal. Recapture devices include, but are not limited to, absorbers, carbon adsorbers, and condensers.

Recovery device means an individual unit of equipment capable of and normally used for the purpose of recovering chemicals for fuel value (i.e., net positive heating value), use, reuse or for sale for fuel value, use, or reuse. Examples of equipment that may be recovery devices include absorbers, carbon adsorbers, condensers, oil-water separators or organic-water separators, or

organic removal devices such as decanters, strippers, or thin-film evaporation units. For purposes of the monitoring, recordkeeping, and reporting requirements of this Subpart, recapture devices are considered recovery devices.

Relief valve means a valve used only to release an unplanned, nonroutine discharge. A relief valve discharge can result from an operator error, a malfunction such as a power failure or equipment failure, or other unexpected cause that requires immediate venting of gas from process equipment in order to avoid safety hazards or equipment damage.

Reference control technology for process vents means a combustion device or recapture device used to reduce organic hazardous air pollutant emissions by 98 percent, or to an outlet concentration of 20 parts per million by volume.

Reference control technology for storage vessels means an internal floating roof meeting the specifications of 40 CFR 63.119(b) of this Subpart, an external floating roof meeting the specifications of 40 CFR 63.119(c) of this Subpart, an external floating roof converted to an internal floating roof meeting the specifications of 40 CFR 63.119(d) of this Subpart, or a closed-vent system to a control device achieving 95-percent reduction in organic HAP emissions. For purposes of emissions averaging, these four technologies are considered equivalent.

Reference control technology for transfer racks means a combustion device, recapture device, or recovery device used to reduce organic hazardous air pollutants emissions by 98 percent, or to an outlet concentration of 20 parts per million by volume; or a vapor balancing system.

Reference control technology for wastewater means the use of:

(1) Controls specified in 40 CFR 63.133 through 40 CFR 63.137;

(2) A steam stripper meeting the specifications of 40 CFR 63.138(d) of this Subpart or any of the other alternative control measures specified in 40 CFR 63.138(b), (c), (e), (f), (g), or (h) of this Subpart; and

(3) A control device to reduce by 95 percent (or to an outlet concentration of 20 parts per million by volume for combustion devices or for noncombustion devices controlling air emissions from waste management units other than surface impoundments or containers) the organic hazardous air pollutants emissions in the vapor streams vented from wastewater tanks, oil-water separators, containers, surface impoundments, individual drain systems, and treatment processes (including the design steam stripper) managing wastewater.

Residual means any liquid or solid material containing Table 9 compounds that is removed from a wastewater stream by a waste management unit or treatment process that does not destroy organics (nondestructive unit). Examples of residuals from nondestructive wastewater management units are: the organic layer and bottom residue removed by a decanter or organic-water separator and the overheads from a steam stripper or air stripper. Examples of materials which are not residuals are: silt; mud; leaves; bottoms from a steam stripper or air stripper; and sludges, ash, or other materials removed from wastewater being treated by destructive devices such as biological treatment units and incinerators.

Secondary fuel means a fuel fired through a burner other than the primary fuel burner that provides supplementary heat in addition to the heat provided by the primary fuel.

Sewer line means a lateral, trunk line, branch line, or other conduit including, but not limited to, grates, trenches, etc., used to convey wastewater streams or residuals to a downstream waste management unit.

Simultaneous loading means, for a shared control device, loading of organic HAP materials from more than one transfer arm at the same time such that the beginning and ending times of loading cycles coincide or overlap and there is no interruption in vapor flow to the shared control device.

Single-seal system means a floating roof having one continuous seal that completely covers the space between the wall of the storage vessel and the edge of the floating roof. This seal may be a vapor-mounted, liquid-mounted, or metallic shoe seal.

Specific gravity monitoring device means a unit of equipment used to monitor specific gravity and having a minimum accuracy of ±0.02 specific gravity units.

Steam jet ejector means a steam nozzle which discharges a high-velocity jet across a suction chamber that is connected to the equipment to be evacuated.

Surface impoundment means a waste management unit which is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials (although it may be lined with manmade materials), which is designed to hold an accumulation of liquid wastes or waste containing free liquids. A surface impoundment is used for the purpose of treating, storing, or disposing of wastewater or residuals, and is not an injection well. Examples of surface impoundments are equalization, settling, and aeration pits, ponds, and lagoons.

Surge control vessel means feed drums, recycle drums, and intermediate vessels. Surge control vessels are used within a chemical manufacturing process unit when in-process storage, mixing, or management of flow rates or volumes is needed to assist in production of a product.

Table 8 compound means a compound listed in table 8 of this Subpart.

Table 9 compound means a compound listed in table 9 of this Subpart.

Temperature monitoring device means a unit of equipment used to monitor temperature and having a minimum accuracy of (a) ±1 percent of the temperature being monitored expressed in degrees Celsius (°C) or (b) ±0.5 degrees (°C), whichever is greater.

The 33/50 program means a voluntary pollution prevention initiative established and administered by the EPA to encourage emissions reductions of 17 chemicals emitted in large volumes by industrial facilities. The EPA Document Number 741–K–92–001 provides more information about the 33/50 program.

Total organic compounds or *TOC*, as used in the process vents provisions, means those compounds measured according to the procedures of Method 18 of 40 CFR 60 appendix A.

Total resource effectiveness index value or *TRE index value* means a measure of the supplemental total resource requirement per unit reduction of organic HAP associated with a process vent stream, based on vent stream flow rate, emission rate of organic HAP, net heating value, and corrosion properties (whether or not the vent stream contains halogenated compounds), as quantified by the equations given under 40 CFR 63.115 of this Subpart.

Treatment process means a specific technique that removes or destroys the organics in a wastewater or residual stream such as a steam stripping unit, thin-film evaporation unit, waste incinerator, biological treatment unit, or any other process applied to wastewater streams or residuals to comply with 40 CFR 63.138 of this Subpart. Most treatment processes are conducted in tanks. Treatment processes are a subset of waste management units.

Vapor collection system, as used in the transfer provisions, means the equipment used to collect and transport organic HAP vapors displaced during the loading of tank trucks or railcars. This does not include the vapor collection system that is part of any tank truck or railcar vapor collection manifold system.

Vapor-mounted seal means a continuous seal that completely covers the annular space between the wall of the storage vessel or waste management unit and the edge of the floating roof and is mounted such that there is a vapor space between the stored liquid and the bottom of the seal.

Vent stream, as used in the process vent provisions, means the gas stream flowing through the process vent.

Waste management unit means the equipment, structure(s), and/or device(s) used to convey, store, treat, or dispose of wastewater streams or residuals. Examples of waste management units include: Wastewater tanks, surface impoundments, individual drain systems, and biological wastewater treatment units. Examples of equipment that may be waste management units include containers, air flotation units, oil-water separators or organic-water separators, or organic removal devices such as decanters, strippers, or thin-film evaporation units. If such equipment is used for recovery, then it is part of a chemical manufacturing process unit and is not a waste management unit.

Wastewater stream means a stream that contains only wastewater as defined in 40 CFR 63.101 of Subpart F of this part.

Wastewater tank means a stationary waste management unit that is designed to contain an accumulation of wastewater or residuals and is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) which provide structural support. Wastewater tanks used for flow equalization are included in this definition.

Water seal controls means a seal pot, p-leg trap, or other type of trap filled with water (e.g, flooded sewers that maintain water levels adequate to prevent air flow through the system) that creates a water barrier between the sewer line and the atmosphere. The water level of the seal must be maintained in the vertical leg of a drain in order to be considered a water seal.

[59 FR 19468, Apr. 22, 1994, as amended at 60 FR 18024, 18029, Apr. 10, 1995; 60 FR 63626, Dec. 12, 1995; 62 FR 2742, Jan. 17, 1997; 63 FR 67792, Dec. 9, 1998; 65 FR 62215, Oct. 17, 2000; 66 FR 6929, Jan. 22, 2001]

40 CFR 63.112 - Emission standard

(a) The owner or operator of an existing source subject to the requirements of this Subpart shall control emissions of organic HAP's to the level represented by the following equation:

$$E_A = 0.02\Sigma\ EPV_1 + \Sigma\ EPV_2 + 0.05\Sigma\ ES_1 + \Sigma\ ES_2 + 0.02\Sigma\ ETR_1 + \Sigma\ ETR_2 + \Sigma\ EWW_{1C} + \Sigma\ EWW_2$$

where:

E_A = Emission rate, megagrams per year, allowed for the source.

$0.02\Sigma\ EPV_1$ = Sum of the residual emissions, megagrams per year, from all Group 1 process vents, as defined in 40 CFR 63.111 of this Subpart.

$\Sigma\ EPV_2$ = Sum of the emissions, megagrams per year, from all Group 2 process vents as defined in 40 CFR 63.111 of this Subpart.

$0.05\Sigma\ ES_1$ = Sum of the residual emissions, megagrams per year, from all Group 1 storage vessels, as defined in 40 CFR 63.111 of this Subpart.

$\Sigma\ ES_2$ = Sum of the emissions, megagrams per year, from all Group 2 storage vessels, as defined in 40 CFR 63.111 of this Subpart.

$0.02\Sigma\ ETR_1$ = Sum of the residual emissions, megagrams per year, from all Group 1 transfer racks, as defined in 40 CFR 63.111 of this Subpart.

$\Sigma\ ETR_2$ = Sum of the emissions, megagrams per year, from all Group 2 transfer racks, as defined in 40 CFR 63.111 of this Subpart.

$\Sigma\ EWW_{1C}$ = Sum of the residual emissions from all Group 1 wastewater streams, as defined in 40 CFR 63.111 of this Subpart. This term is calculated for each Group 1 stream according to the equation for EWW_{1C} in 40 CFR 63.150(g)(5)(i) of this Subpart.

$\Sigma\ EWW_2$ = Sum of emissions from all Group 2 wastewater streams, as defined in 40 CFR 63.111 of this Subpart.

The emissions level represented by this equation is dependent on the collection of emission points in the source. The level is not fixed and can change as the emissions from each emission point change or as the number of emission points in the source changes.

(b) The owner or operator of a new source subject to the requirements of this Subpart shall control emissions of organic HAP's to the level represented by the equation in paragraph (a) of this section.

(c) The owner or operator of an existing source shall demonstrate compliance with the emission standard in paragraph (a) of this section by following the procedures specified in paragraph (e) of this section for all emission points, or by following the emissions averaging compliance approach specified in paragraph (f) of this section for some emission points and the procedures specified in paragraph (e) of this section for all other emission points within the source.

(d) The owner or operator of a new source shall demonstrate compliance with the emission standard in paragraph (b) of this section only by following the procedures in paragraph (e) of this section. The owner or operator of a new source may not use the emissions averaging compliance approach.

(e) The owner or operator of an existing or new source may comply with the process vent provisions in 40 CFR 63.113 through 63.118 of this Subpart, the storage vessel provisions in 40 CFR 63.119 through 63.123 of this Subpart, the transfer operation provisions in 40 CFR 63.126 through 63.130 of this Subpart, the wastewater provisions in 40 CFR 63.131 through 63.147 of this Subpart, the leak inspection provisions in 40 CFR 63.148, and the provisions in 40 CFR 63.149 of this Subpart.

(1) The owner or operator using this compliance approach shall also comply with the requirements of 40 CFR 63.151 and 40 CFR 63.152 of this Subpart, as applicable.

(2) The owner or operator using this compliance approach is not required to calculate the annual emission rate specified in paragraph (a) of this section.

(3) When emissions of different kinds (e.g., emissions from process vents, transfer operations, storage vessels, process wastewater, and/or in-process equipment subject to 40 CFR 63.149 of this Subpart) are combined, and at least one of the emission streams would be classified as Group 1 in the absence of combination with other emission streams, the owner or operator shall comply with the requirements of either paragraph (e)(3)(i) or paragraph (e)(3)(ii) of this section.

(i) Comply with the applicable requirements of this Subpart for each kind of emissions in the stream (e.g., the requirements in 40 CFR 63.113 through 63.118 of this Subpart G for process vents, and the requirements of 40 CFR 63.126 through 63.130 for transfer operations); or

(ii) Comply with the first set of requirements identified in paragraphs (e)(3)(ii)(A) through (e)(3)(ii)(E) of this section which applies to any individual emission stream that is included in the combined stream, where either that emission stream would be classified as Group 1 in the absence of combination with other emission streams, or the owner chooses to consider that emission stream to be Group 1 for purposes of this paragraph. Compliance with the first applicable set of requirements identified in paragraphs (e)(3)(ii)(A) through (e)(3)(ii)(E) of this section constitutes compliance with all other requirements in paragraphs (e)(3)(ii)(A) through (e)(3)(ii)(E) of this section applicable to other types of emissions in the combined stream.

(A) The requirements of this Subpart for Group 1 process vents, including applicable monitoring, recordkeeping, and reporting;

(B) The requirements of this Subpart for Group 1 transfer racks, including applicable monitoring, recordkeeping, and reporting;

(C) The requirements of 40 CFR 63.119(e) for control of emissions from Group 1 storage vessels, including monitoring, recordkeeping, and reporting;

(D) The requirements of 40 CFR 63.139 for control devices used to control emissions from waste management units, including applicable monitoring, recordkeeping, and reporting; or

(E) The requirements of 40 CFR 63.139 for closed vent systems for control of emissions from in-process equipment subject to 40 CFR 63.149, including applicable monitoring, recordkeeping, and reporting.

(f) The owner or operator of an existing source may elect to control some of the emission points within the source to different levels than specified under 40 CFR 63.113 through 63.148 of this Subpart by using an emissions averaging compliance approach as long as the overall emissions for the source do not exceed the emission level specified in paragraph (a) of this section. The owner or operator using emissions averaging must meet the requirements in paragraphs (f)(1) and (f)(2) of this section.

(1) Calculate emission debits and credits for those emission points involved in the emissions average as specified in 40 CFR 63.150 of this Subpart; and

(2) Comply with the requirements of 40 CFR 63.151 and 40 CFR 63.152 of this Subpart, as applicable.

(g) A State may restrict the owner or operator of an existing source to using only the procedures in paragraph (e) of this section to comply with the emission standard in paragraph (a) of this section.

(h) Where the provisions of this Subpart require a performance test, waiver of that requirement shall be addressed only as provided in 40 CFR 63.103(b)(5) of Subpart F of this part.

[59 FR 19468, Apr. 22, 1994, as amended at 62 FR 2744, Jan. 17, 1997]

40 CFR 63.113 - Process vent provisions—reference control technology

(a) The owner or operator of a Group 1 process vent as defined in this Subpart shall comply with the requirements of paragraph (a)(1), (2), or (3) of this section. The owner or operator who transfers a gas stream that has the characteristics specified in 40 CFR 63.107 (b) through (h) or meets the criteria specified in 40 CFR 63.107(i) to an off-site location or an on-site location not owned or operated by the owner or operator of the source for disposal shall comply with the requirements of paragraph (i) of this section.

(1) Reduce emissions of organic HAP using a flare.

(i) The flare shall comply with the requirements of 40 CFR 63.11(b) of Subpart A of this part.

(ii) Halogenated vent streams, as defined in 40 CFR 63.111 of this Subpart, shall not be vented to a flare.

(2) Reduce emissions of total organic hazardous air pollutants by 98 weight-percent or to a concentration of 20 parts per million by volume, whichever is less stringent. For combustion devices, the emission reduction or concentration shall be calculated on a dry basis, corrected to 3-percent oxygen, and compliance can be determined by measuring either organic hazardous air pollutants or total organic carbon using the procedures in 40 CFR 63.116 of this Subpart.

(i) Compliance with paragraph (a)(2) of this section may be achieved by using any combination of combustion, recovery, and/or recapture devices, except that a recovery device may not be used to comply with paragraph (a)(2) of this section by reducing emissions of total organic hazardous air pollutants by 98 weight-percent, except as provided in paragraph (a)(2)(ii) of this section.

(ii) An owner or operator may use a recovery device, alone or in combination with one or more combustion or recapture devices, to reduce emissions of total organic hazardous air pollutants by 98 weight-percent if all the conditions of paragraphs (a)(2)(ii)(A) through (a)(2)(ii)(D) of this section are met.

(A) The recovery device (and any combustion device or recapture device which operates in combination with the recovery device to reduce emissions of total organic hazardous air pollutants by 98 weight-percent) was installed before the date of proposal of the Subpart of this Part 63 that makes this Subpart G applicable to process vents in the chemical manufacturing process unit.

(B) The recovery device that will be used to reduce emissions of total organic hazardous air pollutants by 98 weight-percent is the last recovery device before emission to the atmosphere.

(C) The recovery device, alone or in combination with one or more combustion or recapture devices, is capable of reducing emissions of total organic hazardous air pollutants by 98 weight-percent, but is not capable of reliably reducing emissions of total organic hazardous air pollutants to a concentration of 20 parts per million by volume.

(D) If the owner or operator disposed of the recovered material, the recovery device would comply with the requirements of this Subpart for recapture devices.

(3) Achieve and maintain a TRE index value greater than 1.0 at the outlet of the final recovery device, or prior to release of the vent stream to the atmosphere if no recovery device is present. If the TRE index value is greater than 1.0, the process vent shall comply with the provisions for a Group 2 process vent specified in either paragraph (d) or (e) of this section, whichever is applicable.

(b) If a boiler or process heater is used to comply with the percent reduction requirement or concentration limit specified in paragraph (a)(2) of this section, then the vent stream shall be introduced into the flame zone of such a device.

(c) Halogenated vent streams from Group 1 process vents that are combusted shall be controlled according to paragraph (c)(1) or (2) of this section.

(1) If a combustion device is used to comply with paragraph (a)(2) of this section for a halogenated vent stream, then the gas stream exiting the combustion device shall be conveyed to a halogen reduction device, such as a scrubber, before it is discharged to the atmosphere.

(i) Except as provided in paragraph (c)(1)(ii) of this section, the halogen reduction device shall reduce overall emissions of hydrogen halides and halogens, as defined in 40 CFR 63.111 of this Subpart, by 99 percent or shall reduce the outlet mass of total hydrogen halides and halogens to less than 0.45 kilogram per hour, whichever is less stringent.

(ii) If a scrubber or other halogen reduction device was installed prior to December 31, 1992, the device shall reduce overall emissions of hydrogen halides and halogens, as defined in 40 CFR 63.111 of this Subpart, by 95 percent or shall reduce the outlet mass of total hydrogen halides and halogens to less than 0.45 kilograms per hour, whichever is less stringent.

(2) A halogen reduction device, such as a scrubber or other technique, may be used to reduce the vent stream halogen atom mass emission rate to less than 0.45 kilogram per hour prior to any combustion control device, and thus make the vent stream nonhalogenated; the vent stream must comply with the requirements of paragraph (a)(1) or (a)(2) of this section.

(d) The owner or operator of a Group 2 process vent having a flow rate greater than or equal to 0.005 standard cubic meter per minute, a HAP concentration greater than or equal to 50 parts per million by volume, and a TRE index value greater than 1.0 but less than or equal to 4.0 shall maintain a TRE index value greater than 1.0 and shall comply with the monitoring of recovery device parameters in 40 CFR 63.114(b) or (c) of this Subpart, the TRE index calculations of 40 CFR 63.115 of this Subpart, and the applicable reporting and recordkeeping provisions of 40 CFR 63.117 and 63.118 of this Subpart. Such owner or operator is not subject to any other provisions of 40 CFR 63.114 through 63.118 of this Subpart.

(e) The owner or operator of a Group 2 process vent with a TRE index value greater than 4.0 shall maintain a TRE index value greater than 4.0, comply with the provisions for calculation of a TRE index value in 40 CFR 63.115 and the reporting and recordkeeping provisions in 40 CFR 63.117(b) and 63.118(c) and (h), and is not subject to monitoring or any other provisions of 40 CFR 63.114 through 63.118.

(f) The owner or operator of a Group 2 process vent with a flow rate less than 0.005 standard cubic meter per minute shall maintain a flow rate less than 0.005 standard cubic meter per minute; comply with the Group determination procedures in 40 CFR 63.115 (a), (b), and (e) of this Subpart; and the reporting and recordkeeping requirements in 40 CFR 63.117(c) of this Subpart, 40 CFR 63.118(d) of this Subpart, and 40 CFR 63.118(i) of this Subpart; and is not subject to monitoring or any other provisions of 40 CFR 40 CFR 63.114 through 63.118 of this Subpart.

(g) The owner or operator of a Group 2 process vent with a total organic HAP concentration less than 50 parts per million by volume shall maintain a total organic HAP concentration less than 50 parts per million by volume; comply with the Group determination procedures in 40 CFR 63.115(a), (c), and (e); the reporting and recordkeeping requirements in 40 CFR 40 CFR 63.117(d) and 63.118(e) and (j); and is not subject to monitoring or any other provisions of 40 CFR 40 CFR 63.114 through 63.118.

(h) The owner or operator of a process vent complying with paragraph (a)(1) or (a)(2) of this section is not required to perform the group determination described in 40 CFR 63.115 of this Subpart.

(i) *Off-site control or on-site control not owned or operated by the source.* This paragraph (i) applies to gas streams that have the characteristics specified in 40 CFR 63.107(b) through (h) or meet the criteria specified in 40 CFR 63.107(i); that are transferred for disposal to an on-site control device (or other compliance equipment) not owned or operated by the owner or operator of the source generating the gas stream, or to an off-site control device or other compliance equipment; and that have the characteristics (e.g., flow rate, total organic HAP concentration, or TRE index value) of a Group 1 process vent, determined at the point of transfer.

(1) The owner or operator transferring the gas stream shall:

(i) Comply with the provisions specified in 40 CFR 63.114(d) for each gas stream prior to transfer.

(ii) Notify the transferee that the gas stream contains organic hazardous air pollutants that are to be treated in accordance with the provisions of this Subpart. The notice shall be submitted to the transferee initially and whenever there is a change in the required control.

(2) The owner or operator may not transfer the gas stream unless the transferee has submitted to the EPA a written certification that the transferee will manage and treat any gas stream transferred under this paragraph (i) and received from a source subject to the requirements of this Subpart in accordance with the requirements of either 40 CFR 63.113 through 63.118, or 40 CFR 63.102(b), or Subpart D of this part if alternative emission limitations have been granted the transferor in accordance with those provisions. The certifying entity may revoke the written certification by sending a written statement to EPA and the owner or operator giving at least 90 days notice that the certifying entity is rescinding acceptance of responsibility for compliance with the regulatory provisions listed in this paragraph (i). Upon expiration of the notice period, the owner or operator may not transfer the gas stream to the transferee. Records retained by the transferee shall be retained in accordance with 40 CFR 63.103(c).

(3) By providing this written certification to EPA, the certifying entity accepts responsibility for compliance with the regulatory provisions listed in paragraph (i)(2) of this section with respect to any transfer covered by the written certification. Failure to abide by any of those provisions with respect to such transfers may result in enforcement action by EPA against the certifying entity in accordance with the enforcement provisions applicable to violations of these provisions by owners or operators of sources.

(4) Written certifications and revocation statements to EPA from the transferees of such gas streams shall be signed by a responsible official of the certifying entity, provide the name and address of the certifying entity, and be sent to the appropriate EPA Regional Office at the addresses listed in 40 CFR 63.13. Such written certifications are not transferable by the transferee.

[59 FR 19468, Apr. 22, 1994, as amended at 62 FR 2745, Jan. 17, 1997; 66 FR 6929, Jan. 22, 2001]

40 CFR 63.114 - Process vent provisions—monitoring requirements

(a) Each owner or operator of a process vent that uses a combustion device to comply with the requirements in 40 CFR 63.113 (a)(1) or (a)(2) of this Subpart, or that uses a recovery device or recapture device to comply with the requirements in 40 CFR 63.113(a)(2) of this Subpart, shall install monitoring equipment specified in paragraph (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) of this section, depending on the type of device used. All monitoring equipment shall be installed, calibrated, maintained, and operated according to manufacturer's specifications or other written procedures that provide adequate assurance that the equipment would reasonably be expected to monitor accurately.

(1) Where an incinerator is used, a temperature monitoring device equipped with a continuous recorder is required.

(i) Where an incinerator other than a catalytic incinerator is used, a temperature monitoring device shall be installed in the firebox or in the ductwork immediately downstream of the firebox in a position before any substantial heat exchange occurs.

(ii) Where a catalytic incinerator is used, temperature monitoring devices shall be installed in the gas stream immediately before and after the catalyst bed.

(2) Where a flare is used, the following monitoring equipment is required: A device (including but not limited to a thermocouple, ultra-violet beam sensor, or infrared sensor) capable of continuously detecting the presence of a pilot flame.

(3) Where a boiler or process heater of less than 44 megawatts design heat input capacity is used, the following monitoring equipment is required: a temperature monitoring device in the firebox equipped with a continuous recorder. This requirement does not apply to gas streams that are introduced with primary fuel or are used as the primary fuel.

(4) Where a scrubber is used with an incinerator, boiler, or process heater in the case of halogenated vent streams, the following monitoring equipment is required for the scrubber.

(i) A pH monitoring device equipped with a continuous recorder shall be installed to monitor the pH of the scrubber effluent.

(ii) A flow meter equipped with a continuous recorder shall be located at the scrubber influent for liquid flow. Gas flow rate shall be determined using one of the procedures specified in paragraphs (a)(4)(ii)(A) through (C) of this section.

(A) The owner or operator may determine gas flow rate using the design blower capacity, with appropriate adjustments for pressure drop.

(B) If the scrubber is subject to rules in 40 CFR s 264 through 266 that have required a determination of the liquid to gas (L/G) ratio prior to the applicable compliance date for this Subpart specified in 40 CFR 63.100(k), the owner or operator may determine gas flow rate by the method that had been utilized to comply with those rules. A determination that was conducted prior to the compliance date for this Subpart may be utilized to comply with this Subpart if it is still representative.

(C) The owner or operator may prepare and implement a gas flow rate determination plan that documents an appropriate method which will be used to determine the gas flow rate. The plan shall require determination of gas flow rate by a method which will at least provide a value for either a representative or the highest gas flow rate anticipated in the scrubber during representative operating conditions other than startups, shutdowns, or malfunctions. The plan shall include a description of the methodology to be followed and an explanation of how the selected methodology will reliably determine the gas flow rate, and a description of the records that will be maintained to document the determination of gas flow rate. The owner or operator shall maintain the plan as specified in 40 CFR 63.103(c).

(5) Where a recovery device or recapture device is used to comply with the requirements of 40 CFR 63.113(a)(2) of this Subpart, the owner or operator shall utilize the appropriate monitoring device identified in paragraph (b), (b)(1), (b)(2), or (b)(3) of this section.

(b) Each owner or operator of a process vent with a TRE index value greater than 1.0 as specified under 40 CFR 63.113(a)(3) or 63.113(d) of this Subpart that uses one or more recovery devices shall install either an organic monitoring device equipped with a continuous recorder or the monitoring equipment specified in paragraph (b)(1), (b)(2), or (b)(3) of this section, depending on the type of recovery device used. All monitoring equipment shall be installed, calibrated, and maintained according to the manufacturer's specifications or other written procedures that provide adequate assurance that the equipment would reasonably be expected to monitor accurately. Monitoring is not required for process vents with TRE index values greater than 4.0 as specified in 40 CFR 63.113(e) of this Subpart.

(1) Where an absorber is the final recovery device in the recovery system, a scrubbing liquid temperature monitoring device and a specific gravity monitoring device, each equipped with a continuous recorder shall be used;

(2) Where a condenser is the final recovery device in the recovery system, a condenser exit (product side) temperature monitoring device equipped with a continuous recorder shall be used;

(3) Where a carbon adsorber is the final recovery device in the recovery system, an integrating regeneration stream flow monitoring device having an accuracy of ±10 percent or better, capable of recording the total regeneration stream

mass or volumetric flow for each regeneration cycle; and a carbon bed temperature monitoring device, capable of recording the carbon bed temperature after each regeneration and within 15 minutes of completing any cooling cycle shall be used.

(c) An owner or operator of a process vent may request approval to monitor parameters other than those listed in paragraph (a) or (b) of this section. The request shall be submitted according to the procedures specified in 40 CFR 63.151(f) or 40 CFR 63.152(e) of this Subpart. Approval shall be requested if the owner or operator:

(1) Uses a combustion device other than an incinerator, boiler, process heater, or flare; or

(2) Maintains a TRE greater than 1.0 but less than or equal to 4.0 without a recovery device or with a recovery device other than the recovery devices listed in paragraphs (a) and (b) of this section; or

(3) Uses one of the combustion or recovery or recapture devices listed in paragraphs (a) and (b) of this section, but seeks to monitor a parameter other than those specified in paragraphs (a) and (b) of this section.

(d) The owner or operator of a process vent shall comply with paragraph (d)(1) or (2) of this section for any bypass line between the origin of the gas stream (i.e., at an air oxidation reactor, distillation unit, or reactor as identified in 40 CFR 63.107(b)) and the point where the gas stream reaches the process vent, as described in 40 CFR 63.107, that could divert the gas stream directly to the atmosphere. Equipment such as low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, and pressure relief valves needed for safety purposes are not subject to this paragraph (d).

(1) Properly install, maintain, and operate a flow indicator that takes a reading at least once every 15 minutes. Records shall be generated as specified in 40 CFR 63.118(a)(3). The flow indicator shall be installed at the entrance to any bypass line that could divert the gas stream to the atmosphere; or

(2) Secure the bypass line valve in the non-diverting position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the non-diverting position and the gas stream is not diverted through the bypass line.

(e) The owner or operator shall establish a range that indicates proper operation of the control or recovery device for each parameter monitored under paragraphs (a), (b), and (c) of this section. In order to establish the range, the information required in 40 CFR 63.152(b) of this Subpart shall be submitted in the Notification of Compliance Status or the operating permit application or amendment. The range may be based upon a prior performance test conducted for determining compliance with a regulation promulgated by the EPA, and the owner or operator is not required to conduct a performance test under 40 CFR 63.116 of this Subpart, if the prior performance test was conducted using the same methods specified in 40 CFR 63.116 and either no process changes have been made since the test, or the owner or operator can demonstrate that the results of the performance test, with or without adjustments, reliably demonstrate compliance despite process changes.

[59 FR 19468, Apr. 22, 1994, as amended at 62 FR 2745, Jan. 17, 1997; 66 FR 6930, Jan. 22, 2001]

40 CFR 63.115 - Process vent provisions—methods and procedures for process vent group determination

(a) For purposes of determining vent stream flow rate, total organic HAP or total organic carbon concentration or TRE index value, as specified under paragraph (b), (c), or (d) of this section, the sampling site shall be after the last recovery device (if any recovery devices are present) but prior to the inlet of any control device that is present and prior to release to the atmosphere.

(1) Method 1 or 1A of 40 CFR 60 Appendix A, as appropriate, shall be used for selection of the sampling site.

(2) No traverse site selection method is needed for vents smaller than 0.10 meter in diameter.

(b) To demonstrate that a vent stream flow rate is less than 0.005 standard cubic meter per minute in accordance with the Group 2 process vent definition of this Subpart, the owner or operator shall measure flow rate by the following procedures:

(1) The sampling site shall be selected as specified in paragraph (a) of this section.

(2) The gas volumetric flow rate shall be determined using Method 2, 2A, 2C, or 2D of 40 CFR 60 Appendix A, as appropriate.

(c) Each owner or operator seeking to demonstrate that a vent stream has an organic HAP concentration below 50 parts per million by volume in accordance with the Group 2 process vent definition of this Subpart shall measure either total organic HAP or TOC concentration using the following procedures:

(1) The sampling site shall be selected as specified in paragraph (a) of this section.

(2) Method 18 or Method 25A of 40 CFR 60 Appendix A shall be used to measure concentration; alternatively, any other method or data that has been validated according to the protocol in Method 301 of Appendix A of this part may be used.

(3) Where Method 18 of 40 CFR 60 Appendix A is used, the following procedures shall be used to calculate parts per million by volume concentration:

(i) The minimum sampling time for each run shall be 1 hour in which either an integrated sample or four grab samples shall be taken. If grab sampling is used, then the samples shall be taken at approximately equal intervals in time, such as 15 minute intervals during the run.

(ii) The concentration of either TOC (minus methane and ethane) or organic HAP shall be calculated according to paragraph (c)(3)(ii)(A) or (c)(3)(ii)(B) of this section as applicable.

(A) The TOC concentration (C_{TOC}) is the sum of the concentrations of the individual components and shall be computed for each run using the following equation:

$$C_{TOC} = \frac{\sum_{i=1}^{x}\left(\sum_{j=1}^{n} C_{ji}\right)}{X}$$

where:

C_{TOC} = Concentration of TOC (minus methane and ethane), dry basis, parts per million by volume.

C_{ji} = Concentration of sample component j of the sample i, dry basis, parts per million by volume.

n = Number of components in the sample.

x = Number of samples in the sample run.

(B) The total organic HAP concentration (C_{HAP}) shall be computed according to the equation in paragraph (c)(3)(ii)(A) of this section except that only the organic HAP species shall be summed. The list of organic HAP's is provided in table 2 of Subpart F of this part.

(4) Where Method 25A of 40 CFR 60 Appendix A is used, the following procedures shall be used to calculate parts per million by volume TOC concentration:

(i) Method 25A of 40 CFR 60 Appendix A, shall be used only if a single organic HAP compound is greater than 50 percent of total organic HAP, by volume, in the vent stream.

(ii) The vent stream composition may be determined by either process knowledge, test data collected using an appropriate EPA method, or a method or data validated according to the protocol in Method 301 of Appendix A of this part. Examples of information that could constitute process knowledge include calculations based on material balances, process stoichiometry, or previous test results provided the results are still relevant to the current vent stream conditions.

(iii) The organic HAP used as the calibration gas for Method 25A of 40 CFR 60 Appendix A shall be the single organic HAP compound present at greater than 50 percent of the total organic HAP by volume.

(iv) The span value for Method 25A of 40 CFR 60 Appendix A shall be 50 parts per million by volume.

(v) Use of Method 25A of 40 CFR 60 Appendix A is acceptable if the response from the high-level calibration gas is at least 20 times the standard deviation of the response from the zero calibration gas when the instrument is zeroed on the most sensitive scale.

(vi) The owner or operator shall demonstrate that the concentration of TOC including methane and ethane measured by Method 25A of 40 CFR 60 Appendix A is below 25 parts per million by volume to be considered a Group 2 vent with an organic HAP concentration below 50 parts per million by volume and to qualify for the low concentration exclusion in 40 CFR 63.113(g) of this Subpart.

(d) To determine the TRE index value, the owner or operator shall conduct a TRE determination and calculate the TRE index value according to the procedures in paragraph (d)(1) or (d)(2) of this section and the TRE equation in paragraph (d)(3) of this section.

(1) Engineering assessment may be used to determine vent stream flow rate, net heating value, TOC emission rate, and total organic HAP emission rate for the representative operating condition expected to yield the lowest TRE index value.

(i) If the TRE value calculated using such engineering assessment and the TRE equation in paragraph (d)(3) of this section is greater than 4.0, then the owner or operator is not required to perform the measurements specified in paragraph (d)(2) of this section.

(ii) If the TRE value calculated using such engineering assessment and the TRE equation in paragraph (d)(3) of this section is less than or equal to 4.0, then the owner or operator is required to perform the measurements specified in paragraph (d)(2) of this section for group determination or consider the process vent a Group 1 vent and comply with the emission reduction specified in 40 CFR 63.113(a) of this Subpart.

(iii) Engineering assessment includes, but is not limited to, the following:

(A) Previous test results provided the tests are representative of current operating practices at the process unit.

(B) Bench-scale or pilot-scale test data representative of the process under representative operating conditions.

(C) Maximum flow rate, TOC emission rate, organic HAP emission rate, or net heating value limit specified or implied within a permit limit applicable to the process vent.

(D) Design analysis based on accepted chemical engineering principles, measurable process parameters, or physical or chemical laws or properties. Examples of analytical methods include, but are not limited to:

(*1*) Use of material balances based on process stoichiometry to estimate maximum organic HAP concentrations,

(*2*) Estimation of maximum flow rate based on physical equipment design such as pump or blower capacities,

(*3*) Estimation of TOC or organic HAP concentrations based on saturation conditions,

(*4*) Estimation of maximum expected net heating value based on the vent stream concentration of each organic compound or, alternatively, as if all TOC in the vent stream were the compound with the highest heating value.

(E) All data, assumptions, and procedures used in the engineering assessment shall be documented.

(2) Except as provided in paragraph (d)(1) of this section, vent stream flow rate, net heating value, TOC emission rate, and total organic HAP emission rate shall be measured and calculated according to the procedures in paragraphs (d)(2)(i) through (v) of this section and used as input to the TRE index value calculation in paragraph (d)(3) of this section.

(i) The vent stream volumetric flow rate (Q_s), in standard cubic meters per minute at 20 degrees Celcius, shall be determined using Method 2, 2A, 2C, or 2D of 40 CFR 60 Appendix A, as appropriate. If the vent stream tested passes through a final steam jet ejector and is not condensed, the vent stream volumetric flow shall be corrected to 2.3 percent moisture.

(ii) The molar composition of the vent stream, which is used to calculate net heating value, shall be determined using the following methods:

(A) Method 18 of 40 CFR 60 Appendix A to measure the concentration of each organic compound.

(B) American Society for Testing and Materials D1946–77 to measure the concentration of carbon monoxide and hydrogen.

(C) Method 4 of 40 CFR 60 Appendix A, to measure the moisture content of the vent stream.

(iii) The net heating value of the vent stream shall be calculated using the following equation:

$$H_T = K_1 \left(\sum_{j=1}^{n} C_j H_j \right) \left(1 - B_{ws} \right)$$

where:

H_T = Net heating value of the sample, megaJoule per standard cubic meter, where the net enthalpy per mole of vent stream is based on combustion at 25 °C and 760 millimeters of mercury, but the standard temperature for determining the volume corresponding to one mole is 20 °C, as in the definition of Q_s(vent stream flow rate).

K_1 = Constant, 1.740×10^{-7}(parts per million)$^{-1}$(gram-mole per standard cubic meter) (megaJoule per kilocalorie), where standard temperature for (gram-mole per standard cubic meter) is 20 °C.

B_{ws} = Water vapor content of the vent stream, proportion by volume; except that if the vent stream passes through a final steam jet and is not condensed, it shall be assumed that B_{ws}=0.023 in order to correct to 2.3 percent moisture.

C_j = Concentration on a dry basis of compound j in parts per million, as measured for all organic compounds by Method 18 of 40 CFR 60 Appendix A and measured for hydrogen and carbon monoxide by American Society for Testing and Materials D1946–77 as indicated in paragraph (d)(2)(ii) of this section.

H_j = Net heat of combustion of compound j, kilocalorie per gram-mole, based on combustion at 25 °C and 760 millimeters mercury. The heats of combustion of vent stream components shall be determined using American Society for Testing and Materials D2382–76 if published values are not available or cannot be calculated.

(iv) The emission rate of TOC (minus methane and ethane) (E_{TOC}) and the emission rate of total organic HAP (E_{HAP}) in the vent stream shall both be calculated using the following equation:

$$E = K_2\left[\sum_{j=1}^{n} C_j M_j\right] Q_s$$

where:

E = Emission rate of TOC (minus methane and ethane) or emission rate of total organic HAP in the sample, kilograms per hour.

K_2 = Constant, 2.494×10^{-6}(parts per million)$^{-1}$(gram-mole per standard cubic meter) (kilogram/gram) (minutes/hour), where standard temperature for (gram-mole per standard cubic meter) is 20°C.

C_j = Concentration on a dry basis of organic compound j in parts per million as measured by Method 18 of 40 CFR 60 Appendix A as indicated in paragraph (d)(2)(ii) of this section. If the TOC emission rate is being calculated, C_j includes all organic compounds measured minus methane and ethane; if the total organic HAP emission rate is being calculated, only organic HAP compounds listed in table 2 in Subpart F of this part are included.

M_j = Molecular weight of organic compound j, gram/gram-mole.

Q_s = Vent stream flow rate, dry standard cubic meter per minute, at a temperature of 20°C.

(v) In order to determine whether a vent stream is halogenated, the mass emission rate of halogen atoms contained in organic compounds shall be calculated.

(A) The vent stream concentration of each organic compound containing halogen atoms (parts per million by volume, by compound) shall be determined based on the following procedures:

(*1*) Process knowledge that no halogen or hydrogen halides are present in the process, or

(*2*) Applicable engineering assessment as discussed in paragraph (d)(1)(iii) of this section, or

(*3*) Concentration of organic compounds containing halogens measured by Method 18 of 40 CFR 60 Appendix A, or

(*4*) Any other method or data that has been validated according to the applicable procedures in Method 301 of Appendix A of this part.

(B) The following equation shall be used to calculate the mass emission rate of halogen atoms:

$$E = K_2 Q\left(\sum_{j=1}^{n}\sum_{i=1}^{m} C_j * L_{ji} * M_{ji}\right)$$

where:

E = mass of halogen atoms, dry basis, kilogram per hour.

K_2 = Constant, 2.494×10^{-6}(parts per million)$^{-1}$(kilogram-mole per standard cubic meter) (minute/hour), where standard temperature is 20°C.

C_j = Concentration of halogenated compound j in the gas stream, dry basis, parts per million by volume.

M_{ji} = Molecular weight of halogen atom i in compound j of the gas stream, kilogram per kilogram-mole.

L_{ji} = Number of atoms of halogen i in compound j of the gas stream.

Q = Flow rate of gas stream, dry standard cubic meters per minute, determined according to paragraph (d)(1) or (d)(2)(i) of this section.

j = Halogenated compound j in the gas stream.

i = Halogen atom i in compound j of the gas stream.

n = Number of halogenated compounds j in the gas stream.

m = Number of different halogens i in each compound j of the gas stream.

(3) The owner or operator shall calculate the TRE index value of the vent stream using the equations and procedures in this paragraph.

(i) The equation for calculating the TRE index for a vent stream controlled by a flare or incinerator is as follows:

$$TRE = \frac{1}{E_{HAP}}\left[a + b(Q_s) + c(H_T) + d(E_{TOC})\right]$$

where:

TRE = TRE index value.

E_{HAP} = Hourly emission rate of total organic HAP, kilograms per hour, as calculated in paragraph (d)(1) or (d)(2)(iv) of this section.

Q_s = Vent stream flow rate, standard cubic meters per minute, at a standard temperature of 20 °C, as calculated in paragraph (d)(1) or (d)(2)(i) of this section.

H_T = Vent stream net heating value, megaJoules per standard cubic meter, as calculated in paragraph (d)(1) or (d)(2)(iii) of this section.

E_{TOC} = Emission rate of TOC (minus methane and ethane), kilograms per hour, as calculated in paragraph (d)(1) or (d)(2)(iv) of this section.

a,b,c,d = Coefficients presented in table 1 of this Subpart, selected in accordance with paragraphs (d)(3)(ii) and (iii) of this section.

(ii) The owner or operator of a nonhalogenated vent stream shall calculate the TRE index value based on the use of a flare, a thermal incinerator with 0 percent heat recovery, and a thermal incinerator with 70 percent heat recovery and shall select the lowest TRE index value. The owner or operator shall use the applicable coefficients in table 1 of this Subpart for nonhalogenated vent streams located within existing sources and the applicable coefficients in table 2 of this Subpart for nonhalogenated vent streams located within new sources.

(iii) The owner or operator of a halogenated vent stream shall calculate the TRE index value based on the use of a thermal incinerator with 0 percent heat recovery, and a scrubber. The owner or operator shall use the applicable coefficients in table 1 of this Subpart for halogenated vent streams located within existing sources and the applicable coefficients in table 2 of this Subpart for halogenated vent streams located within new sources.

(e) The owner or operator of a Group 2 process vent shall recalculate the TRE index value, flow, or organic hazardous air pollutants concentration for each process vent, as necessary to determine whether the vent is Group 1 or Group 2, whenever process changes are made that could reasonably be expected to change the vent to a Group 1 vent. Examples of process changes include, but are not limited to, changes in production capacity, production rate, feedstock type, or catalyst type, or whenever there is replacement, removal, or addition of recovery equipment. For purposes of this paragraph, process changes do not include: Process upsets; unintentional, temporary process changes; and changes that are within the range on which the original TRE calculation was based.

(1) The TRE index value, flow rate, or organic HAP concentration shall be recalculated based on measurements of vent stream flow rate, TOC, and organic HAP concentrations, and heating values as specified in 40 CFR 63.115 (a), (b), (c), and (d) of this Subpart, as applicable, or on best engineering assessment of the effects of the change. Engineering assessments shall meet the specifications in paragraph (d)(1) of this section.

(2) Where the recalculated TRE index value is less than or equal to 1.0, or less than or equal to 4.0 but greater than 1.0, the recalculated flow rate is greater than or equal to 0.005 standard cubic meter per minute, or the recalculated concentration is greater than or equal to 50 parts per million by volume, the owner or operator shall submit a report as specified in 40 CFR 63.118 (g), (h), (i), or (j) of this Subpart and shall comply with the appropriate provisions in 40 CFR 63.113 of this Subpart by the dates specified in 40 CFR 63.100 of Subpart F of this part.

(f) Notwithstanding any other provisions of this Subpart, in any case where a process vent includes one or more gas streams that are not from a source subject to this Subpart (hereafter called "non-HON streams" for purposes of this paragraph), and one or more gas streams that meet the criteria in 40 CFR 63.107(b) through (h) or the criteria in 40 CFR 63.107(i) (hereafter called "HON streams" for purposes of this paragraph), the owner or operator may elect to comply with paragraphs (f)(1) through (3) of this section.

(1) The owner or operator may determine the characteristics (flow rate, total organic HAP concentration, and TRE index value) for each HON stream, or combination of HON streams, at a representative point as near as practical to, but before, the point at which it is combined with one or more non-HON streams.

(2) If one or more of the HON streams, or combinations of HON streams, has the characteristics (determined at the location specified in paragraph (f)(1) of this section) associated with a Group 1 process vent, the combined vent stream is a Group 1 process vent. Except as specified in paragraph (f)(3) of this section, if none of the HON streams, or combinations of HON streams, when determined at the location specified in paragraph (f)(1) of this section, has the characteristics associated with a Group 1 process vent, the combined vent stream is a Group 2 process vent regardless of the TRE index value determined at the location specified in 40 CFR 63.115(a). If the combined vent stream is a Group 2 process vent as determined by the previous sentence, but one or more of the HON streams, or combinations of HON streams, has a TRE index value greater than 1 but less than or equal to 4, the combined vent stream is a process vent with a TRE index value greater than 1 but less than or equal to 4. In this case, the owner or operator shall monitor the combined vent stream as required by 40 CFR 63.114(b).

(3) Paragraphs (f)(1) and (2) of this section are not intended to apply instead of any other Subpart of this part. If another Subpart of this part applies to one or more of the non-HON streams contributing to the combined vent stream, that Subpart may impose emission control requirements such as, but not limited to, requiring the combined vent stream to be classified and controlled as a Group 1 process vent.

[59 FR 19468, Apr. 22, 1994, as amended at 62 FR 2746, Jan. 17, 1997; 66 FR 6931, Jan. 22, 2001]

40 CFR 63.116 - Process vent provisions—performance test methods and procedures to determine compliance

(a) When a flare is used to comply with 40 CFR 63.113(a)(1), the owner or operator shall comply with paragraphs (a)(1) through (3) of this section. The owner or operator is not required to conduct a performance test to determine percent emission reduction or outlet organic HAP or TOC concentration.

(1) Conduct a visible emission test using the techniques specified in 40 CFR 63.11(b)(4).

(2) Determine the net heating value of the gas being combusted using the techniques specified in 40 CFR 63.11(b)(6).

(3) Determine the exit velocity using the techniques specified in either 40 CFR 63.11(b)(7)(i) (and 40 CFR 63.11(b)(7)(iii), where applicable) or 40 CFR 63.11(b)(8), as appropriate.

(b) An owner or operator is not required to conduct a performance test when any control device specified in paragraphs (b)(1) through (b)(5) of this section is used.

(1) A boiler or process heater with a design heat input capacity of 44 megawatts or greater.

(2) A boiler or process heater into which the gas stream is introduced with the primary fuel or is used as the primary fuel.

(3) A control device for which a performance test was conducted for determining compliance with a regulation promulgated by the EPA and the test was conducted using the same methods specified in this section and either no process changes have been made since the test, or the owner or operator can demonstrate that the results of the performance test, with or without adjustments, reliably demonstrate compliance despite process changes.

(4) A boiler or process heater burning hazardous waste for which the owner or operator:

(i) Has been issued a final permit under 40 CFR 270 and complies with the requirements of 40 CFR 266 Subpart H, or

(ii) Has certified compliance with the interim status requirements of 40 CFR 266 Subpart H.

(5) A hazardous waste incinerator for which the owner or operator has been issued a final permit under 40 CFR 270 and complies with the requirements of 40 CFR 264 Subpart O, or has certified compliance with the interim status requirements of 40 CFR 265 Subpart O.

(c) Except as provided in paragraphs (a) and (b) of this section, an owner or operator using a control device to comply with the organic HAP concentration limit or percent reduction efficiency requirements in 40 CFR 63.113(a)(2) of this Subpart shall conduct a performance test using the procedures in paragraphs (c)(1) through (c)(4) of this section. The organic HAP concentration and percent reduction may be measured as either total organic HAP or as TOC minus methane and ethane according to the procedures specified.

(1) Method 1 or 1A of 40 CFR 60 Appendix A, as appropriate, shall be used for selection of the sampling sites.

(i) For determination of compliance with the 98 percent reduction of total organic HAP requirement of 40 CFR 63.113(a)(2) of this Subpart, sampling sites shall be located at the inlet of the control device as specified in paragraphs (c)(1)(i)(A) and (c)(1)(i)(B) of this section, and at the outlet of the control device.

(A) The control device inlet sampling site shall be located after the final product recovery device.

(B) If a vent stream is introduced with the combustion air or as a secondary fuel into a boiler or process heater with a design capacity less than 44 megawatts, selection of the location of the inlet sampling sites shall ensure the measurement of total organic HAP or TOC (minus methane and ethane) concentrations in all vent streams and primary and secondary fuels introduced into the boiler or process heater.

(ii) For determination of compliance with the 20 parts per million by volume total organic HAP limit in 40 CFR 63.113(a)(2) of this Subpart, the sampling site shall be located at the outlet of the control device.

(2) The gas volumetric flow rate shall be determined using Method 2, 2A, 2C, or 2D of 40 CFR 60 Appendix A, as appropriate.

(3) To determine compliance with the 20 parts per million by volume total organic HAP limit in 40 CFR 63.113(a)(2) of this Subpart, the owner or operator shall use Method 18 of 40 CFR 60 Appendix A to measure either TOC minus methane and ethane or total organic HAP. Alternatively, any other method or data that has been validated according to the applicable procedures in Method 301 of Appendix A of this part, may be used. The following procedures shall be used to calculate parts per million by volume concentration, corrected to 3 percent oxygen:

(i) The minimum sampling time for each run shall be 1 hour in which either an integrated sample or a minimum of four grab samples shall be taken. If grab sampling is used, then the samples shall be taken at approximately equal intervals in time, such as 15 minute intervals during the run.

(ii) The concentration of either TOC (minus methane or ethane) or total organic HAP shall be calculated according to paragraph (c)(3)(ii)(A) or (c)(3)(ii)(B) of this section.

(A) The TOC concentration (C_{TOC}) is the sum of the concentrations of the individual components and shall be computed for each run using the following equation:

$$C_{TOC} = \sum_{i=1}^{x} \frac{\left(\sum_{j=1}^{n} C_{ji} \right)}{x}$$

where:

C_{TOC} = Concentration of TOC (minus methane and ethane), dry basis, parts per million by volume.

C_{ji} = Concentration of sample components j of sample i, dry basis, parts per million by volume.

n = Number of components in the sample.

x = Number of samples in the sample run.

(B) The total organic HAP concentration (C_{HAP}) shall be computed according to the equation in paragraph (c)(3)(ii)(A) of this section except that only the organic HAP species shall be summed. The list of organic HAP's is provided in table 2 of Subpart F of this part.

(iii) The concentration of TOC or total organic HAP shall be corrected to 3 percent oxygen if a combustion device is the control device.

(A) The emission rate correction factor or excess air, integrated sampling and analysis procedures of Method 3B of 40 CFR 60 Appendix A shall be used to determine the oxygen concentration ($\%O_{2d}$). The samples shall be taken during the same time that the TOC (minus methane or ethane) or total organic HAP samples are taken.

(B) The concentration corrected to 3 percent oxygen (C_c) shall be computed using the following equation:

$$C_c = C_m \left(\frac{17.9}{20.9 - \%O_{2d}} \right)$$

Where:

C_c = Concentration of TOC or organic HAP corrected to 3 percent oxygen, dry basis, parts per million by volume.

C_m = Concentration of TOC (minus methane and ethane) or organic HAP, dry basis, parts per million by volume.

$\%0_{2d}$ = Concentration of oxygen, dry basis, percent by volume.

(4) To determine compliance with the 98 percent reduction requirement of 40 CFR 63.113(a)(2) of this Subpart, the owner or operator shall use Method 18 of 40 CFR 60 Appendix A; alternatively, any other method or data that has been validated according to the applicable procedures in Method 301 of Appendix A of this part may be used. The following procedures shall be used to calculate percent reduction efficiency:

(i) The minimum sampling time for each run shall be 1 hour in which either an integrated sample or a minimum of four grab samples shall be taken. If grab sampling is used, then the samples shall be taken at approximately equal intervals in time such as 15 minute intervals during the run.

(ii) The mass rate of either TOC (minus methane and ethane) or total organic HAP (E_i, E_o) shall be computed.

(A) The following equations shall be used:

$$E_i = K_2 \left(\sum_{j=1}^{n} C_{ij} M_{ij} \right) Q_i \quad E_o = K_2 \left(\sum_{j=1}^{n} C_{oj} M_{oj} \right) Q_o$$

where:

C_{ij}, C_{oj} = Concentration of sample component j of the gas stream at the inlet and outlet of the control device, respectively, dry basis, parts per million by volume.

E_i, E_o = Mass rate of TOC (minus methane and ethane) or total organic HAP at the inlet and outlet of the control device, respectively, dry basis, kilogram per hour.

M_{ij}, M_{oj} = Molecular weight of sample component j of the gas stream at the inlet and outlet of the control device, respectively, gram/gram-mole.

Q_i, Q_o = Flow rate of gas stream at the inlet and outlet of the control device, respectively, dry standard cubic meter per minute.

K_2 = Constant, 2.494×10^{-6}(parts per million)$^{-1}$(gram-mole per standard cubic meter) (kilogram/gram) (minute/hour), where standard temperature (gram-mole per standard cubic meter) is 20 °C.

(B) Where the mass rate of TOC is being calculated, all organic compounds (minus methane and ethane) measured by Method 18 of 40 CFR 60 Appendix A are summed using the equation in paragraph (c)(4)(ii)(A) of this section.

(C) Where the mass rate of total organic HAP is being calculated, only the organic HAP species shall be summed using the equation in paragraph (c)(4)(ii)(A) of this section. The list of organic HAP's is provided in table 2 of Subpart F of this part.

(iii) The percent reduction in TOC (minus methane and ethane) or total organic HAP shall be calculated as follows:

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

where:

R = Control efficiency of control device, percent.

E_i = Mass rate of TOC (minus methane and ethane) or total organic HAP at the inlet to the control device as calculated under paragraph (c)(4)(ii) of this section, kilograms TOC per hour or kilograms organic HAP per hour.

E_o = Mass rate of TOC (minus methane and ethane) or total organic HAP at the outlet of the control device, as calculated under paragraph (c)(4)(ii) of this section, kilograms TOC per hour or kilograms organic HAP per hour.

(iv) If the vent stream entering a boiler or process heater with a design capacity less than 44 megawatts is introduced with the combustion air or as a secondary fuel, the weight-percent reduction of total organic HAP or TOC (minus methane and ethane) across the device shall be determined by comparing the TOC (minus methane and ethane) or total organic HAP in all combusted vent streams and primary and secondary fuels with the TOC (minus methane and ethane) or total organic HAP exiting the combustion device, respectively.

(d) An owner or operator using a combustion device followed by a scrubber or other halogen reduction device to control halogenated vent streams in compliance with 40 CFR 63.113(c)(1) shall conduct a performance test to determine compliance with the control efficiency or emission limits for hydrogen halides and halogens.

(1) For an owner or operator determining compliance with the percent reduction of total hydrogen halides and halogens, sampling sites shall be located at the inlet and outlet of the scrubber or other halogen reduction device used to reduce halogen emissions. For an owner or operator determining compliance with the less than 0.45 kilogram per hour outlet emission limit for total hydrogen halides and halogens, the sampling site shall be located at the outlet of the scrubber or other halogen reduction device and prior to any releases to the atmosphere.

(2) Except as provided in paragraph (d)(5) of this section, Method 26 or Method 26A of 40 CFR 60 Appendix A, shall be used to determine the concentration, in milligrams per dry standard cubic meter, of total hydrogen halides and halogens that may be present in the vent stream. The mass emissions of each hydrogen halide and halogen compound shall be calculated from the measured concentrations and the gas stream flow rate.

(3) To determine compliance with the percent removal efficiency, the mass emissions for any hydrogen halides and halogens present at the inlet of the scrubber or other halogen reduction device shall be summed together. The mass emissions of the compounds present at the outlet of the scrubber or other halogen reduction device shall be summed together. Percent reduction shall be determined by comparison of the summed inlet and outlet measurements.

(4) To demonstrate compliance with the less than 0.45 kilogram per hour outlet emission limit, the test results must show that the mass emission rate of total hydrogen halides and halogens measured at the outlet of the scrubber or other halogen reduction device is below 0.45 kilogram per hour.

(5) The owner or operator may use any other method to demonstrate compliance if the method or data has been validated according to the applicable procedures of Method 301 of Appendix A of this part.

(e) An owner or operator using a scrubber or other halogen reduction device to reduce the vent stream halogen atom mass emission rate to less than 0.45 kilogram per hour prior to a combustion control device in compliance with 40 CFR 63.113(c)(2) of this Subpart shall determine the halogen atom mass emission rate prior to the combustor according to the procedures in 40 CFR 63.115(d)(2)(v) of this Subpart.

[59 FR 19468, Apr. 22, 1994, as amended at 62 FR 2746, Jan. 17, 1997; 64 FR 20191, Apr. 26, 1999; 66 FR 6931, Jan. 22, 2001]

40 CFR 63.117 - Process vent provisions - reporting and recordkeeping requirements for group and TRE determinations and performance tests

(a) Each owner or operator subject to the control provisions for Group 1 process vents in 40 CFR 63.113(a) or the provisions for Group 2 process vents with a TRE index value greater than 1.0 but less than or equal to 4.0 in 40 CFR 63.113(d) shall:

(1) Keep an up-to-date, readily accessible record of the data specified in paragraphs (a)(4) through (a)(8) of this section, as applicable, and

(2) Include the data in paragraphs (a)(4) through (a)(8) of this section in the Notification of Compliance Status report as specified in 40 CFR 63.152(b) of this Subpart.

(3) If any subsequent TRE determinations or performance tests are conducted after the Notification of Compliance Status has been submitted, report the data in paragraphs (a)(4) through (a)(8) of this section in the next Periodic Report as specified in 40 CFR 63.152(c) of this Subpart.

(4) Record and report the following when using a combustion device to achieve a 98 weight percent reduction in organic HAP or an organic HAP concentration of 20 parts per million by volume, as specified in 40 CFR 63.113(a)(2) of this Subpart:

(i) The parameter monitoring results for incinerators, catalytic incinerators, boilers or process heaters specified in table 3 of this Subpart, and averaged over the same time period of the performance testing.

(ii) For an incinerator, the percent reduction of organic HAP or TOC achieved by the incinerator determined as specified in 40 CFR 63.116(c) of this Subpart, or the concentration of organic HAP or TOC (parts per million by volume, by compound) determined as specified in 40 CFR 63.116(c) of this Subpart at the outlet of the incinerator on a dry basis corrected to 3 percent oxygen.

(iii) For a boiler or process heater, a description of the location at which the vent stream is introduced into the boiler or process heater.

(iv) For a boiler or process heater with a design heat input capacity of less than 44 megawatts and where the vent stream is introduced with combustion air or used as a secondary fuel and is not mixed with the primary fuel, the percent reduction of organic HAP or TOC, or the concentration of organic HAP or TOC (parts per million by volume, by compound) determined as specified in 40 CFR 63.116(c) at the outlet of the combustion device on a dry basis corrected to 3 percent oxygen.

(5) Record and report the following when using a flare to comply with 40 CFR 63.113(a)(1) of this Subpart:

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

(ii) All visible emission readings, heat content determinations, flow rate measurements, and exit velocity determinations made during the compliance determination required by 40 CFR 63.116(a) of this Subpart; and

(iii) All periods during the compliance determination when the pilot flame is absent.

(6) Record and report the following when using a scrubber following a combustion device to control a halogenated vent stream:

(i) The percent reduction or scrubber outlet mass emission rate of total hydrogen halides and halogens as specified in 40 CFR 63.116(d) of this Subpart;

(ii) The pH of the scrubber effluent; and

(iii) The scrubber liquid to gas ratio.

(7) Record and report the following when achieving and maintaining a TRE index value greater than 1.0 but less than 4.0 as specified in 40 CFR 63.113(a)(3) or 40 CFR 63.113(d) of this Subpart:

(i) The parameter monitoring results for absorbers, condensers, or carbon adsorbers, as specified in table 4 of this Subpart, and averaged over the same time period of the measurements of vent stream flow rate and concentration used in the TRE determination (both measured while the vent stream is normally routed and constituted), and

(ii) The measurements and calculations performed to determine the TRE index value of the vent stream.

(8) Record and report the halogen concentration in the vent stream determined according to the procedures specified in 40 CFR 63.115(d)(2)(v).

(b) The owner or operator of a Group 2 process vent with a TRE index greater than 4.0 as specified in 40 CFR 63.113(e) of this Subpart, shall maintain records and submit as part of the Notification of Compliance Status specified in 40 CFR 63.152 of this Subpart, measurements, engineering assessments, and calculations performed to determine the TRE index value of the vent stream. Documentation of engineering assessments shall include all data, assumptions, and procedures used for the engineering assessments, as specified in 40 CFR 63.115(d)(1) of this Subpart.

(c) Each owner or operator who elects to demonstrate that a process vent is a Group 2 process vent based on a flow rate less than 0.005 standard cubic meter per minute must submit to the Administrator the flow rate measurement using methods and procedures specified in 40 CFR 63.115 (a) and (b) of this Subpart with the Notification of Compliance Status specified in 40 CFR 63.152 of this Subpart.

(d) Each owner or operator who elects to demonstrate that a process vent is a Group 2 process vent based on organic HAP or TOC concentration less than 50 parts per million by volume must submit to the Administrator an organic HAP or TOC concentration measurement using the methods and procedures specified in 40 CFR 63.115 (a) and (c) of this Subpart with the Notification of Compliance Status specified in 40 CFR 63.152 of this Subpart.

(e) If an owner or operator uses a control or recovery device other than those listed in tables 3 and 4 of this Subpart or requests approval to monitor a parameter other than those specified in tables 3 and 4 of this Subpart, the owner or operator shall submit a description of planned reporting and recordkeeping procedures as required under 40 CFR 63.151(f) or 40 CFR 63.152(e) of this Subpart. The Administrator will specify appropriate reporting and recordkeeping requirements as part of the review of the permit application or by other appropriate means.

(f) For each parameter monitored according to tables 3 or 4 of this Subpart or paragraph (e) of this section, the owner or operator shall establish a range for the parameter that indicates proper operation of the control or recovery device. In order to establish the range, the information required in 40 CFR 63.152(b) of this Subpart shall be submitted in the Notification of Compliance Status or the operating permit application or amendment.

[59 FR 19468, Apr. 22, 1994, as amended at 61 FR 64576, Dec. 5, 1996; 66 FR 6932, Jan. 22, 2001]

40 CFR 63.118 - Process vent provisions - periodic reporting and recordkeeping requirements

(a) Each owner or operator using a control device to comply with 40 CFR 63.113 (a)(1) or (a)(2) of this Subpart shall keep the following records up-to-date and readily accessible:

(1) Continuous records of the equipment operating parameters specified to be monitored under 40 CFR 63.114(a) of this Subpart and listed in table 3 of this Subpart or specified by the Administrator in accordance with 40 CFR 63.114(c) and 40 CFR 63.117(e) of this Subpart. For flares, the hourly records and records of pilot flame outages specified in table 3 of this Subpart shall be maintained in place of continuous records.

(2) Records of the daily average value of each continuously monitored parameter for each operating day determined according to the procedures specified in 40 CFR 63.152(f). For flares, records of the times and duration of all periods during which all pilot flames are absent shall be kept rather than daily averages.

(3) Hourly records of whether the flow indicator specified under 40 CFR 63.114(d)(1) was operating and whether a diversion was detected at any time during the hour, as well as records of the times and durations of all periods when the gas stream is diverted to the atmosphere or the monitor is not operating.

(4) Where a seal mechanism is used to comply with 40 CFR 63.114(d)(2) of this Subpart, hourly records of flow are not required. In such cases, the owner or operator shall record that the monthly visual inspection of the seals or closure mechanism has been done, and shall record the duration of all periods when the seal mechanism is broken, the bypass line valve position has changed, or the key for a lock-and-key type lock has been checked out, and records of any car-seal that has broken.

(b) Each owner or operator using a recovery device or other means to achieve and maintain a TRE index value greater than 1.0 but less than 4.0 as specified in 40 CFR 63.113(a)(3) or 40 CFR 63.113(d) of this Subpart shall keep the following records up-to-date and readily accessible:

(1) Continuous records of the equipment operating parameters specified to be monitored under 40 CFR 63.114(b) of this Subpart and listed in table 4 of this Subpart or specified by the Administrator in accordance with 40 CFR 63.114(c) of this Subpart and 40 CFR 63.114(e) of this Subpart and

(2) Records of the daily average value of each continuously monitored parameter for each operating day determined according to the procedures specified in 40 CFR 63.152(f). If carbon adsorber regeneration stream flow and carbon bed regeneration temperature are monitored, the records specified in table 4 of this Subpart shall be kept instead of the daily averages.

(c) Each owner or operator subject to the provisions of this Subpart and who elects to demonstrate compliance with the TRE index value greater than 4.0 under 40 CFR 63.113(e) of this Subpart or greater than 1.0 under 40 CFR 63.113(a)(3) or 40 CFR 63.113(d) of this Subpart shall keep up-to-date, readily accessible records of:

(1) Any process changes as defined in 40 CFR 63.115(e) of this Subpart; and

(2) Any recalculation of the TRE index value pursuant to 40 CFR 63.115(e) of this Subpart.

(d) Each owner or operator who elects to comply by maintining a flow rate less than 0.005 standard cubic meter per minute under 40 CFR 63.113(f) of this Subpart, shall keep up-to-date, readily accessible records of:

(1) Any process changes as defined in 40 CFR 63.115(e) of this Subpart that increase the vent stream flow rate,

(2) Any recalculation or measurement of the flow rate pursuant to 40 CFR 63.115(e) of this Subpart, and

(3) If the flow rate increases to 0.005 standard cubic meter per minute or greater as a result of the process change, the TRE determination performed according to the procedures of 40 CFR 63.115(d) of this Subpart.

(e) Each owner or operator who elects to comply by maintaining an organic HAP concentration less than 50 parts per million by volume organic HAP concentration under 40 CFR 63.113(g) of this Subpart shall keep up-to-date, readily accessible records of:

(1) Any process changes as defined in 40 CFR 63.115(e) that increase the organic HAP concentration of the vent stream,

(2) Any recalculation or measurement of the concentration pursuant to 40 CFR 63.115(e) of this Subpart, and

(3) If the organic HAP concentration increases to 50 parts per million by volume or greater as a result of the process change, the TRE determination performed according to the procedures of 40 CFR 63.115(d) of this Subpart.

(f) Each owner or operator who elects to comply with the requirements of 40 CFR 63.113 of this Subpart shall submit to the Administrator Periodic Reports of the following recorded information according to the schedule in 40 CFR 63.152 of this Subpart.

(1) Reports of daily average values of monitored parameters for all operating days when the daily average values recorded under paragraphs (a) and (b) of this section were outside the ranges established in the Notification of Compliance Status or operating permit.

(2) For Group 1 points, reports of the duration of periods when monitoring data is not collected for each excursion caused by insufficient monitoring data as defined in 40 CFR 63.152(c)(2)(ii)(A) of this Subpart.

(3) Reports of the times and durations of all periods recorded under paragraph (a)(3) of this section when the gas stream is diverted to the atmosphere through a bypass line.

(4) Reports of all periods recorded under paragraph (a)(4) of this section in which the seal mechanism is broken, the bypass line valve position has changed, or the key to unlock the bypass line valve was checked out.

(5) Reports of the times and durations of all periods recorded under paragraph (a)(2) of this section in which all pilot flames of a flare were absent.

(6) Reports of all carbon bed regeneration cycles during which the parameters recorded under paragraph (b)(2)(v) of this section were outside the ranges established in the Notification of Compliance Status or operating permit.

(g) Whenever a process change, as defined in 40 CFR 63.115(e) of this Subpart, is made that causes a Group 2 process vent to become a Group 1 process vent, the owner or operator shall submit a report within 180 calendar days after the process change as specified in 40 CFR 63.151(j) of this Subpart. The report shall include:

(1) A description of the process change;

(2) The results of the recalculation of the flow rate, organic HAP concentration, and TRE index value required under 40 CFR 63.115(e) of this Subpart and recorded under paragraph (c), (d), or (e) of this section; and

(3) A statement that the owner or operator will comply with the provisions of 40 CFR 63.113 of this Subpart for Group 1 process vents by the dates specified in Subpart F of this part.

(h) Whenever a process change, as defined in 40 CFR 63.115(e) of this Subpart, is made that causes a Group 2 process vent with a TRE greater than 4.0 to become a Group 2 process vent with a TRE less than 4.0, the owner or operator shall submit a report within 180 calendar days after the process change. The report may be submitted as part of the next periodic report. The report shall include:

(1) A description of the process change,

(2) The results of the recalculation of the TRE index value required under 40 CFR 63.115(e) of this Subpart and recorded under paragraph (c) of this section, and

(3) A statement that the owner or operator will comply with the requirements specified in 40 CFR 63.113(d) of this Subpart.

(i) Whenever a process change, as defined in 40 CFR 63.115(e) of this Subpart, is made that causes a Group 2 process vent with a flow rate less than 0.005 standard cubic meter per minute to become a Group 2 process vent with a flow rate of 0.005 standard cubic meter per minute or greater and a TRE index value less than or equal to 4.0, the owner or operator shall submit a report within 180 calendar days after the process change. The report may be submitted as part of the next periodic report. The report shall include:

(1) A description of the process change,

(2) The results of the recalculation of the flow rate and the TRE determination required under 40 CFR 63.115(e) of this Subpart and recorded under paragraph (d) of this section, and

(3) A statement that the owner or operator will comply with the requirements specified in 40 CFR 63.113(d) of this Subpart.

(j) Whenever a process change, as defined in 40 CFR 63.115(e) of this Subpart, is made that causes a Group 2 process vent with an organic HAP concentration less than 50 parts per million by volume to become a Group 2 process vent with an organic HAP concentration of 50 parts per million by volume or greater and a TRE index value less than or equal to 4.0, the owner or operator shall submit a report within 180 calendar days after the process change. The report may be submitted as part of the next periodic report. The report shall include:

(1) A description of the process change,

(2) The results of the recalculation of the organic HAP concentration and the TRE determination required under 40 CFR 63.115(e) of this Subpart and recorded under paragraph (e) of this section, and

(3) A statement that the owner or operator will comply with the requirements specified in 40 CFR 63.113(d) of this Subpart.

(k) The owner or operator is not required to submit a report of a process change if one of the conditions listed in paragraph (k)(1), (k)(2), (k)(3), or (k)(4) of this section is met.

(1) The process change does not meet the definition of a process change in 40 CFR 63.115(e) of this Subpart, or

(2) The vent stream flow rate is recalculated according to 40 CFR 63.115(e) of this Subpart and the recalculated value is less than 0.005 standard cubic meter per minute, or

(3) The organic HAP concentration of the vent stream is recalculated according to 40 CFR 63.115(e) of this Subpart and the recalculated value is less than 50 parts per million by volume, or

(4) The TRE index value is recalculated according to 40 CFR 63.115(e) of this Subpart and the recalculated value is greater than 4.0.

[59 FR 19468, Apr. 22, 1994, as amended at 62 FR 2747, Jan. 17, 1997; 66 FR 6932, Jan. 22, 2001]

40 CFR 63.119 - Storage vessel provisions - reference control technology

(a) For each storage vessel to which this Subpart applies, the owner or operator shall comply with the requirements of paragraphs (a)(1), (a)(2), (a)(3), and (a)(4) of this section according to the schedule provisions of 40 CFR 63.100 of Subpart F of this part.

(1) For each Group 1 storage vessel (as defined in table 5 of this Subpart for existing sources and table 6 of the Subpart for new sources) storing a liquid for which the maximum true vapor pressure of the total organic hazardous air pollutants in the liquid is less than 76.6 kilopascals, the owner or operator shall reduce hazardous air pollutants emissions to the atmosphere either by operating and maintaining a fixed roof and internal floating roof, an external floating roof, an external floating roof converted to an internal floating roof, a closed vent system and control device, routing the emissions to a process or a fuel gas system, or vapor balancing in accordance with the requirements in paragraph (b), (c), (d), (e), (f), or (g) of this section, or equivalent as provided in 40 CFR 63.121 of this Subpart.

(2) For each Group 1 storage vessel (as defined in table 5 of this Subpart for existing sources and table 6 of this Subpart for new sources) storing a liquid for which the maximum true vapor pressure of the total organic hazardous air pollutants in the liquid is greater than or equal to 76.6 kilopascals, the owner or operator shall operate and maintain a closed vent system and control device meeting the requirements specified in paragraph (e) of this section, route the

emissions to a process or a fuel gas system as specified in paragraph (f) of this section, vapor balance as specified in paragraph (g) of this section, or equivalent as provided in 40 CFR 63.121 of this Subpart.

(3) For each Group 2 storage vessel that is not part of an emissions average as described in 40 CFR 63.150 of this Subpart, the owner or operator shall comply with the recordkeeping requirement in 40 CFR 63.123(a) of this Subpart and is not required to comply with any other provisions in 40 CFR 40 CFR 63.119 through 63.123 of this Subpart.

(4) For each Group 2 storage vessel that is part of an emissions average, the owner or operator shall comply with the emissions averaging provisions in 40 CFR 63.150 of this Subpart.

(b) The owner or operator who elects to use a fixed roof and an internal floating roof, as defined in 40 CFR 63.111 of this Subpart, to comply with the requirements of paragraph (a)(1) of this section shall comply with the requirements specified in paragraphs (b)(1) through (b)(6) of this section.

Note: The intent of paragraphs (b)(1) and (b)(2) of this section is to avoid having a vapor space between the floating roof and the stored liquid for extended periods. Storage vessels may be emptied for purposes such as routine storage vessel maintenance, inspections, petroleum liquid deliveries, or transfer operations. Storage vessels where liquid is left on walls, as bottom clingage, or in pools due to floor irregularity are considered completely empty.

(1) The internal floating roof shall be floating on the liquid surface at all times except when the floating roof must be supported by the leg supports during the periods specified in paragraphs (b)(1)(i) through (b)(1)(iii) of this section.

(i) During the initial fill.

(ii) After the vessel has been completely emptied and degassed.

(iii) When the vessel is completely emptied before being subsequently refilled.

(2) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling shall be continuous and shall be accomplished as soon as practical.

(3) Each internal floating roof shall be equipped with a closure device between the wall of the storage vessel and the roof edge. Except as provided in paragraph (b)(3)(iv) of this section, the closure device shall consist of one of the devices listed in paragraph (b)(3)(i), (b)(3)(ii), or (b)(3)(iii) of this section.

(i) A liquid-mounted seal as defined in 40 CFR 63.111 of this Subpart.

(ii) A metallic shoe seal as defined in 40 CFR 63.111 of this Subpart.

(iii) Two seals mounted one above the other so that each forms a continuous closure that completely covers the space between the wall of the storage vessel and the edge of the internal floating roof. The lower seal may be vapor- mounted, but both must be continuous seals.

(iv) If the internal floating roof is equipped with a vapor-mounted seal as of December 31, 1992, the requirement for one of the seal options specified in paragraphs (b)(3)(i), (b)(3)(ii), and (b)(3)(iii) of this section does not apply until the earlier of the dates specified in paragraphs (b)(3)(iv)(A) and (b)(3)(iv)(B) of this section.

(A) The next time the storage vessel is emptied and degassed.

(B) No later than 10 years after April 22, 1994.

(4) Automatic bleeder vents are to be closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the roof leg supports.

(5) Except as provided in paragraph (b)(5)(viii) of this section, each internal floating roof shall meet the specifications listed in paragraphs (b)(5)(i) through (b)(5)(vii) of this section.

(i) Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and rim space vents is to provide a projection below the liquid surface.

(ii) Each opening in the internal floating roof except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains shall be equipped with a cover or lid. The cover or lid shall be equipped with a gasket.

(iii) Each penetration of the internal floating roof for the purposes of sampling shall be a sample well. Each sample well shall have a slit fabric cover that covers at least 90 percent of the opening.

(iv) Each automatic bleeder vent shall be gasketed.

(v) Each rim space vent shall be gasketed.

(vi) Each penetration of the internal floating roof that allows for passage of a ladder shall have a gasketed sliding cover.

(vii) Each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof shall have a flexible fabric sleeve seal or a gasketed sliding cover.

(viii) If the internal floating roof does not meet any one of the specifications listed in paragraphs (b)(5)(i) through (b)(5)(vii) of this section as of December 31, 1992, the requirement for meeting those specifications does not apply until the earlier of the dates specified in paragraphs (b)(5)(viii)(A) and (b)(5)(viii)(B) of this section.

(A) The next time the storage vessel is emptied and degassed.

(B) No later than 10 years after April 22, 1994.

(6) Each cover or lid on any opening in the internal floating roof shall be closed (i.e., no visible gaps), except when the cover or lid must be open for access. Covers on each access hatch and each gauge float well shall be bolted or fastened so as to be air-tight when they are closed. Rim space vents are to be set to open only when the internal floating roof is not floating or when the pressure beneath the rim seal exceeds the manufacturer's recommended setting.

(c) The owner or operator who elects to use an external floating roof, as defined in 40 CFR 63.111 of this Subpart, to comply with the requirements of paragraph (a)(1) of this section shall comply with the requirements specified in paragraphs (c)(1) through (c)(4) of this section.

(1) Each external floating roof shall be equipped with a closure device between the wall of the storage vessel and the roof edge.

(i) Except as provided in paragraph (c)(1)(iv) of this section, the closure device is to consist of two seals, one above the other. The lower seal is referred to as the primary seal and the upper seal is referred to as the secondary seal.

(ii) Except as provided in paragraph (c)(1)(v) of this section, the primary seal shall be either a metallic shoe seal or a liquid-mounted seal.

(iii) Except during the inspections required by 40 CFR 63.120(b) of this Subpart, both the primary seal and the secondary seal shall completely cover the annular space between the external floating roof and the wall of the storage vessel in a continuous fashion.

(iv) If the external floating roof is equipped with a liquid-mounted or metallic shoe primary seal as of December 31, 1992, the requirement for a secondary seal in paragraph (c)(1)(i) of this section does not apply until the earlier of the dates specified in paragraphs (c)(1)(iv)(A) and (c)(1)(iv)(B) of this section.

(A) The next time the storage vessel is emptied and degassed.

(B) No later than 10 years after April 22, 1994.

(v) If the external floating roof is equipped with a vapor-mounted primary seal and a secondary seal as of December 31, 1992, the requirement for a liquid-mounted or metallic shoe primary seal in paragraph (c)(1)(ii) of this section does not apply until the earlier of the dates specified in paragraphs (c)(1)(v)(A) and (c)(1)(v)(B) of this section.

(A) The next time the storage vessel is emptied and degassed.

(B) No later than 10 years after April 22, 1994.

(2) Each external floating roof shall meet the specifications listed in paragraphs (c)(2)(i) through (c)(2)(xii) of this section.

(i) Except for automatic bleeder vents (vacuum breaker vents) and rim space vents, each opening in the noncontact external floating roof shall provide a projection below the liquid surface except as provided in paragraph (c)(2)(xii) of this section.

(ii) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof is to be equipped with a gasketed cover, seal or lid which is to be maintained in a closed position (i.e., no visible

gap) at all times except when the cover or lid must be open for access. Covers on each access hatch and each gauge float well shall be bolted or fastened so as to be air-tight when they are closed.

(iii) Automatic bleeder vents are to be closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the roof leg supports.

(iv) Rim space vents are to be set to open only when the roof is being floated off the roof leg supports or when the pressure beneath the rim seal exceeds the manufacturer's recommended setting.

(v) Automatic bleeder vents and rim space vents are to be gasketed.

(vi) Each roof drain that empties into the stored liquid is to be provided with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening.

(vii) Each unslotted guide pole well shall have a gasketed sliding cover or a flexible fabric sleeve seal.

(viii) Each unslotted guide pole shall have on the end of the pole a gasketed cap which is closed at all times except when gauging the liquid level or taking liquid samples.

(ix) Each slotted guide pole well shall have a gasketed sliding cover or a flexible fabric sleeve seal.

(x) Each slotted guide pole shall have a gasketed float or other device which closes off the liquid surface from the atmosphere.

(xi) Each gauge hatch/sample well shall have a gasketed cover which is closed at all times except when the hatch or well must be open for access.

(xii) If each opening in a noncontact external floating roof except for automatic bleeder vents (vacuum breaker vents) and rim space vents does not provide a projection below the liquid surface as of December 31, 1992, the requirement for providing these projections below the liquid surface does not apply until the earlier of the dates specified in paragraphs (c)(2)(xii)(A) and (c)(2)(xii)(B) of this section.

(A) The next time the storage vessel is emptied and degassed.

(B) No later than 10 years after April 22, 1994.

Note: The intent of paragraphs (c)(3) and (c)(4) of this section is to avoid having a vapor space between the floating roof and the stored liquid for extended periods. Storage vessels may be emptied for purposes such as routine storage vessel maintenance, inspections, petroleum liquid deliveries, or transfer operations. Storage vessels where liquid is left on walls, as bottom clingage, or in pools due to floor irregularity are considered completely empty.

(3) The external floating roof shall be floating on the liquid surface at all times except when the floating roof must be supported by the leg supports during the periods specified in paragraphs (c)(3)(i) through (c)(3)(iii) of this section.

(i) During the initial fill.

(ii) After the vessel has been completely emptied and degassed.

(iii) When the vessel is completely emptied before being subsequently refilled.

(4) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling shall be continuous and shall be accomplished as soon as practical.

(d) The owner or operator who elects to use an external floating roof converted to an internal floating roof (i.e., fixed roof installed above external floating roof) to comply with paragraph (a)(1) of this section shall comply with paragraphs (d)(1) and (d)(2) of this section.

(1) Comply with the requirements for internal floating roof vessels specified in paragraphs (b)(1), (2), and (3) of this section; and

(2) Comply with the requirements for deck fittings that are specified for external floating roof vessels in paragraphs (c)(2)(i) through (c)(2)(xii) of this section.

(e) The owner or operator who elects to use a closed vent system and control device, as defined in 40 CFR 63.111 of this Subpart, to comply with the requirements of paragraph (a)(1) or (a)(2) of this section shall comply with the requirements specified in paragraphs (e)(1) through (e)(5) of this section.

(1) Except as provided in paragraph (e)(2) of this section, the control device shall be designed and operated to reduce inlet emissions of total organic HAP by 95 percent or greater. If a flare is used as the control device, it shall meet the specifications described in the general control device requirements of 40 CFR 63.11(b) of Subpart A of this part.

(2) If the owner or operator can demonstrate that a control device installed on a storage vessel on or before December 31, 1992 is designed to reduce inlet emissions of total organic HAP by greater than or equal to 90 percent but less than 95 percent, then the control device is required to be operated to reduce inlet emissions of total organic HAP by 90 percent or greater.

(3) Periods of planned routine maintenance of the control device, during which the control device does not meet the specifications of paragraph (e)(1) or (e)(2) of this section, as applicable, shall not exceed 240 hours per year.

(4) The specifications and requirements in paragraphs (e)(1) and (e)(2) of this section for control devices do not apply during periods of planned routine maintenance.

(5) The specifications and requirements in paragraphs (e)(1) and (e)(2) of this section for control devices do not apply during a control system malfunction.

(6) An owner or operator may use a combination of control devices to achieve the required reduction of total organic hazardous air pollutants specified in paragraph (e)(1) of this section. An owner or operator may use a combination of control devices installed on a storage vessel on or before December 31, 1992 to achieve the required reduction of total organic hazardous air pollutants specified in paragraph (e)(2) of this section.

(f) The owner or operator who elects to route emissions to a fuel gas system or to a process, as defined in 40 CFR 63.111 of this Subpart, to comply with the requirements of paragraph (a)(1) or (a)(2) of this section shall comply with the requirements in paragraphs (f)(1) through (f)(3) of this section, as applicable.

(1) If emissions are routed to a fuel gas system, there is no requirement to conduct a performance test or design evaluation. If emissions are routed to a process, the organic hazardous air pollutants in the emissions shall predominantly meet one of, or a combination of, the ends specified in paragraphs (f)(1)(i) through (f)(1)(iv) of this section. The owner or operator shall comply with the compliance demonstration requirements in 40 CFR 63.120(f).

(i) Recycled and/or consumed in the same manner as a material that fulfills the same function in that process;

(ii) Transformed by chemical reaction into materials that are not organic hazardous air pollutants;

(iii) Incorporated into a product; and/or

(iv) Recovered.

(2) If the emissions are conveyed by a system other than hard-piping, any conveyance system operated under positive pressure shall be subject to the requirements of 40 CFR 63.148 of this Subpart.

(3) The fuel gas system or process shall be operating at all times when organic hazardous air pollutants emissions are routed to it except as provided in 40 CFR 63.102(a)(1) of Subpart F of this part and in paragraphs (f)(3)(i) through (f)(3)(iii) of this section. Whenever the owner or operator by-passes the fuel gas system or process, the owner or operator shall comply with the recordkeeping requirement in 40 CFR 63.123(h) of this Subpart. Bypassing is permitted if the owner or operator complies with one or more of the conditions specified in paragraphs (f)(3)(i) through (f)(3)(iii) of this section.

(i) The liquid level in the storage vessel is not increased;

(ii) The emissions are routed through a closed-vent system to a control device complying with 40 CFR 63.119(e) of this Subpart; or

(iii) The total aggregate amount of time during which the emissions by-pass the fuel gas system or process during the calendar year without being routed to a control device, for all reasons (except start-ups/shutdowns/malfunctions or product changeovers of flexible operation units and periods when the storage vessel has been emptied and degassed), does not exceed 240 hours.

(g) The owner or operator who elects to vapor balance to comply with the requirements of paragraphs (a)(1) and (2) of this section shall comply with paragraphs (g)(1) through (7) of this section and the recordkeeping requirements of 40 CFR 63.123(i).

(1) The vapor balancing system must be designed and operated to route organic HAP vapors displaced from loading of the storage tank to the railcar, tank truck, or barge from which the storage tank is filled.

(2) Tank trucks and railcars must have a current certification in accordance with the U.S. Department of Transportation pressure test requirements of 49 CFR part 180 for tank trucks and 49 CFR 173.31 for railcars. Barges must have a current certification of vapor-tightness through testing in accordance with 40 CFR 63.565.

(3) Hazardous air pollutants must only be unloaded from tank trucks or railcars when vapor collection systems are connected to the storage tank's vapor collection system.

(4) No pressure relief device on the storage tank, or on the railcar or tank truck, shall open during loading or as a result of diurnal temperature changes (breathing losses).

(5) Pressure relief devices must be set to no less than 2.5 psig at all times to prevent breathing losses. Pressure relief devices may be set at values less than 2.5 psig if the owner or operator provides rationale in the notification of compliance status report explaining why the alternative value is sufficient to prevent breathing losses at all times. The owner or operator shall comply with paragraphs (g)(5)(i) through (iii) of this section for each pressure relief valve.

(i) The pressure relief valve shall be monitored quarterly using the method described in 40 CFR 63.180(b).

(ii) An instrument reading of 500 ppmv or greater defines a leak.

(iii) When a leak is detected, it shall be repaired as soon as practicable, but no later than 5 days after it is detected, and the owner or operator shall comply with the recordkeeping requirements of 40 CFR 63.181(d)(1) through (4).

(6) Railcars, tank trucks, or barges that deliver HAP to a storage tank must be reloaded or cleaned at a facility that utilizes the control techniques specified in paragraph (g)(6)(i) or (ii) of this section.

(i) The railcar, tank truck, or barge must be connected to a closed-vent system with a control device that reduces inlet emissions of HAP by 95 percent by weight or greater.

(ii) A vapor balancing system designed and operated to collect organic HAP vapor displaced from the tank truck, railcar, or barge during reloading must be used to route the collected HAP vapor to the storage tank from which the liquid being transferred originated.

(7) The owner or operator of the facility where the railcar, tank truck, or barge is reloaded or cleaned must comply with paragraphs (g)(7)(i) through (iii) of this section.

(i) Submit to the owner or operator of the storage tank and to the Administrator a written certification that the reloading or cleaning facility will meet the requirements of this section. The certifying entity may revoke the written certification by sending a written statement to the owner or operator of the storage tank giving at least 90 days notice that the certifying entity is rescinding acceptance of responsibility for compliance with the requirements of this paragraph (g)(7).

(ii) If complying with paragraph (g)(6)(i) of this section, comply with the requirements for closed vent system and control device specified in 40 CFR 40 CFR 63.119 through 63.123. The notification and reporting requirements in 40 CFR 63.122 do not apply to the owner or operator of the offsite cleaning or reloading facility.

(iii) If complying with paragraph (g)(6)(ii) of this section, keep the records specified in 40 CFR 63.123(i)(3).

(iv) After the compliance dates specified in 40 CFR 63.100(k) at an offsite reloading or cleaning facility subject to paragraph (g) of this section, compliance with the monitoring, recordkeeping, and reporting provisions of any other Subpart of this Part 63 constitutes compliance with the monitoring, recordkeeping, and reporting provisions of paragraph (g)(7)(ii) or paragraph (g)(7)(iii) of this section. You must identify in your Notification of Compliance Status report required by 40 CFR 63.152(b), the Subpart to the Part 63 with which the owner or operator of the reloading or cleaning facility complies.

[59 FR 19468, Apr. 22, 1994, as amended at 62 FR 2747, Jan. 17, 1997; 69 FR 76863, Dec. 23, 2004; 71 FR 76614, Dec. 21, 2006]

40 CFR 63.120 - Storage vessel provisions - procedures to determine compliance

(a) To demonstrate compliance with 40 CFR 63.119(b) of this Subpart (storage vessel equipped with a fixed roof and internal floating roof) or with 40 CFR 63.119(d) of this Subpart (storage vessel equipped with an external floating roof converted to an internal floating roof), the owner or operator shall comply with the requirements in paragraphs (a)(1) through (a)(7) of this section.

(1) The owner or operator shall visually inspect the internal floating roof, the primary seal, and the secondary seal (if one is in service), according to the schedule specified in paragraphs (a)(2) and (a)(3) of this section.

(2) For vessels equipped with a single-seal system, the owner or operator shall perform the inspections specified in paragraphs (a)(2)(i) and (a)(2)(ii) of this section.

(i) Visually inspect the internal floating roof and the seal through manholes and roof hatches on the fixed roof at least once every 12 months after initial fill, or at least once every 12 months after the compliance date specified in 40 CFR 63.100 of Subpart F of this part.

(ii) Visually inspect the internal floating roof, the seal, gaskets, slotted membranes, and sleeve seals (if any) each time the storage vessel is emptied and degassed, and at least once every 10 years after the compliance date specified in 40 CFR 63.100 of Subpart F of this part.

(3) For vessels equipped with a double-seal system as specified in 40 CFR 63.119(b)(3)(iii) of this Subpart, the owner or operator shall perform either the inspection required in paragraph (a)(3)(i) of this section or the inspections required in both paragraphs (a)(3)(ii) and (a)(3)(iii) of this section.

(i) The owner or operator shall visually inspect the internal floating roof, the primary seal, the secondary seal, gaskets, slotted membranes, and sleeve seals (if any) each time the storage vessel is emptied and degassed and at least once every 5 years after the compliance date specified in 40 CFR 63.100 of Subpart F of this part; or

(ii) The owner or operator shall visually inspect the internal floating roof and the secondary seal through manholes and roof hatches on the fixed roof at least once every 12 months after initial fill, or at least once every 12 months after the compliance date specified in 40 CFR 63.100 of Subpart F of this part, and

(iii) Visually inspect the internal floating roof, the primary seal, the secondary seal, gaskets, slotted membranes, and sleeve seals (if any) each time the vessel is emptied and degassed and at least once every 10 years after the compliance date specified in 40 CFR 63.100 of Subpart F of this part.

(4) If during the inspections required by paragraph (a)(2)(i) or (a)(3)(ii) of this section, the internal floating roof is not resting on the surface of the liquid inside the storage vessel and is not resting on the leg supports; or there is liquid on the floating roof; or the seal is detached; or there are holes or tears in the seal fabric; or there are visible gaps between the seal and the wall of the storage vessel, the owner or operator shall repair the items or empty and remove the storage vessel from service within 45 calendar days. If a failure that is detected during inspections required by paragraph (a)(2)(i) or (a)(3)(ii) of this section cannot be repaired within 45 calendar days and if the vessel cannot be emptied within 45 calendar days, the owner or operator may utilize up to 2 extensions of up to 30 additional calendar days each. Documentation of a decision to utilize an extension shall include a description of the failure, shall document that alternate storage capacity is unavailable, and shall specify a schedule of actions that will ensure that the control equipment will be repaired or the vessel will be emptied as soon as practical.

(5) Except as provided in paragraph (a)(6) of this section, for all the inspections required by paragraphs (a)(2)(ii), (a)(3)(i), and (a)(3)(iii) of this section, the owner or operator shall notify the Administrator in writing at least 30 calendar days prior to the refilling of each storage vessel to afford the Administrator the opportunity to have an observer present.

(6) If the inspection required by paragraph (a)(2)(ii), (a)(3)(i), or (a)(3)(iii) of this section is not planned and the owner or operator could not have known about the inspection 30 calendar days in advance of refilling the vessel, the owner or operator shall notify the Administrator at least 7 calendar days prior to the refilling of the storage vessel. Notification may be made by telephone and immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, the notification including the written documentation may be made in writing and sent so that it is received by the Administrator at least 7 calendar days prior to refilling.

(7) If during the inspections required by paragraph (a)(2)(ii), (a)(3)(i), or (a)(3)(iii) of this section, the internal floating roof has defects; or the primary seal has holes, tears, or other openings in the seal or the seal fabric; or the secondary seal has holes, tears, or other openings in the seal or the seal fabric; or the gaskets no longer close off the liquid surface from the atmosphere; or the slotted membrane has more than 10 percent open area, the owner or operator shall repair the items as necessary so that none of the conditions specified in this paragraph exist before refilling the storage vessel with organic HAP.

(b) To demonstrate compliance with 40 CFR 63.119(c) of this Subpart (storage vessel equipped with an external floating roof), the owner or operator shall comply with the requirements specified in paragraphs (b)(1) through (b)(10) of this section.

(1) Except as provided in paragraph (b)(7) of this section, the owner or operator shall determine the gap areas and maximum gap widths between the primary seal and the wall of the storage vessel, and the secondary seal and the wall of the storage vessel according to the frequency specified in paragraphs (b)(1)(i) through (b)(1)(iii) of this section.

(i) For an external floating roof vessel equipped with primary and secondary seals, measurements of gaps between the vessel wall and the primary seal shall be performed during the hydrostatic testing of the vessel or by the compliance date specified in 40 CFR 63.100 of Subpart F of this part, whichever occurs last, and at least once every 5 years thereafter.

(ii) For an external floating roof vessel equipped with a liquid-mounted or metallic shoe primary seal and without a secondary seal as provided for in 40 CFR 63.119(c)(1)(iv) of this Subpart, measurements of gaps between the vessel wall and the primary seal shall be performed by the compliance date specified in 40 CFR 63.100 of Subpart F of this part and at least once per year thereafter, until a secondary seal is installed. When a secondary seal is installed above the primary seal, measurements of gaps between the vessel wall and both the primary and secondary seals shall be performed within 90 calendar days of installation of the secondary seal, and according to the frequency specified in paragraphs (b)(1)(i) and (b)(1)(iii) of this section thereafter.

(iii) For an external floating roof vessel equipped with primary and secondary seals, measurements of gaps between the vessel wall and the secondary seal shall be performed by the compliance date specified in 40 CFR 63.100 of Subpart F of this part and at least once per year thereafter.

(iv) If any storage vessel ceases to store organic HAP for a period of 1 year or more, or if the maximum true vapor pressure of the total organic HAP's in the stored liquid falls below the values defining Group 1 storage vessels specified in table 5 or table 6 of this Subpart for a period of 1 year or more, measurements of gaps between the vessel wall and the primary seal, and gaps between the vessel wall and the secondary seal shall be performed within 90 calendar days of the vessel being refilled with organic HAP.

(2) Except as provided in paragraph (b)(7) of this section, the owner or operator shall determine gap widths and gap areas in the primary and secondary seals (seal gaps) individually by the procedures described in paragraphs (b)(2)(i) through (b)(2)(iii) of this section.

(i) Seal gaps, if any, shall be measured at one or more floating roof levels when the roof is not resting on the roof leg supports.

(ii) Seal gaps, if any, shall be measured around the entire circumference of the vessel in each place where a 0.32 centimeter (1/8inch) diameter uniform probe passes freely (without forcing or binding against the seal) between the seal and the wall of the storage vessel. The circumferential distance of each such location shall also be measured.

(iii) The total surface area of each gap described in paragraph (b)(2)(ii) of this section shall be determined by using probes of various widths to measure accurately the actual distance from the vessel wall to the seal and multiplying each such width by its respective circumferential distance.

(3) The owner or operator shall add the gap surface area of each gap location for the primary seal and divide the sum by the nominal diameter of the vessel. The accumulated area of gaps between the vessel wall and the primary seal shall not exceed 212 square centimeters per meter of vessel diameter and the width of any portion of any gap shall not exceed 3.81 centimeters.

(4) The owner or operator shall add the gap surface area of each gap location for the secondary seal and divide the sum by the nominal diameter of the vessel. The accumulated area of gaps between the vessel wall and the secondary seal shall not exceed 21.2 square centimeters per meter of vessel diameter and the width of any portion of any gap shall not exceed 1.27 centimeters. These seal gap requirements may be exceeded during the measurement of primary seal gaps as required by paragraph (b)(1)(i) and (b)(1)(ii) of this section.

(5) The primary seal shall meet the additional requirements specified in paragraphs (b)(5)(i) and (b)(5)(ii) of this section.

(i) Where a metallic shoe seal is in use, one end of the metallic shoe shall extend into the stored liquid and the other end shall extend a minimum vertical distance of 61 centimeters above the stored liquid surface.

(ii) There shall be no holes, tears, or other openings in the shoe, seal fabric, or seal envelope.

(6) The secondary seal shall meet the additional requirements specified in paragraphs (b)(6)(i) and (b)(6)(ii) of this section.

(i) The secondary seal shall be installed above the primary seal so that it completely covers the space between the roof edge and the vessel wall except as provided in paragraph (b)(4) of this section.

(ii) There shall be no holes, tears, or other openings in the seal or seal fabric.

(7) If the owner or operator determines that it is unsafe to perform the seal gap measurements required in paragraphs (b)(1) and (b)(2) of this section or to inspect the vessel to determine compliance with paragraphs (b)(5) and (b)(6) of this section because the floating roof appears to be structurally unsound and poses an imminent or potential danger to inspecting personnel, the owner or operator shall comply with the requirements in either paragraph (b)(7)(i) or (b)(7)(ii) of this section.

(i) The owner or operator shall measure the seal gaps or inspect the storage vessel no later than 30 calendar days after the determination that the roof is unsafe, or

(ii) The owner or operator shall empty and remove the storage vessel from service no later than 45 calendar days after determining that the roof is unsafe. If the vessel cannot be emptied within 45 calendar days, the owner or operator may utilize up to 2 extensions of up to 30 additional calendar days each. Documentation of a decision to utilize an extension shall include an explanation of why it was unsafe to perform the inspection or seal gap measurement, shall document that alternate storage capacity is unavailable, and shall specify a schedule of actions that will ensure that the vessel will be emptied as soon as practical.

(8) The owner or operator shall repair conditions that do not meet requirements listed in paragraphs (b)(3), (b)(4), (b)(5), and (b)(6) of this section (i.e., failures) no later than 45 calendar days after identification, or shall empty and remove the storage vessel from service no later than 45 calendar days after identification. If during seal gap measurements required in paragraph (b)(1) and (b)(2) of this section or during inspections necessary to determine compliance with paragraphs (b)(5) and (b)(6) of this section a failure is detected that cannot be repaired within 45 calendar days and if the vessel cannot be emptied within 45 calendar days, the owner or operator may utilize up to 2 extensions of up to 30 additional calendar days each. Documentation of a decision to utilize an extension shall include a description of the failure, shall document that alternate storage capacity is unavailable, and shall specify a schedule of actions that will ensure that the control equipment will be repaired or the vessel will be emptied as soon as practical.

(9) The owner or operator shall notify the Administrator in writing 30 calendar days in advance of any gap measurements required by paragraph (b)(1) or (b)(2) of this section to afford the Administrator the opportunity to have an observer present.

(10) The owner or operator shall visually inspect the external floating roof, the primary seal, secondary seal, and fittings each time the vessel is emptied and degassed.

(i) If the external floating roof has defects; the primary seal has holes, tears, or other openings in the seal or the seal fabric; or the secondary seal has holes, tears, or other openings in the seal or the seal fabric; or the gaskets no longer close off the liquid surface from the atmosphere; or the slotted membrane has more than 10 percent open area, the owner or operator shall repair the items as necessary so that none of the conditions specified in this paragraph exist before filling or refilling the storage vessel with organic HAP.

(ii) Except as provided in paragraph (b)(10)(iii) of this section, for all the inspections required by paragraph (b)(10) of this section, the owner or operator shall notify the Administrator in writing at least 30 calendar days prior to filling or refilling of each storage vessel with organic HAP to afford the Administrator the opportunity to inspect the storage vessel prior to refilling.

(iii) If the inspection required by paragraph (b)(10) of this section is not planned and the owner or operator could not have known about the inspection 30 calendar days in advance of refilling the vessel with organic HAP, the owner or operator shall notify the Administrator at least 7 calendar days prior to refilling of the storage vessel. Notification may be made by telephone and immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification including the written documentation may be made in writing and sent so that it is received by the Administrator at least 7 calendar days prior to the refilling.

(c) To demonstrate compliance with 40 CFR 63.119(d) of this Subpart (storage vessel equipped with an external floating roof converted to an internal floating roof), the owner or operator shall comply with the requirements of paragraph (a) of this section.

(d) To demonstrate compliance with 40 CFR 63.119(e) of this Subpart (storage vessel equipped with a closed vent system and control device) using a control device other than a flare, the owner or operator shall comply with the requirements in paragraphs (d)(1) through (d)(7) of this section, except as provided in paragraph (d)(8) of this section.

(1) The owner or operator shall either prepare a design evaluation, which includes the information specified in paragraph (d)(1)(i) of this section, or submit the results of a performance test as described in paragraph (d)(1)(ii) of this section.

(i) The design evaluation shall include documentation demonstrating that the control device being used achieves the required control efficiency during reasonably expected maximum filling rate. This documentation is to include a description of the gas stream which enters the control device, including flow and organic HAP content under varying liquid level conditions, and the information specified in paragraphs (d)(1)(i)(A) through (d)(1)(i)(E) of this section, as applicable.

(A) If the control device receives vapors, gases or liquids, other than fuels, from emission points other than storage vessels subject to this Subpart, the efficiency demonstration is to include consideration of all vapors, gases, and liquids, other than fuels, received by the control device.

(B) If an enclosed combustion device with a minimum residence time of 0.5 seconds and a minimum temperature of 760 °C is used to meet the emission reduction requirement specified in 40 CFR 63.119 (e)(1) or (e)(2), as applicable, documentation that those conditions exist is sufficient to meet the requirements of paragraph (d)(1)(i) of this section.

(C) Except as provided in paragraph (d)(1)(i)(B) of this section, for thermal incinerators, the design evaluation shall include the autoignition temperature of the organic HAP, the flow rate of the organic HAP emission stream, the combustion temperature, and the residence time at the combustion temperature.

(D) For carbon adsorbers, the design evaluation shall include the affinity of the organic HAP vapors for carbon, the amount of carbon in each bed, the number of beds, the humidity of the feed gases, the temperature of the feed gases, the flow rate of the organic HAP emission stream, the desorption schedule, the regeneration stream pressure or temperature, and the flow rate of the regeneration stream. For vacuum desorption, pressure drop shall be included.

(E) For condensers, the design evaluation shall include the final temperature of the organic HAP vapors, the type of condenser, and the design flow rate of the organic HAP emission stream.

(ii) If the control device used to comply with 40 CFR 63.119(e) of this Subpart is also used to comply with 40 CFR 63.113(a)(2), 40 CFR 63.126(b)(1), or 40 CFR 63.139(c) of this Subpart, the performance test required by 40 CFR 63.116(c), 40 CFR 63.128(a), or 40 CFR 63.139(d)(1) of this Subpart is acceptable to demonstrate compliance with 40 CFR 63.119(e) of this Subpart. The owner or operator is not required to prepare a design evaluation for the control device as described in paragraph (d)(1)(i) of this section, if the performance tests meets the criteria specified in paragraphs (d)(1)(ii)(A) and (d)(1)(ii)(B) of this section.

(A) The performance test demonstrates that the control device achieves greater than or equal to the required control efficiency specified in 40 CFR 63.119 (e)(1) or (e)(2) of this Subpart, as applicable; and

(B) The performance test is submitted as part of the Notification of Compliance Status required by 40 CFR 63.151(b) of this Subpart.

(2) The owner or operator shall submit, as part of the Notification of Compliance Status required by 40 CFR 63.151 (b) of this Subpart, a monitoring plan containing the information specified in paragraph (d)(2)(i) of this section and in either (d)(2)(ii) or (d)(2)(iii) of this section.

(i) A description of the parameter or parameters to be monitored to ensure that the control device is being properly operated and maintained, an explanation of the criteria used for selection of that parameter (or parameters), and the frequency with which monitoring will be performed (e.g., when the liquid level in the storage vessel is being raised); and either

(ii) The documentation specified in paragraph (d)(1)(i) of this section, if the owner or operator elects to prepare a design evaluation; or

(iii) The information specified in paragraph (d)(2)(iii) (A) and (B) of this section if the owner or operator elects to submit the results of a performance test.

(A) Identification of the storage vessel and control device for which the performance test will be submitted, and

(B) Identification of the emission point(s) that share the control device with the storage vessel and for which the performance test will be conducted.

(3) The owner or operator shall submit, as part of the Notification of Compliance Status required by 40 CFR 63.152(b) of this Subpart, the information specified in paragraphs (d)(3)(i) and, if applicable, (d)(3)(ii) of this section.

(i) The operating range for each monitoring parameter identified in the monitoring plan. The specified operating range shall represent the conditions for which the control device is being properly operated and maintained.

(ii) Results of the performance test described in paragraph (d)(1)(ii) of this section.

(4) The owner or operator shall demonstrate compliance with the requirements of 40 CFR 63.119(e)(3) of this Subpart (planned routine maintenance of a control device, during which the control device does not meet the specifications of 40 CFR 63.119 (e)(1) or (e)(2) of this Subpart, as applicable, shall not exceed 240 hours per year) by including in each Periodic Report required by 40 CFR 63.152(c) of this Subpart the information specified in 40 CFR 63.122(g)(1) of this Subpart.

(5) The owner or operator shall monitor the parameters specified in the Notification of Compliance Status required in 40 CFR 63.152(b) of this Subpart or in the operating permit and shall operate and maintain the control device such that the monitored parameters remain within the ranges specified in the Notification of Compliance Status.

(6) Except as provided in paragraph (d)(7) of this section, each closed vent system shall be inspected as specified in 40 CFR 63.148 of this Subpart. The initial and annual inspections required by 40 CFR 63.148(b) of this Subpart shall be done during filling of the storage vessel.

(7) For any fixed roof tank and closed vent system that are operated and maintained under negative pressure, the owner or operator is not required to comply with the requirements specified in 40 CFR 63.148 of this Subpart.

(8) A design evaluation or performance test is not required, if the owner or operator uses a combustion device meeting the criteria in paragraph (d)(8)(i), (d)(8)(ii), (d)(8)(iii), or (d)(8)(iv) of this section.

(i) A boiler or process heater with a design heat input capacity of 44 megawatts or greater.

(ii) A boiler or process heater burning hazardous waste for which the owner or operator:

(A) Has been issued a final permit under 40 CFR 270 and complies with the requirements of 40 CFR 266 Subpart H, or

(B) Has certified compliance with the interim status requirements of 40 CFR 266 Subpart H.

(iii) A hazardous waste incinerator for which the owner or operator has been issued a final permit under 40 CFR 270 and complies with the requirements of 40 CFR 264 Subpart O or has certified compliance with the interim status requirements of 40 CFR 265 Subpart O.

(iv) A boiler or process heater into which the vent stream is introduced with the primary fuel.

(e) To demonstrate compliance with 40 CFR 63.119(e) of this Subpart (storage vessel equipped with a closed vent system and control device) using a flare, the owner or operator shall comply with the requirements in paragraphs (e)(1) through (e)(6) of this section.

(1) The owner or operator shall perform the compliance determination specified in 40 CFR 63.11(b) of Subpart A of this part.

(2) The owner or operator shall submit, as part of the Notification of Compliance Status required by 40 CFR 63.152(b) of this Subpart, the information specified in paragraphs (e)(2)(i) through (e)(2)(iii) of this section.

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

(ii) All visible emission readings, heat content determinations, flow rate measurements, and exit velocity determinations made during the compliance determination required by paragraph (e)(1) of this section; and

(iii) All periods during the compliance determination when the pilot flame is absent.

(3) The owner or operator shall demonstrate compliance with the requirements of 40 CFR 63.119(e)(3) of this Subpart (planned routine maintenance of a flare, during which the flare does not meet the specifications of 40 CFR 63.119(e)(1) of this Subpart, shall not exceed 240 hours per year) by including in each Periodic Report required by 40 CFR 63.152(c) of this Subpart the information specified in 40 CFR 63.122(g)(1) of this Subpart.

(4) The owner or operator shall continue to meet the general control device requirements specified in 40 CFR 63.11(b) of Subpart A of this part.

(5) Except as provided in paragraph (e)(6) of this section, each closed vent system shall be inspected as specified in 40 CFR 63.148 of this Subpart. The inspections required to be performed in accordance with 40 CFR 63.148(c) of this Subpart shall be done during filling of the storage vessel.

(6) For any fixed roof tank and closed vent system that is operated and maintained under negative pressure, the owner or operator is not required to comply with the requirements specified in 40 CFR 63.148 of this Subpart.

(f) To demonstrate compliance with 40 CFR 63.119(f) of this Subpart (storage vessel routed to a process), the owner or operator shall prepare a design evaluation (or engineering assessment) that demonstrates the extent to which one or more of the ends specified in 40 CFR 63.119(f)(1)(i) through (f)(1)(iv) are being met. The owner or operator shall submit the design evaluation as part of the Notification of Compliance Status required by 40 CFR 63.152(b) of this Subpart.

[59 FR 19468, Apr. 22, 1994, as amended at 61 FR 64576, Dec. 5, 1996; 62 FR 2748, Jan. 17, 1997]

40 CFR 63.121 - Storage vessel provisions - alternative means of emission limitation

(a) Determination of equivalence to the reduction in emissions achieved by the requirements of 40 CFR 63.119 (b), (c), or (d) of this Subpart will be evaluated according to 40 CFR 63.102(b) of Subpart F of this part.

(b) The determination of equivalence referred to in paragraph (a) of this section will be based on the application to the Administrator which shall include the information specified in either paragraph (b)(1) or (b)(2) of this section.

(1) Actual emissions tests that use full-size or scale-model storage vessels that accurately collect and measure all organic HAP emissions from a given control technique, and that accurately simulate wind and account for other emission variables such as temperature and barometric pressure, or

(2) An engineering analysis that the Administrator determines is an accurate method of determining equivalence.

40 CFR 63.122 - Storage vessel provisions - reporting

(a) For each Group 1 storage vessel, the owner or operator shall comply with the requirements of paragraphs (a)(1) through (a)(5) of this section.

(1) The owner or operator shall submit an Initial Notification as required by 40 CFR 63.151(b) of this Subpart.

(2) [Reserved]

(3) The owner or operator shall submit a Notification of Compliance Status as required by 40 CFR 63.152(b) of this Subpart and shall submit as part of the Notification of Compliance Status the information specified in paragraph (c) of this section.

(4) The owner or operator shall submit Periodic Reports as required by 40 CFR 63.152(c) of this Subpart and shall submit as part of the Periodic Reports the information specified in paragraphs (d), (e), (f), and (g) of this section.

(5) The owner or operator shall submit, as applicable, other reports as required by 40 CFR 63.152(d) of this Subpart, containing the information specified in paragraph (h) of this section.

(b) An owner or operator who elects to comply with 40 CFR 63.119(e) of this Subpart by using a closed vent system and a control device other than a flare shall submit, as part of the Monitoring Plan, the information specified in 40 CFR 63.120(d)(2)(i) of this Subpart and the information specified in either 40 CFR 63.120(d)(2)(ii) of this Subpart or 40 CFR 63.120(d)(2)(iii) of this Subpart.

(c) An owner or operator who elects to comply with 40 CFR 63.119(e) of this Subpart by using a closed vent system and a control device shall submit, as part of the Notification of Compliance Status required by 40 CFR 63.152(b) of this Subpart, the information specified in either paragraph (c)(1) or (c)(2) of this section. An owner or operator who elects to comply with 40 CFR 63.119(f) of this Subpart by routing emissions to a process or to a fuel gas system shall submit, as part of the Notification of Compliance Status required by 40 CFR 63.152(b) of this Subpart, the information specified in paragraph (c)(3) of this section.

(1) If a control device other than a flare is used, the owner or operator shall submit the information specified in 40 CFR 63.120(d)(3)(i) and, if applicable, (d)(3)(ii) of this Subpart.

(2) If a flare is used, the owner or operator shall submit the information specified in 40 CFR 63.120(e)(2)(i), (e)(2)(ii), and (e)(2)(iii) of this Subpart.

(3) If emissions are routed to a process, the owner or operator shall submit the information specified in 40 CFR 63.120(f). If emissions are routed to a fuel gas system, the owner or operator shall submit a statement that the emission stream is connected to the fuel gas system and whether the conveyance system is subject to the requirements of 40 CFR 63.148.

(d) An owner or operator who elects to comply with 40 CFR 63.119(b) of this Subpart by using a fixed roof and an internal floating roof or with 40 CFR 63.119(d) of this Subpart by using an external floating roof converted to an internal floating roof shall submit, as part of the Periodic Report required under 40 CFR 63.152(c) of this Subpart, the results of each inspection conducted in accordance with 40 CFR 63.120(a) of this Subpart in which a failure is detected in the control equipment.

(1) For vessels for which annual inspections are required under 40 CFR 63.120 (a)(2)(i) or (a)(3)(ii) of this Subpart, the specifications and requirements listed in paragraphs (d)(1)(i) through (d)(1)(iii) of this section apply.

(i) A failure is defined as any time in which the internal floating roof is not resting on the surface of the liquid inside the storage vessel and is not resting on the leg supports; or there is liquid on the floating roof; or the seal is detached from the internal floating roof; or there are holes, tears, or other openings in the seal or seal fabric; or there are visible gaps between the seal and the wall of the storage vessel.

(ii) Except as provided in paragraph (d)(1)(iii) of this section, each Periodic Report shall include the date of the inspection, identification of each storage vessel in which a failure was detected, and a description of the failure. The Periodic Report shall also describe the nature of and date the repair was made or the date the storage vessel was emptied.

(iii) If an extension is utilized in accordance with 40 CFR 63.120(a)(4) of this Subpart, the owner or operator shall, in the next Periodic Report, identify the vessel; include the documentation specified in 40 CFR 63.120(a)(4) of this Subpart; and describe the date the storage vessel was emptied and the nature of and date the repair was made.

(2) For vessels for which inspections are required under 40 CFR 63.120 (a)(2)(ii), (a)(3)(i), or (a)(3)(iii) of this Subpart, the specifications and requirements listed in paragraphs (d)(2)(i) and (d)(2)(ii) of this section apply.

(i) A failure is defined as any time in which the internal floating roof has defects; or the primary seal has holes, tears, or other openings in the seal or the seal fabric; or the secondary seal (if one has been installed) has holes, tears, or other openings in the seal or the seal fabric; or the gaskets no longer close off the liquid surface from the atmosphere; or the slotted membrane has more than 10 percent open area.

(ii) Each Periodic Report required under 40 CFR 63.152(c) of this Subpart shall include the date of the inspection, identification of each storage vessel in which a failure was detected, and a description of the failure. The Periodic Report shall also describe the nature of and date the repair was made.

(e) An owner or operator who elects to comply with 40 CFR 63.119(c) of this Subpart by using an external floating roof shall meet the periodic reporting requirements specified in paragraphs (e)(1), (e)(2), and (e)(3) of this section.

(1) The owner or operator shall submit, as part of the Periodic Report required under 40 CFR 63.152(c) of this Subpart, documentation of the results of each seal gap measurement made in accordance with 40 CFR 63.120(b) of this Subpart in which the requirements of 40 CFR 63.120 (b)(3), (b)(4), (b)(5), or (b)(6) of this Subpart are not met. This documentation shall include the information specified in paragraphs (e)(1)(i) through (e)(1)(iv) of this section.

(i) The date of the seal gap measurement.

(ii) The raw data obtained in the seal gap measurement and the calculations described in 40 CFR 63.120 (b)(3) and (b)(4) of this Subpart.

(iii) A description of any condition specified in 40 CFR 63.120 (b)(5) or (b)(6) of this Subpart that is not met.

(iv) A description of the nature of and date the repair was made, or the date the storage vessel was emptied.

(2) If an extension is utilized in accordance with 40 CFR 63.120(b)(7)(ii) or (b)(8) of this Subpart, the owner or operator shall, in the next Periodic Report, identify the vessel; include the documentation specified in 40 CFR 63.120(b)(7)(ii) or (b)(8) of this Subpart, as applicable; and describe the date the vessel was emptied and the nature of and date the repair was made.

(3) The owner or operator shall submit, as part of the Periodic Report required under 40 CFR 63.152(c) of this Subpart, documentation of any failures that are identified during visual inspections required by 40 CFR 63.120(b)(10) of this

Subpart. This documentation shall meet the specifications and requirements in paragraphs (e)(3)(i) and (e)(3)(ii) of this section.

(i) A failure is defined as any time in which the external floating roof has defects; or the primary seal has holes, or other openings in the seal or the seal fabric; or the secondary seal has holes, tears, or other openings in the seal or the seal fabric; or the gaskets no longer close off the liquid surface from the atmosphere; or the slotted membrane has more than 10 percent open area.

(ii) Each Periodic Report required under 40 CFR 63.152(c) of this Subpart shall include the date of the inspection, identification of each storage vessel in which a failure was detected, and a description of the failure. The periodic report shall also describe the nature of and date the repair was made.

(f) An owner or operator who elects to comply with 40 CFR 63.119(d) of this Subpart by using an external floating roof converted to an internal floating roof shall comply with the periodic reporting requirements of paragraph (d) of this section.

(g) An owner or operator who elects to comply with 40 CFR 63.119(e) of this Subpart by installing a closed vent system and control device shall submit, as part of the next Periodic Report required by 40 CFR 63.152(c) of this Subpart, the information specified in paragraphs (g)(1) through (g)(3) of this section.

(1) As required by 40 CFR 63.120(d)(4) and 40 CFR 63.120(e)(3) of this Subpart, the Periodic Report shall include the information specified in paragraphs (g)(1)(i) and (g)(1)(ii) of this section for those planned routine maintenance operations that would require the control device not to meet the requirements of 40 CFR 63.119 (e)(1) or (e)(2) of this Subpart, as applicable.

(i) A description of the planned routine maintenance that is anticipated to be performed for the control device during the next 6 months. This description shall include the type of maintenance necessary, planned frequency of maintenance, and lengths of maintenance periods.

(ii) A description of the planned routine maintenance that was performed for the control device during the previous 6 months. This description shall include the type of maintenance performed and the total number of hours during those 6 months that the control device did not meet the requirements of 40 CFR 63.119 (e)(1) or (e)(2) of this Subpart, as applicable, due to planned routine maintenance.

(2) If a control device other than a flare is used, the Periodic Report shall describe each occurrence when the monitored parameters were outside of the parameter ranges documented in the Notification of Compliance Status in accordance with 40 CFR 63.120(d)(3)(i) of this Subpart. The description shall include the information specified in paragraphs (g)(2)(i) and (g)(2)(ii) of this section.

(i) Identification of the control device for which the measured parameters were outside of the established ranges, and

(ii) Cause for the measured parameters to be outside of the established ranges.

(3) If a flare is used, the Periodic Report shall describe each occurrence when the flare does not meet the general control device requirements specified in 40 CFR 63.11(b) of Subpart A of this part and shall include the information specified in paragraphs (g)(3)(i) and (g)(3)(ii) of this section.

(i) Identification of the flare which does not meet the general requirements specified in 40 CFR 63.11(b) of Subpart A of this part, and

(ii) Reason the flare did not meet the general requirements specified in 40 CFR 63.11(b) of Subpart A of this part.

(h) An owner or operator who elects to comply with 40 CFR 63.119 (b), (c), or (d) of this Subpart shall submit, as applicable, the reports specified in paragraphs (h)(1) and (h)(2) of this section.

(1) In order to afford the Administrator the opportunity to have an observer present, the owner or operator shall notify the Administrator of the refilling of a storage vessel that has been emptied and degassed.

(i) If the storage vessel is equipped with an internal floating roof as specified in 40 CFR 63.119(b) of this Subpart, the notification shall meet the requirements of either 40 CFR 63.120 (a)(5) or (a)(6) of this Subpart, as applicable.

(ii) If the storage vessel is equipped with an external floating roof as specified in 40 CFR 63.119(c) of this Subpart, the notification shall meet the requirements of either 40 CFR 63.120 (b)(10)(ii) or (b)(10)(iii) of this Subpart, as applicable.

(iii) If the storage vessel is equipped with an external floating roof converted into an internal floating roof as specified in 40 CFR 63.119(d) of this Subpart, the notification shall meet the requirements of either 40 CFR 63.120 (a)(5) or (a)(6) of this Subpart, as applicable.

(2) In order to afford the Administrator the opportunity to have an observer present, the owner or operator of a storage vessel equipped with an external floating roof as specified in 40 CFR 63.119(c) of this Subpart shall notify the Administrator of any seal gap measurements. This notification shall meet the requirements of 40 CFR 63.120(b)(9) of this Subpart.

[59 FR 19468, Apr. 22, 1996, as amended at 61 FR 64576, Dec. 5, 1996; 62 FR 2748, Jan. 17, 1997]

40 CFR 63.123 - Storage vessel provisions - recordkeeping

(a) Each owner or operator of a Group 1 or Group 2 storage vessel shall keep readily accessible records showing the dimensions of the storage vessel and an analysis showing the capacity of the storage vessel. This record shall be kept as long as the storage vessel retains Group 1 or Group 2 status and is in operation. For each Group 2 storage vessel, the owner or operator is not required to comply with any other provisions of 40 CFR 40 CFR 63.119 through 63.123 of this Subpart other than those required by this paragraph unless such vessel is part of an emissions average as described in 40 CFR 63.150 of this Subpart.

(b) [Reserved]

(c) An owner or operator who elects to comply with 40 CFR 63.119(b) of this Subpart shall keep a record that each inspection required by 40 CFR 63.120(a) of this Subpart was performed.

(d) An owner or operator who elects to comply with 40 CFR 63.119(c) of this Subpart shall keep records describing the results of each seal gap measurement made in accordance with 40 CFR 63.120(b) of this Subpart. The records shall include the date of the measurement, the raw data obtained in the measurement, and the calculations described in 40 CFR 63.120(b) (3) and (4) of this Subpart.

(e) An owner or operator who elects to comply with 40 CFR 63.119(d) of this Subpart shall keep a record that each inspection required by 40 CFR 63.120 (a) and (c) of this Subpart was performed.

(f) An owner or operator who elects to comply with 40 CFR 63.119(e) of this Subpart shall keep in a readily accessible location the records specified in paragraphs (f)(1) and (f)(2) of this section.

(1) A record of the measured values of the parameters monitored in accordance with 40 CFR 63.120(d)(5) of this Subpart.

(2) A record of the planned routine maintenance performed on the control device including the duration of each time the control device does not meet the specifications of 40 CFR 63.119 (e)(1) or (e)(2) of this Subpart, as applicable, due to the planned routine maintenance. Such a record shall include the information specified in paragraphs (f)(2)(i) and (f)(2)(ii) of this section.

(i) The first time of day and date the requirements of 40 CFR 63.119 (e)(1) or (e)(2) of this Subpart, as applicable, were not met at the beginning of the planned routine maintenance, and

(ii) The first time of day and date the requirements of 40 CFR 63.119 (e)(1) or (e)(2) of this Subpart, as applicable, were met at the conclusion of the planned routine maintenance.

(g) An owner or operator who elects to utilize an extension in emptying a storage vessel in accordance with 40 CFR 63.120 (a)(4), (b)(7)(ii), or (b)(8) of this Subpart shall keep in a readily accessible location, the documentation specified in 40 CFR 63.120 (a)(4), (b)(7)(ii), or (b)(8), as applicable.

(h) An owner or operator who uses the by-pass provisions of 40 CFR 63.119(f)(3) of this Subpart shall keep in a readily accessible location the records specified in paragraphs (h)(1) through (h)(3) of this section.

(1) The reason it was necessary to by-pass the process equipment or fuel gas system;

(2) The duration of the period when the process equipment or fuel gas system was by-passed;

(3) Documentation or certification of compliance with the applicable provisions of 40 CFR 63.119(f)(3)(i) through 40 CFR 63.119(f)(3)(iii).

(i) An owner or operator who elects to comply with 40 CFR 63.119(g) shall keep the records specified in paragraphs (i)(1) through (3) of this section.

(1) A record of the U.S. Department of Transportation certification required by 40 CFR 63.119(g)(2).

(2) A record of the pressure relief vent setting specified in 40 CFR 63.119(g)(5).

(3) If complying with 40 CFR 63.119(g)(6)(ii), keep the records specified in paragraphs (i)(3)(i) and (ii) of this section.

(i) A record of the equipment to be used and the procedures to be followed when reloading the railcar, tank truck, or barge and displacing vapors to the storage tank from which the liquid originates.

(ii) A record of each time the vapor balancing system is used to comply with 40 CFR 63.119(g)(6)(ii).

[59 FR 19468, Apr. 22, 1996, as amended at 61 FR 64576, Dec. 5, 1996; 62 FR 2748, Jan. 17, 1997; 69 FR 76863, Dec. 23, 2004]

40 CFR 63.124 - 63.125 [Reserved]

40 CFR 63.126 - Transfer operations provisions - reference control technology

(a) For each Group 1 transfer rack the owner or operator shall equip each transfer rack with a vapor collection system and control device.

(1) Each vapor collection system shall be designed and operated to collect the organic hazardous air pollutants vapors displaced from tank trucks or railcars during loading, and to route the collected hazardous air pollutants vapors to a process, or to a fuel gas system, or to a control device as provided in paragraph (b) of this section.

(2) Each vapor collection system shall be designed and operated such that organic HAP vapors collected at one loading arm will not pass through another loading arm in the rack to the atmosphere.

(3) Whenever organic hazardous air pollutants emissions are vented to a process, fuel gas system, or control device used to comply with the provisions of this Subpart, the process, fuel gas system, or control device shall be operating.

(b) For each Group 1 transfer rack the owner or operator shall comply with paragraph (b)(1), (b)(2), (b)(3), or (b)(4) of this section.

(1) Use a control device to reduce emissions of total organic hazardous air pollutants by 98 weight-percent or to an exit concentration of 20 parts per million by volume, whichever is less stringent. For combustion devices, the emission reduction or concentration shall be calculated on a dry basis, corrected to 3-percent oxygen. If a boiler or process heater is used to comply with the percent reduction requirement, then the vent stream shall be introduced into the flame zone of such a device. Compliance may be achieved by using any combination of combustion, recovery, and/or recapture devices.

(2) Reduce emissions of organic HAP's using a flare.

(i) The flare shall comply with the requirements of 40 CFR 63.11(b) of Subpart A of this part.

(ii) Halogenated vent streams, as defined in 40 CFR 63.111 of this Subpart, shall not be vented to a flare.

(3) Reduce emissions of organic hazardous air pollutants using a vapor balancing system designed and operated to collect organic hazardous air pollutants vapors displaced from tank trucks or railcars during loading; and to route the collected hazardous air pollutants vapors to the storage vessel from which the liquid being loaded originated, or to another storage vessel connected to a common header, or to compress and route to a process collected hazardous air pollutants vapors.

(4) Route emissions of organic hazardous air pollutants to a fuel gas system or to a process where the organic hazardous air pollutants in the emissions shall predominantly meet one of, or a combination of, the ends specified in paragraphs (b)(4)(i) through (b)(4)(iv) of this section.

(i) Recycled and/or consumed in the same manner as a material that fulfills the same function in that process;

(ii) Transformed by chemical reaction into materials that are not organic hazardous air pollutants;

(iii) Incorporated into a product; and/or

(iv) Recovered.

(c) For each Group 2 transfer rack, the owner or operator shall maintain records as required in 40 CFR 63.130(f). No other provisions for transfer racks apply to the Group 2 transfer rack.

(d) Halogenated emission streams from Group 1 transfer racks that are combusted shall be controlled according to paragraph (d)(1) or (d)(2) of this section. Determination of whether a vent stream is halogenated shall be made using procedures in (d)(3).

(1) If a combustion device is used to comply with paragraph (b)(1) of this section for a halogenated vent stream, then the vent stream exiting the combustion device shall be ducted to a halogen reduction device, including, but not limited to, a scrubber before it is discharged to the atmosphere.

(i) Except as provided in paragraph (d)(1)(ii) of this section, the halogen reduction device shall reduce overall emissions of hydrogen halides and halogens, as defined in 40 CFR 63.111 of this Subpart, by 99 percent or shall reduce the outlet mass emission rate of total hydrogen halides and halogens to 0.45 kilograms per hour or less, whichever is less stringent.

(ii) If a scrubber or other halogen reduction device was installed prior to December 31, 1992, the halogen reduction device shall reduce overall emissions of hydrogen halides and halogens, as defined in 40 CFR 63.111 of this Subpart, by 95 percent or shall reduce the outlet mass of total hydrogen halides and halogens to less than 0.45 kilograms per hour, whichever is less stringent.

(2) A halogen reduction device, such as a scrubber, or other technique may be used to make the vent stream non-halogenated by reducing the vent stream halogen atom mass emission rate to less than 0.45 kilograms per hour prior to any combustion control device used to comply with the requirements of paragraphs (b)(1) or (b)(2) of this section.

(3) In order to determine whether a vent stream is halogenated, the mass emission rate of halogen atoms contained in organic compounds shall be calculated.

(i) The vent stream concentration of each organic compound containing halogen atoms (parts per million by volume by compound) shall be determined based on the following procedures:

(A) Process knowledge that no halogen or hydrogen halides are present in the process, or

(B) Applicable engineering assessment as specified in 40 CFR 63.115(d)(1)(iii) of this Subpart, or

(C) Concentration of organic compounds containing halogens measured by Method 18 of 40 CFR 60 Appendix A, or

(D) Any other method or data that has been validated according to the applicable procedures in Method 301 of Appendix A of this part.

(ii) The following equation shall be used to calculate the mass emission rate of halogen atoms:

$$E = K_2 V_s \left(\sum_{j=1}^{n} \sum_{i=1}^{m} C_j * L_{ji} * M_{ji} \right)$$

where:

E = Mass of halogen atoms, dry basis, kilograms per hour.

K_2 = Constant, 2.494×10^{-6}(parts per million)$^{-1}$(kilogram-mole per standard cubic meter) (minute/hour), where standard temperature is 20 °C.

C_j = Concentration of halogenated compound j in the gas stream, dry basis, parts per million by volume.

M_{ji} = Molecular weight of halogen atom i in compound j of the gas stream, kilogram per kilogram-mole.

L_{ji} = Number of atoms of halogen i in compound j of the gas stream.

V_s = Flow rate of gas stream, dry standard cubic meters per minute, determined according to 40 CFR 63.128(a)(8) of this Subpart.

j = Halogenated compound j in the gas stream.

i = Halogen atom i in compound j of the gas stream.

n = Number of halogenated compounds j in the gas stream.

m = Number of different halogens i in each compound j of the gas stream.

(e) For each Group 1 transfer rack the owner or operator shall load organic HAP's into only tank trucks and railcars which:

(1) Have a current certification in accordance with the U. S. Department of Transportation pressure test requirements of 49 CFR 180 for tank trucks and 49 CFR 173.31 for railcars; or

(2) Have been demonstrated to be vapor-tight within the preceding 12 months, as determined by the procedures in 40 CFR 63.128(f) of this Subpart. Vapor-tight means that the truck or railcar tank will sustain a pressure change of not more than 750 pascals within 5 minutes after it is pressurized to a minimum of 4,500 pascals.

(f) The owner or operator of a transfer rack subject to the provisions of this Subpart shall load organic HAP's to only tank trucks or railcars equipped with vapor collection equipment that is compatible with the transfer rack's vapor collection system.

(g) The owner or operator of a transfer rack subject to this Subpart shall load organic HAP's to only tank trucks or railcars whose collection systems are connected to the transfer rack's vapor collection systems.

(h) The owner or operator of a transfer rack subject to the provisions of this Subpart shall ensure that no pressure-relief device in the transfer rack's vapor collection system or in the organic hazardous air pollutants loading equipment of each tank truck or railcar shall begin to open during loading. Pressure relief devices needed for safety purposes are not subject to this paragraph.

(i) Each valve in the vent system that would divert the vent stream to the atmosphere, either directly or indirectly, shall be secured in a non-diverting position using a carseal or a lock-and-key type configuration, or shall be equipped with a flow indicator. Equipment such as low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, and pressure relief devices needed for safety purposes is not subject to this paragraph.

[59 FR 19468, Apr. 22, 1994, as amended at 62 FR 2749, Jan. 17, 1997]

40 CFR 63.127 - Transfer operations provisions - monitoring requirements

(a) Each owner or operator of a Group 1 transfer rack equipped with a combustion device used to comply with the 98 percent total organic hazardous air pollutants reduction or 20 parts per million by volume outlet concentration requirements in 40 CFR 63.126(b)(1) of this Subpart shall install, calibrate, maintain, and operate according to the manufacturers' specifications (or other written procedures that provide adequate assurance that the equipment would reasonably be expected to monitor accurately) the monitoring equipment specified in paragraph (a)(1), (a)(2), (a)(3), or (a)(4) of this section, as appropriate.

(1) Where an incinerator is used, a temperature monitoring device equipped with a continuous recorder is required.

(i) Where an incinerator other than a catalytic incinerator is used, a temperature monitoring device shall be installed in the firebox or in the ductwork immediately downstream of the firebox in a position before any substantial heat exchange occurs.

(ii) Where a catalytic incinerator is used, temperature monitoring devices shall be installed in the gas stream immediately before and after the catalyst bed.

(2) Where a flare is used, a device (including but not limited to a thermocouple, infrared sensor, or an ultra-violet beam sensor) capable of continuously detecting the presence of a pilot flame is required.

(3) Where a boiler or process heater with a design heat input capacity less than 44 megawatts is used, a temperature monitoring device in the firebox equipped with a continuous recorder is required. Any boiler or process heater in which all vent streams are introduced with the primary fuel or are used as the primary fuel is exempt from this requirement.

(4) Where a scrubber is used with an incinerator, boiler, or process heater in the case of halogenated vent streams, the following monitoring equipment is required for the scrubber:

(i) A pH monitoring device equipped with a continuous recorder shall be installed to monitor the pH of the scrubber effluent.

(ii) A flow meter equipped with a continuous recorder shall be located at the scrubber influent for liquid flow. Gas stream flow shall be determined using one of the procedures specified in paragraphs (a)(4)(ii)(A) through (a)(4)(ii)(C) of this section.

(A) The owner or operator may determine gas stream flow using the design blower capacity, with appropriate adjustments for pressure drop.

(B) If the scrubber is subject to regulations in 40 CFR 264 through 266 that have required a determination of the liquid to gas (L/G) ratio prior to the applicable compliance date for this Subpart specified in 40 CFR 63.100(k) of Subpart F of this part, the owner or operator may determine gas stream flow by the method that had been utilized to comply with those regulations. A determination that was conducted prior to the compliance date for this Subpart may be utilized to comply with this Subpart if it is still representative.

(C) The owner or operator may prepare and implement a gas stream flow determination plan that documents an appropriate method which will be used to determine the gas stream flow. The plan shall require determination of gas stream flow by a method which will at least provide a value for either a representative or the highest gas stream flow anticipated in the scrubber during representative operating conditions other than start-ups, shutdowns, or malfunctions. The plan shall include a description of the methodology to be followed and an explanation of how the selected methodology will reliably determine the gas stream flow, and a description of the records that will be maintained to document the determination of gas stream flow. The owner or operator shall maintain the plan as specified in 40 CFR 63.103(c).

(b) Each owner or operator of a Group 1 transfer rack that uses a recovery device or recapture device to comply with the 98-percent organic hazardous air pollutants reduction or 20 parts per million by volume hazardous air pollutants concentration requirements in 40 CFR 63.126(b)(1) of this Subpart shall install either an organic monitoring device equipped with a continuous recorder, or the monitoring equipment specified in paragraph (b)(1), (b)(2), or (b)(3) of this section, depending on the type of recovery device or recapture device used. All monitoring equipment shall be installed, calibrated, and maintained according to the manufacturer's specifications or other written procedures that provide adequate assurance that the equipment would reasonably be expected to monitor accurately.

(1) Where an absorber is used, a scrubbing liquid temperature monitoring device equipped with a continuous recorder shall be used; and a specific gravity monitoring device equipped with a continuous recorder shall be used.

(2) Where a condenser is used, a condenser exit (product side) temperature monitoring device equipped with a continuous recorder shall be used.

(3) Where a carbon adsorber is used, an integrating regeneration stream flow monitoring device having an accuracy of ±10 percent or better, capable of recording the total regeneration stream mass flow for each regeneration cycle; and a carbon bed temperature monitoring device, capable of recording the temperature of the carbon bed after regeneration and within 15 minutes of completing any cooling cycle shall be used.

(c) An owner or operator of a Group 1 transfer rack may request approval to monitor parameters other than those listed in paragraph (a) or (b) of this section. The request shall be submitted according to the procedures specified in 40 CFR 63.151(f) or 40 CFR 63.152(e) of this Subpart. Approval shall be requested if the owner or operator:

(1) Seeks to demonstrate compliance with the standards specified in 40 CFR 63.126(b) of this Subpart with a control device other than an incinerator, boiler, process heater, flare, absorber, condenser, or carbon adsorber; or

(2) Uses one of the control devices listed in paragraphs (a) and (b) of this section, but seeks to monitor a parameter other than those specified in paragraphs (a) and (b) of this Subpart.

(d) The owner or operator of a Group 1 transfer rack using a vent system that contains by-pass lines that could divert a vent stream flow away from the control device used to comply with 40 CFR 63.126(b) of this Subpart shall comply with paragraph (d)(1) or (d)(2) of this section. Equipment such as low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, and pressure relief valves needed for safety purposes are not subject to this paragraph.

(1) Properly install, maintain, and operate a flow indicator that takes a reading at least once every 15 minutes. Records shall be generated as specified in 40 CFR 63.130(b) of this Subpart. The flow indicator shall be installed at the entrance to any by-pass line that could divert the vent stream away from the control device to the atmosphere; or

(2) Secure the by-pass line valve in the closed position with a car-seal or a lock-and-key type configuration.

(i) A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the closed position and the vent stream is not diverted through the by-pass line.

(ii) If a car-seal has been broken or a valve position changed, the owner or operator shall record that the vent stream has been diverted. The car-seal or lock-and-key combination shall be returned to the secured position as soon as practicable but not later than 15 calendar days after the change in position is detected.

(e) The owner or operator shall establish a range that indicates proper operation of the control device for each parameter monitored under paragraphs (a), (b), and (c) of this section. In order to establish the range, the information required in

40 CFR 63.152(b)(2) of this Subpart shall be submitted in the Notification of Compliance Status or the operating permit application or amendment.

[59 FR 19468, Apr. 22, 1994, as amended at 62 FR 2749, Jan. 17, 1997]

40 CFR 63.128 - Transfer operations provisions - test methods and procedures

(a) A performance test is required for determining compliance with the reduction of total organic HAP emissions in 40 CFR 63.126(b) of this Subpart for all control devices except as specified in paragraph (c) of this section. Performance test procedures are as follows:

(1) For control devices shared between transfer racks and process vents, the performance test procedures in 40 CFR 63.116(c) of this Subpart shall be followed.

(2) A performance test shall consist of three runs.

(3) All testing equipment shall be prepared and installed as specified in the appropriate test methods.

(4) For control devices shared between multiple arms that load simultaneously, the minimum sampling time for each run shall be 1 hour in which either an integrated sample or a minimum of four grab samples shall be taken. If grab sampling is used, then the samples shall be taken at approximately equal intervals in time, such as 15-minute intervals during the run.

(5) For control devices that are capable of continuous vapor processing but do not meet the conditions in (a)(7)(i)(B) of this section.

(A) Sampling sites shall be located at the inlet and outlet of the control device, except as provided in paragraph (a)(7)(i)(B) of this section.

(B) If a vent stream is introduced with the combustion air or as a secondary fuel into a boiler or process heater with a design capacity less than 44 megawatts, selection of paragraph (a)(1) or (a)(4) of this section, each run shall represent at least one complete filling period, during which liquid organic HAP's are loaded, and samples shall be collected using integrated sampling or grab samples taken at least four times per hour at approximately equal intervals of time, such as 15-minute intervals.

(6) For intermittent vapor processing systems that do not meet the conditions in paragraph (a)(1) or (a)(4) of this section, each run shall represent at least one complete control device cycle, and samples shall be collected using integrated sampling or grab samples taken at least four times per hour at approximately equal intervals of time, such as 15-minute intervals.

(7) Method 1 or 1A of 40 CFR 60 Appendix A, as appropriate, shall be used for selection of sampling sites.

(i) For an owner or operator complying with the 98-percent total organic HAP reduction requirements in 40 CFR 63.126(b)(1) of this Subpart, sampling sites shall be located as specified in paragraph (a)(7)(i)(A) or (a)(7)(i)(B) of this section.

(A) Sampling sites shall be located at the inlet and outlet of the control device, except as provided in paragraph (a)(7)(i)(B) of this section.

(B) If a vent stream is introduced with the combustion air or as a secondary fuel into a boiler or process heater with a design capacity less than 44 megawatts, selection of the location of the inlet sampling sites shall ensure the measurement of total organic HAP or TOC (minus methane and ethane) concentrations in all vent streams and primary and secondary fuels introduced into the boiler or process heater. A sampling site shall also be located at the outlet of the boiler or process heater.

(ii) For an owner or operator complying with the 20 parts per million by volume limit in 40 CFR 63.126(b)(1) of this Subpart, the sampling site shall be located at the outlet of the control device.

(8) The volumetric flow rate, in standard cubic meters per minute at 20 °C, shall be determined using Method 2, 2A, 2C, or 2D of 40 CFR 60 Appendix A as appropriate.

(9) For the purpose of determining compliance with the 20 parts per million by volume limit in 40 CFR 63.126(b)(1), Method 18 or Method 25A of 40 CFR 60 Appendix A shall be used to measure either organic compound concentration or organic HAP concentration, except as provided in paragraph (a)(11) of this section.

(i) If Method 25A of 40 CFR 60 Appendix A is used, the following procedures shall be used to calculate the concentration of organic compounds (C_T):

(A) The principal organic HAP in the vent stream shall be used as the calibration gas.

(B) The span value for Method 25A of 40 CFR 60 Appendix A shall be between 1.5 and 2.5 times the concentration being measured.

(C) Use of Method 25A of 40 CFR 60 Appendix A is acceptable if the response from the high-level calibration gas is at least 20 times the standard deviation of the response from the zero calibration gas when the instrument is zeroed on the most sensitive scale.

(D) The concentration of TOC shall be corrected to 3 percent oxygen using the procedures and equation in paragraph (a)(9)(v) of this section.

(ii) If Method 18 of 40 CFR 60 Appendix A is used to measure the concentration of organic compounds, the organic compound concentration (C_T) is the sum of the individual components and shall be computed for each run using the following equation:

$$C_T = \sum_{j=1}^{n} C_j$$

where:

C_T = Total concentration of organic compounds (minus methane and ethane), dry basis, parts per million by volume.

C_j = Concentration of sample components j, dry basis, parts per million by volume.

n = Number of components in the sample.

(iii) If an owner or operator uses Method 18 of 40 CFR 60 Appendix A to compute total organic HAP concentration rather than organic compounds concentration, the equation in paragraph (a)(9)(ii) of this section shall be used except that only organic HAP species shall be summed. The list of organic HAP's is provided in table 2 of Subpart F of this part.

(iv) The emission rate correction factor or excess air, integrated sampling and analysis procedures of Method 3B of 40 CFR 60 Appendix A shall be used to determine the oxygen concentration. The sampling site shall be the same as that of the organic hazardous air pollutants or organic compound samples, and the samples shall be taken during the same time that the organic hazardous air pollutants or organic compound samples are taken.

(v) The organic compound concentration corrected to 3 percent oxygen (C_c) shall be calculated using the following equation:

$$C_c = C_T \left(\frac{17.9}{20.9 - \%O_{2d}} \right)$$

where:

C_c = Concentration of organic compounds corrected to 3 percent oxygen, dry basis, parts per million by volume.

C_T = Total concentration of organic compounds, dry basis, parts per million by volume.

$\%O_{2d}$ = Concentration of oxygen, dry basis, percent by volume.

(10) For the purpose of determining compliance with the 98-percent reduction requirement in 40 CFR 63.126(b)(1) of this Subpart, Method 18 or Method 25A of 40 CFR 60 Appendix A shall be used, except as provided in paragraph (a)(11) of this section.

(i) For the purpose of determining compliance with the reduction efficiency requirement, organic compound concentration may be measured in lieu of organic HAP concentration.

(ii) If Method 25A of 40 CFR 60 Appendix A is used to measure the concentration of organic compounds (C_T), the principal organic HAP in the vent stream shall be used as the calibration gas.

(A) An emission testing interval shall consist of each 15-minute period during the performance test. For each interval, a reading from each measurement shall be recorded.

(B) The average organic compound concentration and the volume measurement shall correspond to the same emissions testing interval.

(C) The mass at the inlet and outlet of the control device during each testing interval shall be calculated as follows:

$$M_j = FKV_sC_T$$

where:

M_j = Mass of organic compounds emitted during testing interval j, kilograms.

V_s = Volume of air-vapor mixture exhausted at standard conditions, 20 °C and 760 millimeters mercury, standard cubic meters.

C_T = Total concentration of organic compounds (as measured) at the exhaust vent, parts per million by volume, dry basis.

K = Density, kilograms per standard cubic meter organic HAP. 659 kilograms per standard cubic meter organic HAP. (Note: The density term cancels out when the percent reduction is calculated. Therefore, the density used has no effect. The density of hexane is given so that it can be used to maintain the units of M_j.)

F = 10^{-6}=Conversion factor, (cubic meters organic HAP per cubic meters air) * (parts per million by volume)$^{-1}$.

(D) The organic compound mass emission rates at the inlet and outlet of the control device shall be calculated as follows:

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

where:

E_i, E_o = Mass flow rate of organic compounds at the inlet (i) and outlet (o) of the combustion or recovery device, kilograms per hour.

M_{ij}, M_{oj} = Mass of organic compounds at the inlet (i) or outlet (o) during testing interval j, kilograms.

T = Total time of all testing intervals, hours.

n = Number of testing intervals.

(iii) If Method 18 of 40 CFR 60 Appendix A is used to measure organic compounds, the mass rates of organic compounds (E_i, E_o) shall be computed using the following equations:

$$E_i = K_2\left(\sum_{j=1}^{n} C_{ij}MW_{ij}\right)Q_i \quad E_o = K_2\left(\sum_{j=1}^{n} C_{oj}MW_{oj}\right)Q_o$$

where:

C_{ij}, C_{oj} = Concentration of sample component j of the gas stream at the inlet and outlet of the control device, respectively, dry basis, parts per million by volume.

MW_{ij}, MW_{oj} = Molecular weight of sample component j of the gas stream at the inlet and outlet of the control device, respectively, gram/gram-mole.

Q_i, Q_o = Flow rate of gas stream at the inlet and outlet of the control device, respectively, dry standard cubic meter per minute.

K_2 = Constant, 2.494×10^{-6}(parts per million)$^{-1}$(gram-mole per standard cubic meter) (kilogram/gram) (minute/hour), where standard temperature for (gram-mole per standard cubic meter) is 20 °C.

(iv) Where Method 18 or 25A of 40 CFR 60 Appendix A is used to measure the percent reduction in organic compounds, the percent reduction across the control device shall be calculated as follows:

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

where:

R = Control efficiency of control device, percent.

E_i = Mass emitted or mass flow rate of organic compounds at the inlet to the combustion or recovery device as calculated under paragraph (a)(10)(ii)(D) or (a)(10)(iii) of this section, kilogram per hour.

E_o = Mass emitted or mass flow rate of organic compounds at the outlet of the combustion or recovery device, as calculated under paragraph (a)(10)(ii)(D) or (a)(10)(iii) of this section, kilogram per hour.

(11) The owner or operator may use any methods or data other than Method 18 or Method 25A of 40 CFR 60 Appendix A, if the method or data has been validated according to Method 301 of Appendix A of this part.

(b) When a flare is used to comply with 40 CFR 63.126(b)(2), the owner or operator shall comply with paragraphs (b)(1) through (3) of this section. The owner or operator is not required to conduct a performance test to determine percent emission reduction or outlet organic HAP or TOC concentration.

(1) Conduct a visible emission test using the techniques specified in 40 CFR 63.11(b)(4). The observation period shall be as specified in paragraph (b)(1)(i) or (ii) of this section instead of the 2-hour period specified in 40 CFR 63.11(b)(4).

(i) If the loading cycle is less than 2 hours, then the observation period for that run shall be for the entire loading cycle.

(ii) If additional loading cycles are initiated within the 2-hour period, then visible emission observations shall be conducted for the additional cycles.

(2) Determine the net heating value of the gas being combusted, using the techniques specified in 40 CFR 63.11(b)(6).

(3) Determine the exit velocity using the techniques specified in either 40 CFR 63.11(b)(7)(i) (and 40 CFR 63.11(b)(7)(iii), where applicable) or 40 CFR 63.11(b)(8), as appropriate.

(c) An owner or operator is not required to conduct a performance test when any of the conditions specified in paragraphs (c)(1) through (c)(7) of this section are met.

(1) When a boiler or process heater with a design heat input capacity of 44 megawatts or greater is used.

(2) When a boiler or process heater burning hazardous waste is used for which the owner or operator:

(i) Has been issued a final permit under 40 CFR 270 and complies with the requirements of 40 CFR 266 Subpart H, or

(ii) Has certified compliance with the interim status requirements of 40 CFR 266 Subpart H.

(3) When emissions are routed to a fuel gas system or when a boiler or process heater is used and the vent stream is introduced with the primary fuel.

(4) When a vapor balancing system is used.

(5) When emissions are recycled to a chemical manufacturing process unit.

(6) When a transfer rack transfers less than 11.8 million liters per year and the owner or operator complies with the requirements in paragraph (h) of this section or uses a flare to comply with 40 CFR 63.126(b)(2) of this Subpart.

(7) When a hazardous waste incinerator is used for which the owner or operator has been issued a final permit under 40 CFR 70 and complies with the requirements of 40 CFR 264 Subpart O, or has certified compliance with the interim status requirements 40 CFR 265 Subpart O.

(d) An owner or operator using a combustion device followed by a scrubber or other halogen reduction device to control a halogenated transfer vent stream in compliance with 40 CFR 63.126(d) of this Subpart shall conduct a performance test to determine compliance with the control efficiency or emission limits for hydrogen halides and halogens.

(1) For an owner or operator determining compliance with the percent reduction of total hydrogen halides and halogens, sampling sites shall be located at the inlet and outlet of the scrubber or other halogen reduction device used to reduce halogen emissions. For an owner or operator complying with the 0.45 kilogram per hour outlet mass emission rate limit for total hydrogen halides and halogens, the sampling site shall be located at the outlet of the scrubber or other halogen reduction device and prior to release to the atmosphere.

(2) Except as provided in paragraph (d)(5) of this section, Method 26 or 26A of 40 CFR 60 Appendix A, shall be used to determine the concentration in milligrams per dry standard cubic meter of the hydrogen halides and halogens that

may be present in the stream. The mass emission rate of each hydrogen halide and halogen compound shall be calculated from the concentrations and the gas stream flow rate.

(3) To determine compliance with the percent emissions reduction limit, the mass emission rate for any hydrogen halides and halogens present at the scrubber inlet shall be summed together. The mass emission rate of the compounds present at the scrubber outlet shall be summed together. Percent reduction shall be determined by comparison of the summed inlet and outlet measurements.

(4) To demonstrate compliance with the 0.45 kilograms per hour mass emission rate limit, the test results must show that the mass emission rate of the total hydrogen halides and halogens measured at the scrubber outlet is below 0.45 kilograms per hour.

(5) The owner or operator may use any other method or data to demonstrate compliance if the method or data has been validated according to the protocol of Method 301 of Appendix A of this part.

(e) The owner or operator shall inspect the vapor collection system and vapor balancing system, according to the requirements for vapor collection systems in 40 CFR 63.148 of this Subpart.

(1) Inspections shall be performed only while a tank truck or railcar is being loaded.

(2) For vapor collection systems only, an inspection shall be performed prior to each performance test required to demonstrate compliance with 40 CFR 63.126(b)(1) of this Subpart.

(3) For each vapor collection system that is operated and maintained under negative pressure, the owner or operator is not required to comply with the requirements specified in 40 CFR 63.148 of this Subpart.

(f) For the purposes of demonstrating vapor tightness to determine compliance with 40 CFR 63.126(e)(2) of this Subpart, the following procedures and equipment shall be used:

(1) The pressure test procedures specified in Method 27 of 40 CFR 60 Appendix A; and

(2) A pressure measurement device which has a precision of #1B 2.5 millimeters of mercury or better and which is capable of measuring above the pressure at which the tank truck or railcar is to be tested for vapor tightness.

(g) An owner or operator using a scrubber or other halogen reduction device to reduce the vent stream halogen atom mass emission rate to less than 0.45 kilograms per hour prior to a combustion device used to comply with 40 CFR 63.126(d)(2) shall determine the halogen atom mass emission rate prior to the combustor according to the procedures in paragraph (d)(3) of this section.

(h) For transfer racks that transfer less than 11.8 million liters per year of liquid organic HAP's, the owner or operator may comply with the requirements in paragraphs (h)(1) through (h)(3) of this section instead of the requirements in paragraph (a) or (b) of this section.

(1) The owner or operator shall prepare, as part of the Notification of Compliance Status required by 40 CFR 63.152(b) of this Subpart, a design evaluation that shall document that the control device being used achieves the required control efficiency during reasonably expected maximum loading conditions. This documentation is to include a description of the gas stream which enters the control device, including flow and organic HAP content, and the information specified in paragraphs (h)(1)(i) through (h)(1)(v) of this section, as applicable.

(i) If the control device receives vapors, gases, or liquids, other than fuels, from emission points other than transfer racks subject to this Subpart, the efficiency demonstration is to include consideration of all vapors, gases, and liquids, other than fuels, received by the control device.

(ii) If an enclosed combustion device with a minimum residence time of 0.5 seconds and a minimum temperature of 760 degrees Celsius is used to meet the 98-percent emission reduction requirement, documentation that those conditions exist is sufficient to meet the requirements of paragraph (h)(1) of this section.

(iii) Except as provided in paragraph (h)(1)(ii) of this section, for thermal incinerators, the design evaluation shall include the autoignition temperature of the organic HAP, the flow rate of the organic HAP emission stream, the combustion temperature, and the residence time at the combustion temperature.

(iv) For carbon adsorbers, the design evaluation shall include the affinity of the organic HAP vapors for carbon, the amount of carbon in each bed, the number of beds, the humidity of the feed gases, the temperature of the feed gases, the flow rate of the organic HAP emission stream, the desorption schedule, the regeneration stream pressure or temperature, and the flow rate of the regeneration stream. For vacuum desorption, pressure drop shall be included.

(v) For condensers, the design evaluation shall include the final temperature of the organic HAP vapors, the type of condenser, and the design flow rate of the organic HAP emission stream.

(2) The owner or operator shall submit, as part of the Notification of Compliance Status required by 40 CFR 63.152(b) of this Subpart, the operating range for each monitoring parameter identified for each control device. The specified operating range shall represent the conditions for which the control device can achieve the 98-percent-or-greater emission reduction required by 40 CFR 63.126(b)(1) of this Subpart.

(3) The owner or operator shall monitor the parameters specified in the Notification of Compliance Status required in 40 CFR 63.152(b) of this Subpart or operating permit and shall operate and maintain the control device such that the monitored parameters remain within the ranges specified in the Notification of Compliance Status, except as provided in 40 CFR 63.152(c) and 63.152(f) of this Subpart.

[59 FR 19468, Apr. 22, 1994, as amended at 61 FR 64576, Dec. 5, 1996; 62 FR 2750, Jan. 17, 1997; 66 FR 6932, Jan. 22, 2001]

40 CFR 63.129 - Transfer operations provisions - reporting and recordkeeping for performance tests and notification of compliance status

(a) Each owner or operator of a Group 1 transfer rack shall:

(1) Keep an up-to-date, readily accessible record of the data specified in paragraphs (a)(4) through (a)(8) of this section, as applicable.

(2) Include the data specified in paragraphs (a)(4) through (a)(7) of this section in the Notification of Compliance Status report as specified in 40 CFR 63.152(b) of this Subpart.

(3) If any subsequent performance tests are conducted after the Notification of Compliance Status has been submitted, report the data in paragraphs (a)(4) through (a)(7) of this section in the next Periodic Report as specified in 40 CFR 63.152(c) of this Subpart.

(4) Record and report the following when using a control device other than a flare to achieve a 98 weight percent reduction in total organic HAP or a total organic HAP concentration of 20 parts per million by volume, as specified in 40 CFR 63.126(b)(1) of this Subpart:

(i) The parameter monitoring results for thermal incinerators, catalytic incinerators, boilers or process heaters, absorbers, condensers, or carbon adsorbers specified in table 7 of this Subpart, recorded during the performance test, and averaged over the time period of the performance testing.

(ii) The percent reduction of total organic HAP or TOC achieved by the control device determined as specified in 40 CFR 63.128(a) of this Subpart, or the concentration of total organic HAP or TOC (parts per million by volume, by compound) determined as specified in 40 CFR 63.128(a) of this Subpart at the outlet of the control device. For combustion devices, the concentration shall be reported on a dry basis corrected to 3 percent oxygen.

(iii) The parameters shall be recorded at least every 15 minutes.

(iv) For a boiler or process heater, a description of the location at which the vent stream is introduced into the boiler or process heater.

(5) Record and report the following when using a flare to comply with 40 CFR 63.126(b)(2) of this Subpart:

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

(ii) All visible emission readings, heat content determinations, flow rate measurements, and exit velocity determinations made during the compliance determination required by 40 CFR 63.128(b) of this Subpart; and

(iii) All periods during the compliance determination when the pilot flame is absent.

(6) Record and report the following when using a scrubber following a combustion device to control a halogenated vent stream, as specified in 40 CFR 63.126(d) of this Subpart:

(i) The percent reduction or scrubber outlet mass emission rate of total hydrogen halides and halogens determined according to the procedures in 40 CFR 63.128(d) of this Subpart;

(ii) The parameter monitoring results for scrubbers specified in table 7 of this Subpart, and averaged over the time period of the performance test; and

(iii) The parameters shall be recorded at least every 15 minutes.

(7) Record and report the halogen concentration in the vent stream determined according to the procedures as specified in 40 CFR 63.128(d) of this Subpart.

(8) Report that the emission stream is being routed to a fuel gas system or a process, when complying using 40 CFR 63.126(b)(4).

(b) If an owner or operator requests approval to use a control device other than those listed in table 7 of this Subpart or to monitor a parameter other than those specified in table 7 of this Subpart, the owner or operator shall submit a description of planned reporting and recordkeeping procedures as required under 40 CFR 63.151(f) or 40 CFR 63.152(e) of this Subpart. The Administrator will specify appropriate reporting and recordkeeping requirements as part of the review of the permit application or by other appropriate means.

(c) For each parameter monitored according to table 7 of this Subpart or paragraph (b) of this section, the owner or operator shall establish a range for the parameter that indicates proper operation of the control device. In order to establish the range, the information required in 40 CFR 63.152(b)(2) of this Subpart shall be submitted in the Notification of Compliance Status or the operating permit application or amendment.

(d) Each owner or operator shall maintain a record describing in detail the vent system used to vent each affected transfer vent stream to a control device. This document shall list all valves and vent pipes that could vent the stream to the atmosphere, thereby by-passing the control device; identify which valves are secured by car-seals or lock-and-key type configurations; and indicate the position (open or closed) of those valves which have car-seals. Equipment leaks such as low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, and pressure relief valves needed for safety purposes are not subject to this paragraph.

(e) An owner or operator meeting the requirements of 40 CFR 63.128(h) of this Subpart shall submit, as part of the Notification of Compliance Status required by 40 CFR 63.152(b) of this Subpart, the information specified in 40 CFR 63.128(h)(1) of this Subpart.

(f) An owner or operator meeting the requirements of 40 CFR 63.128(h) of this Subpart shall submit, as part of the Notification of Compliance Status required by 40 CFR 63.152(b) of this Subpart, the operating range for each monitoring parameter identified for each control device.

[59 FR 19468, Apr. 22, 1994, as amended at 61 FR 64576, Dec. 5, 1996; 62 FR 2750, Jan. 17, 1997; 64 FR 20191, Apr. 26, 1999]

40 CFR 63.130 - Transfer operations provisions - periodic recordkeeping and reporting

(a) Each owner or operator using a control device to comply with 40 CFR 63.126(b)(1) or (b)(2) of this Subpart shall keep the following up-to-date, readily accessible records:

(1) While the transfer vent stream is being vented to the control device, continuous records of the equipment operating parameters specified to be monitored under 40 CFR 63.127 of this Subpart, and listed in table 7 of this Subpart or specified by the Administrator in accordance with 40 CFR 40 CFR 63.127(c) and 63.129(b). For flares, the hourly records and records of pilot flame outages specified in table 7 shall be maintained in place of continuous records.

(2) Records of the daily average value of each monitored parameter for each operating day determined according to the procedures specified in 40 CFR 63.152(f), except as provided in paragraphs (a)(2)(i) through (a)(2)(iii) of this section.

(i) For flares, records of the times and duration of all periods during which the pilot flame is absent shall be kept rather than daily averages.

(ii) If carbon adsorber regeneration stream flow and carbon bed regeneration temperature are monitored, the records specified in table 7 of this Subpart shall be kept instead of the daily averages.

(iii) Records of the duration of all periods when the vent stream is diverted through by-pass lines shall be kept rather than daily averages.

(3) For boilers or process heaters, records of any changes in the location at which the vent stream is introduced into the flame zone as required under the reduction of total organic HAP emissions in 40 CFR 63.126(b)(1) of this Subpart.

(b) If a vapor collection system containing valves that could divert the emission stream away from the control device is used, each owner or operator of a Group 1 transfer rack subject to the provisions of 40 CFR 63.127(d) of this Subpart shall keep up-to-date, readily accessible records of:

(1) Hourly records of whether the flow indicator specified under 40 CFR 63.127(d)(1) was operating and whether a diversion was detected at any time during the hour, as well as records of the times of all periods when the vent stream is diverted from the control device or the flow indicator is not operating.

(2) Where a seal mechanism is used to comply with 40 CFR 63.127(d)(2), hourly records of flow are not required. In such cases, the owner or operator shall record that the monthly visual inspection of the seals or closure mechanisms has been done, and shall record the occurrence of all periods when the seal mechanism is broken, the by-pass line valve position has changed, or the key for a lock-and-key type lock has been checked out, and records of any car-seal that has broken, as listed in table 7 of this Subpart.

(c) Each owner or operator of a Group 1 transfer rack who uses a flare to comply with 40 CFR 63.126(b)(2) of this Subpart shall keep up-to-date, readily accessible records of the flare pilot flame monitoring specified under 40 CFR 63.127(a)(2) of this Subpart.

(d) Each owner or operator of a transfer rack subject to the requirements of 40 CFR 63.126 of this Subpart shall submit to the Administrator Periodic Reports of the following information according to the schedule in 40 CFR 63.152(c) of this Subpart:

(1) Reports of daily average values of monitored parameters for all operating days when the daily average values were outside the range established in the Notification of Compliance Status or operating permit.

(2) Reports of the duration of periods when monitoring data are not collected for each excursion caused by insufficient monitoring data as defined in 40 CFR 63.152(c)(2)(ii)(A) of this Subpart.

(3) Reports of the times and durations of all periods recorded under paragraph (b)(1) of this section when the vent stream was diverted from the control device.

(4) Reports of all times recorded under paragraph (b)(2) of this section when maintenance is performed on car-sealed valves, when the car seal is broken, when the by-pass line valve position is changed, or the key for a lock-and-key type configuration has been checked out.

(5) Reports of the times and durations of all periods recorded under paragraph (a)(2)(i) of this section in which all pilot flames of a flare were absent.

(6) Reports of all carbon bed regeneration cycles during which the parameters recorded under paragraph (a)(2)(vi) of this section were outside the ranges established in the Notification of Compliance Status or operating permit.

(e) The owner or operator of a Group 1 transfer rack shall record that the verification of DOT tank certification or Method 27 testing, required in 40 CFR 63.126(e) of this Subpart, has been performed. Various methods for the record of verification can be used, such as: A check off on a log sheet; a list of DOT serial numbers or Method 27 data; or a position description for gate security, showing that the security guard will not allow any trucks on site that do not have the appropriate documentation.

(f) Each owner or operator of a Group 1 or Group 2 transfer rack shall record, update annually, and maintain the information specified in paragraphs (f)(1) through (f)(3) of this section in a readily accessible location on site:

(1) An analysis demonstrating the design and actual annual throughput of the transfer rack;

(2) An analysis documenting the weight-percent organic HAP's in the liquid loaded. Examples of acceptable documentation include but are not limited to analyses of the material and engineering calculations.

(3) An analysis documenting the annual rack weighted average HAP partial pressure of the transfer rack.

(i) For Group 2 transfer racks that are limited to transfer of organic HAP's with partial pressures less than 10.3 kilopascals, documentation is required of the organic HAP's (by compound) that are transferred. The rack weighted average partial pressure does not need to be calculated.

(ii) For racks transferring one or more organic HAP's with partial pressures greater than 10.3 kilopascals, as well as one or more organic HAP's with partial pressures less than 10.3 kilopascals, a rack weighted partial pressure shall be documented. The rack weighted average HAP partial pressure shall be weighted by the annual throughput of each chemical transferred.

[59 FR 19468, Apr. 22, 1994, as amended at 62 FR 2750, Jan. 17, 1997; 66 FR 6932, Jan. 22, 2001]

40 CFR 63.131 - [Reserved]

40 CFR 63.132 - Process wastewater provisions - general

(a) *Existing sources.* This paragraph specifies the requirements applicable to process wastewater streams located at existing sources. The owner or operator shall comply with the requirements in paragraphs (a)(1) through (a)(3) of this section, no later than the applicable dates specified in 40 CFR 63.100 of Subpart F of this part.

(1) *Determine wastewater streams to be controlled for Table 9 compounds.* Determine whether each wastewater stream requires control for Table 9 compounds by complying with the requirements in either paragraph (a)(1)(i) or (a)(1)(ii) of this section, and comply with the requirements in paragraph (a)(1)(iii) of this section.

(i) Comply with paragraph (c) of this section, determining whether the wastewater stream is Group 1 or Group 2 for Table 9 compounds; or

(ii) Comply with paragraph (e) of this section, designating the wastewater stream as a Group 1 wastewater stream.

(iii) Comply with paragraph (f) of this section.

(2) *Requirements for Group 1 wastewater streams.* For wastewater streams that are Group 1 for Table 9 compounds, comply with paragraphs (a)(2)(i) through (a)(2)(iv) of this section.

(i) Comply with the applicable requirements for wastewater tanks, surface impoundments, containers, individual drain systems, and oil/water separators as specified in 40 CFR 63.133 through 40 CFR 63.137 of this Subpart, except as provided in paragraphs (a)(2)(i)(A) and (a)(2)(i)(B) of this section and 40 CFR 63.138(a)(3) of this Subpart.

(A) The waste management units may be equipped with pressure relief devices that vent directly to the atmosphere provided the pressure relief device is not used for planned or routine venting of emissions.

(B) The pressure relief device remains in a closed position at all times except when it is necessary for the pressure relief device to open for the purpose of preventing physical damage or permanent deformation of the waste management unit in accordance with good engineering and safety practices.

(ii) Comply with the applicable requirements for control of Table 9 compounds as specified in 40 CFR 63.138 of this Subpart. Alternatively, the owner or operator may elect to comply with the treatment provisions specified in 40 CFR 63.132(g) of this Subpart.

(iii) Comply with the applicable monitoring and inspection requirements specified in 40 CFR 63.143 of this Subpart.

(iv) Comply with the applicable recordkeeping and reporting requirements specified in 40 CFR 63.146 and 63.147 of this Subpart.

(3) *Requirements for Group 2 wastewater streams.* For wastewater streams that are Group 2 for table 9 compounds, comply with the applicable recordkeeping and reporting requirements specified in 40 CFR 63.146(b)(1) and 63.147(b)(8).

(b) *New sources.* This paragraph specifies the requirements applicable to process wastewater streams located at new sources. The owner or operator shall comply with the requirements in paragraphs (b)(1) through (b)(4) of this section, no later than the applicable dates specified in 40 CFR 63.100 of Subpart F of this part.

(1) *Determine wastewater streams to be controlled for Table 8 compounds.* Determine whether each wastewater stream requires control for Table 8 compounds by complying with the requirements in either paragraph (b)(1)(i) or (b)(1)(ii) of this section, and comply with the requirements in paragraph (b)(1)(iii) of this section.

(i) Comply with paragraph (d) of this section, determining whether the wastewater stream is Group 1 or Group 2 for Table 8 compounds; or

(ii) Comply with paragraph (e) of this section, designating the wastewater stream as a Group 1 wastewater stream for Table 8 compounds.

(iii) Comply with paragraph (f) of this section.

(2) *Determine wastewater streams to be controlled for Table 9 compounds.* Determine whether each wastewater stream requires control for Table 9 compounds by complying with the requirements in either paragraph (b)(2)(i) or (b)(2)(ii) of this section, and comply with the requirements in paragraph (b)(2)(iii) of this section.

(i) Comply with paragraph (c) of this section, determining whether the wastewater stream is Group 1 or Group 2 for Table 9 compounds; or

(ii) Comply with paragraph (e) of this section, designating the wastewater stream as a Group 1 wastewater stream.

(iii) Comply with paragraph (f) of this section.

(3) *Requirements for Group 1 wastewater streams.* For wastewater streams that are Group 1 for Table 8 compounds and/or Table 9 compounds, comply with paragraphs (b)(3)(i) through (b)(3)(iv) of this section.

(i) Comply with the applicable requirements for wastewater tanks, surface impoundments, containers, individual drain systems, and oil/water separators specified in the requirements of 40 CFR 63.133 through 40 CFR 63.137 of this Subpart, except as provided in paragraphs (b)(3)(i)(A) and (b)(3)(i)(B) of this section and 40 CFR 63.138(a)(3) of this Subpart.

(A) The waste management units may be equipped with pressure relief devices that vent directly to the atmosphere provided the pressure relief device is not used for planned or routine venting of emissions.

(B) The pressure relief device remains in a closed position at all times except when it is necessary for the pressure relief device to open for the purpose of preventing physical damage or permanent deformation of the waste management unit in accordance with good engineering and safety practices.

(ii) Comply with the applicable requirements for control of Table 8 compounds specified in 40 CFR 63.138 of this Subpart. Alternatively, the owner or operator may elect to comply with the provisions specified in 40 CFR 63.132(g) of this Subpart.

(iii) Comply with the applicable monitoring and inspection requirements specified in 40 CFR 63.143 of this Subpart.

(iv) Comply with the applicable recordkeeping and reporting requirements specified in 40 CFR 63.146 and 63.147 of this Subpart.

(4) *Requirements for Group 2 wastewater streams.* For wastewater streams that are Group 2 for both table 8 and table 9 compounds, comply with the applicable recordkeeping and reporting requirements specified in 40 CFR 63.146(b)(1) and 63.147(b)(8).

(c) *How to determine Group 1 or Group 2 status for Table 9 compounds.* This paragraph provides instructions for determining whether a wastewater stream is Group 1 or Group 2 for Table 9 compounds. Total annual average concentration shall be determined according to the procedures specified in 40 CFR 63.144(b) of this Subpart. Annual average flow rate shall be determined according to the procedures specified in 40 CFR 63.144(c) of this Subpart.

(1) A wastewater stream is a Group 1 wastewater stream for Table 9 compounds if:

(i) The total annual average concentration of Table 9 compounds is greater than or equal to 10,000 parts per million by weight at any flow rate; or

(ii) The total annual average concentration of Table 9 compounds is greater than or equal to 1,000 parts per million by weight and the annual average flow rate is greater than or equal to 10 liters per minute.

(2) A wastewater stream is a Group 2 wastewater stream for Table 9 compounds if it is not a Group 1 wastewater stream for Table 9 compounds by the criteria in paragraph (c)(1) of this section.

(3) The owner or operator of a Group 2 wastewater shall re-determine group status for each Group 2 stream, as necessary, to determine whether the stream is Group 1 or Group 2 whenever process changes are made that could reasonably be expected to change the stream to a Group 1 stream. Examples of process changes include, but are not limited to, changes in production capacity, production rate, feedstock type, or whenever there is a replacement, removal, or addition of recovery or control equipment. For purposes of this paragraph (c)(3), process changes do not include: Process upsets; unintentional, temporary process changes; and changes that are within the range on which the original determination was based.

(d) *How to determine Group 1 or Group 2 status for Table 8 compounds.* This paragraph provides instructions for determining whether a wastewater sream is Group 1 or Group 2 for Table 8 compounds. Annual average concentration for each Table 8 compound shall be determined according to the procedures specified in 40 CFR 63.144(b) of this Subpart. Annual average flow rate shall be determined according to the procedures specified in 40 CFR 63.144(c) of this Subpart.

(1) A wastewater stream is a Group 1 wastewater stream for Table 8 compounds if the annual average flow rate is 0.02 liter per minute or greater and the annual average concentration of any individual table 8 compound is 10 parts per million by weight or greater.

(2) A wastewater stream is a Group 2 wastewater stream for Table 8 compounds if the annual average flow rate is less than 0.02 liter per minute or the annual average concentration for each individual Table 8 compound is less than 10 parts per million by weight.

(3) The owner or operator of a Group 2 wastewater shall re-determine group status for each Group 2 stream, as necessary, to determine whether the stream is Group 1 or Group 2 whenever process changes are made that could reasonably be expected to change the stream to a Group 1 stream. Examples of process changes include, but are not limited to, changes in production capacity, production rate, feedstock type, or whenever there is a replacement, removal, or addition of recovery or control equipment. For purposes of this paragraph (d)(3), process changes do not include: Process upsets; unintentional, temporary process changes; and changes that are within the range on which the original determination was based.

(e) *How to designate a Group 1 wastewater stream.* The owner or operator may elect to designate a wastewater stream a Group 1 wastewater stream in order to comply with paragraph (a)(1) or (b)(1) of this section. To designate a wastewater stream or a mixture of wastewater streams a Group 1 wastewater stream, the procedures specified in paragraphs (e)(1) and (e)(2) of this section and 40 CFR 63.144(a)(2) of this Subpart shall be followed.

(1) From the point of determination for each wastewater stream that is included in the Group 1 designation to the location where the owner or operator elects to designate such wastewater stream(s) as a Group 1 wastewater stream, the owner or operator shall comply with all applicable emission suppression requirements specified in 40 CFR 63.133 through 63.137.

(2) From the location where the owner or operator designates a wastewater stream or mixture of wastewater streams to be a Group 1 wastewater stream, such Group 1 wastewater stream shall be managed in accordance with all applicable emission suppression requirements specified in 40 CFR 63.133 through 63.137 and with the treatment requirements in 40 CFR 63.138 of this part.

(f) Owners or operators of sources subject to this Subpart shall not discard liquid or solid organic materials with a concentration of greater than 10,000 parts per million of Table 9 compounds (as determined by analysis of the stream composition, engineering calculations, or process knowledge, according to the provisions of 40 CFR 63.144(b) of this Subpart) from a chemical manufacturing process unit to water or wastewater, unless the receiving stream is managed and treated as a Group 1 wastewater stream. This prohibition does not apply to materials from the activities listed in paragraphs (f)(1) through (f)(4) of this section.

(1) Equipment leaks;

(2) Activities included in maintenance or startup/shutdown/malfunction plans;

(3) Spills; or

(4) Samples of a size not greater than reasonably necessary for the method of analysis that is used.

(g) *Off-site treatment or on-site treatment not owned or operated by the source.* The owner or operator may elect to transfer a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream to an on-site treatment operation not owned or operated by the owner or operator of the source generating the wastewater stream or residual, or to an off-site treatment operation.

(1) The owner or operator transferring the wastewater stream or residual shall:

(i) Comply with the provisions specified in 40 CFR 63.133 through 63.137 of this Subpart for each waste management unit that receives or manages a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream prior to shipment or transport.

(ii) Include a notice with the shipment or transport of each Group 1 wastewater stream or residual removed from a Group 1 wastewater stream. The notice shall state that the wastewater stream or residual contains organic hazardous air pollutants that are to be treated in accordance with the provisions of this Subpart. When the transport is continuous or ongoing (for example, discharge to a publicly-owned treatment works), the notice shall be submitted to the treatment operator initially and whenever there is a change in the required treatment.

(2) The owner or operator may not transfer the wastewater stream or residual unless the transferee has submitted to the EPA a written certification that the transferee will manage and treat any Group 1 wastewater stream or residual removed from a Group 1 wastewater stream received from a source subject to the requirements of this Subpart in accordance with the requirements of either 40 CFR 63.133 through 63.147, or 40 CFR 63.102(b) of Subpart F, or Subpart D of this part if alternative emission limitations have been granted the transferor in accordance with those

provisions. The certifying entity may revoke the written certification by sending a written statement to the EPA and the owner or operator giving at least 90 days notice that the certifying entity is rescinding acceptance of responsibility for compliance with the regulatory provisions listed in this paragraph. Upon expiration of the notice period, the owner or operator may not transfer the wastewater stream or residual to the treatment operation.

(3) By providing this written certification to the EPA, the certifying entity accepts responsibility for compliance with the regulatory provisions listed in paragraph (g)(2) of this section with respect to any shipment of wastewater or residual covered by the written certification. Failure to abide by any of those provisions with respect to such shipments may result in enforcement action by the EPA against the certifying entity in accordance with the enforcement provisions applicable to violations of these provisions by owners or operators of sources.

(4) Written certifications and revocation statements, to the EPA from the transferees of wastewater or residuals shall be signed by the responsible official of the certifying entity, provide the name and address of the certifying entity, and be sent to the appropriate EPA Regional Office at the addresses listed in 40 CFR 63.13. Such written certifications are not transferable by the treater.

[62 FR 2751, Jan. 17, 1997, as amended at 66 FR 6933, Jan. 22, 2001; 71 FR 76614, Dec. 21, 2006]

40 CFR 63.133 - Process wastewater provisions - wastewater tanks

(a) For each wastewater tank that receives, manages, or treats a Group 1 wastewater stream or a residual removed from a Group 1 wastewater stream, the owner or operator shall comply with the requirements of either paragraph (a)(1) or (a)(2) of this section as specified in table 10 of this Subpart.

(1) The owner or operator shall operate and maintain a fixed roof except that if the wastewater tank is used for heating wastewater, or treating by means of an exothermic reaction or the contents of the tank is sparged, the owner or operator shall comply with the requirements specified in paragraph (a)(2) of this section.

(2) The owner or operator shall comply with the requirements in paragraphs (b) through (h) of this section and shall operate and maintain one of the emission control techniques listed in paragraphs (a)(2)(i) through (a)(2)(iv) of this section.

(i) A fixed roof and a closed-vent system that routes the organic hazardous air pollutants vapors vented from the wastewater tank to a control device.

(ii) A fixed roof and an internal floating roof that meets the requirements specified in 40 CFR 63.119(b) of this Subpart;

(iii) An external floating roof that meets the requirements specified in 40 CFR 63.119(c), 63.120(b)(5), and 63.120(b)(6) of this Subpart; or

(iv) An equivalent means of emission limitation. Determination of equivalence to the reduction in emissions achieved by the requirements of paragraphs (a)(2)(i) through (a)(2)(iii) of this section will be evaluated according to 40 CFR 63.102(b) of Subpart F of this part. The determination will be based on the application to the Administrator which shall include the information specified in either paragraph (a)(2)(iv)(A) or (a)(2)(iv)(B) of this section.

(A) Actual emissions tests that use full-size or scale-model wastewater tanks that accurately collect and measure all organic hazardous air pollutants emissions from a given control technique, and that accurately simulate wind and account for other emission variables such as temperature and barometric pressure, or

(B) An engineering evaluation that the Administrator determines is an accurate method of determining equivalence.

(b) If the owner or operator elects to comply with the requirements of paragraph (a)(2)(i) of this section, the fixed roof shall meet the requirements of paragraph (b)(1) of this section, the control device shall meet the requirements of paragraph (b)(2) of this section, and the closed-vent system shall meet the requirements of paragraph (b)(3) of this section.

(1) The fixed-roof shall meet the following requirements:

(i) Except as provided in paragraph (b)(4) of this section, the fixed roof and all openings (e.g., access hatches, sampling ports, and gauge wells) shall be maintained in accordance with the requirements specified in 40 CFR 63.148 of this Subpart.

(ii) Each opening shall be maintained in a closed position (e.g., covered by a lid) at all times that the wastewater tank contains a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream except when

it is necessary to use the opening for wastewater sampling, removal, or for equipment inspection, maintenance, or repair.

(2) The control device shall be designed, operated, and inspected in accordance with the requirements of 40 CFR 63.139 of this Subpart.

(3) Except as provided in paragraph (b)(4) of this section, the closed-vent system shall be inspected in accordance with the requirements of 40 CFR 63.148 of this Subpart.

(4) For any fixed roof tank and closed-vent system that is operated and maintained under negative pressure, the owner or operator is not required to comply with the requirements specified in 40 CFR 63.148 of this Subpart.

(c) If the owner or operator elects to comply with the requirements of paragraph (a)(2)(ii) of this section, the floating roof shall be inspected according to the procedures specified in 40 CFR 63.120(a)(2) and (a)(3) of this Subpart.

(d) Except as provided in paragraph (e) of this section, if the owner or operator elects to comply with the requirements of paragraph (a)(2)(iii) of this section, seal gaps shall be measured according to the procedures specified in 40 CFR 63.120(b)(2)(i) through (b)(4) of this Subpart and the wastewater tank shall be inspected to determine compliance with 40 CFR 63.120(b)(5) and (b)(6) of this Subpart.

(e) If the owner or operator determines that it is unsafe to perform the seal gap measurements specified in 40 CFR 63.120(b)(2)(i) through (b)(4) of this Subpart or to inspect the wastewater tank to determine compliance with 40 CFR 63.120(b)(5) and (b)(6) of this Subpart because the floating roof appears to be structurally unsound and poses an imminent or potential danger to inspecting personnel, the owner or operator shall comply with the requirements in either paragraph (e)(1) or (e)(2) of this section.

(1) The owner or operator shall measure the seal gaps or inspect the wastewater tank within 30 calendar days of the determination that the floating roof is unsafe, or

(2) The owner or operator shall empty and remove the wastewater tank from service within 45 calendar days of determining that the roof is unsafe. If the wastewater tank cannot be emptied within 45 calendar days, the owner or operator may utilize up to two extensions of up to 30 additional calendar days each. Documentation of a decision to utilize an extension shall include an explanation of why it was unsafe to perform the inspection or seal gap measurement, shall document that alternate storage capacity is unavailable, and shall specify a schedule of actions that will ensure that the wastewater tank will be emptied as soon as practical.

(f) Except as provided in paragraph (e) of this section, each wastewater tank shall be inspected initially, and semi-annually thereafter, for improper work practices in accordance with 40 CFR 63.143 of this Subpart. For wastewater tanks, improper work practice includes, but is not limited to, leaving open any access door or other opening when such door or opening is not in use.

(g) Except as provided in paragraph (e) of this section, each wastewater tank shall be inspected for control equipment failures as defined in paragraph (g)(1) of this section according to the schedule in paragraphs (g)(2) and (g)(3) of this section.

(1) Control equipment failures for wastewater tanks include, but are not limited to, the conditions specified in paragraphs (g)(1)(i) through (g)(1)(ix) of this section.

(i) The floating roof is not resting on either the surface of the liquid or on the leg supports.

(ii) There is stored liquid on the floating roof.

(iii) A rim seal is detached from the floating roof.

(iv) There are holes, tears, cracks or gaps in the rim seal or seal fabric of the floating roof.

(v) There are visible gaps between the seal of an internal floating roof and the wall of the wastewater tank.

(vi) There are gaps between the metallic shoe seal or the liquid mounted primary seal of an external floating roof and the wall of the wastewater tank that exceed 212 square centimeters per meter of tank diameter or the width of any portion of any gap between the primary seal and the tank wall exceeds 3.81 centimeters.

(vii) There are gaps between the secondary seal of an external floating roof and the wall of the wastewater tank that exceed 21.2 square centimeters per meter of tank diameter or the width of any portion of any gap between the secondary seal and the tank wall exceeds 1.27 centimeters.

(viii) Where a metallic shoe seal is used on an external floating roof, one end of the metallic shoe does not extend into the stored liquid or one end of the metallic shoe does not extend a minimum vertical distance of 61 centimeters above the surface of the stored liquid.

(ix) A gasket, joint, lid, cover, or door has a crack or gap, or is broken.

(2) The owner or operator shall inspect for the control equipment failures in paragraphs (g)(1)(i) through (g)(1)(viii) of this section according to the schedule specified in paragraphs (c) and (d) of this section.

(3) The owner or operator shall inspect for the control equipment failures in paragraph (g)(1)(ix) of this section initially, and semi-annually thereafter.

(h) Except as provided in 40 CFR 63.140 of this Subpart, when an improper work practice or a control equipment failure is identified, first efforts at repair shall be made no later than 5 calendar days after identification and repair shall be completed within 45 calendar days after identification. If a failure that is detected during inspections required by this section cannot be repaired within 45 calendar days and if the vessel cannot be emptied within 45 calendar days, the owner or operator may utilize up to 2 extensions of up to 30 additional calendar days each. Documentation of a decision to utilize an extension shall include a description of the failure, shall document that alternate storage capacity is unavailable, and shall specify a schedule of actions that will ensure that the control equipment will be repaired or the vessel will be emptied as soon as practical.

[62 FR 2753, Jan. 17, 1997, as amended at 64 FR 20191, Apr. 26, 1999]

40 CFR 63.134 - Process wastewater provisions - surface impoundments

(a) For each surface impoundment that receives, manages, or treats a Group 1 wastewater stream or a residual removed from a Group 1 wastewater stream, the owner or operator shall comply with the requirements of paragraphs (b), (c), and (d) of this section.

(b) The owner or operator shall operate and maintain on each surface impoundment either a cover (e.g., air-supported structure or rigid cover) and a closed-vent system that routes the organic hazardous air pollutants vapors vented from the surface impoundment to a control device in accordance with paragraph (b)(1) of this section, or a floating flexible membrane cover as specified in paragraph (b)(2) of this section.

(1) The cover and all openings shall meet the following requirements:

(i) Except as provided in paragraph (b)(4) of this section, the cover and all openings (e.g., access hatches, sampling ports, and gauge wells) shall be maintained in accordance with the requirements specified in 40 CFR 63.148 of this Subpart.

(ii) Each opening shall be maintained in a closed position (e.g., covered by a lid) at all times that a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream is in the surface impoundment except when it is necessary to use the opening for sampling, removal, or for equipment inspection, maintenance, or repair.

(iii) The cover shall be used at all times that a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream is in the surface impoundment except during removal of treatment residuals in accordance with 40 CFR 268.4 or closure of the surface impoundment in accordance with 40 CFR 264.228.

(2) Floating flexible membrane covers shall meet the requirements specified in paragraphs (b)(2)(i) through (b)(2)(vii) of this section.

(i) The floating flexible cover shall be designed to float on the liquid surface during normal operations, and to form a continuous barrier over the entire surface area of the liquid.

(ii) The cover shall be fabricated from a synthetic membrane material that is either:

(A) High density polyethylene (HDPE) with a thickness no less than 2.5 millimeters (100 mils); or

(B) A material or a composite of different materials determined to have both organic permeability properties that are equivalent to those of the material listed in paragraph (b)(2)(ii)(A) of this section, and chemical and physical properties that maintain the material integrity for the intended service life of the material.

(iii) The cover shall be installed in a manner such that there are no visible cracks, holes, gaps, or other open spaces between cover section seams or between the interface of the cover edge and its foundation mountings.

(iv) Except as provided for in paragraph (b)(2)(v) of this section, each opening in the floating membrane cover shall be equipped with a closure device designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device.

(v) The floating membrane cover may be equipped with one or more emergency cover drains for removal of stormwater. Each emergency cover drain shall be equipped with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening or a flexible fabric sleeve seal.

(vi) The closure devices shall be made of suitable materials that will minimize exposure of organic hazardous air pollutants to the atmosphere, to the extent practical, and will maintain the integrity of the equipment throughout its intended service life. Factors to be considered in designing the closure devices shall include: The effects of any contact with the liquid and its vapor managed in the surface impoundment; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the surface impoundment on which the floating membrane cover is installed.

(vii) Whenever a Group 1 wastewater stream or residual from a Group 1 wastewater stream is in the surface impoundment, the floating membrane cover shall float on the liquid and each closure device shall be secured in the closed position. Opening of closure devices or removal of the cover is allowed to provide access to the surface impoundment for performing routine inspection, maintenance, or other activities needed for normal operations and/or to remove accumulated sludge or other residues from the bottom of surface impoundment. Openings shall be maintained in accordance with 40 CFR 63.148 of this Subpart.

(3) The control device shall be designed, operated, and inspected in accordance with 40 CFR 63.139 of this Subpart.

(4) Except as provided in paragraph (b)(5) of this section, the closed-vent system shall be inspected in accordance with 40 CFR 63.148 of this Subpart.

(5) For any cover and closed-vent system that is operated and maintained under negative pressure, the owner or operator is not required to comply with the requirements specified in 40 CFR 63.148 of this Subpart.

(c) Each surface impoundment shall be inspected initially, and semi-annually thereafter, for improper work practices and control equipment failures in accordance with 40 CFR 63.143 of this Subpart.

(1) For surface impoundments, improper work practice includes, but is not limited to, leaving open any access hatch or other opening when such hatch or opening is not in use.

(2) For surface impoundments, control equipment failure includes, but is not limited to, any time a joint, lid, cover, or door has a crack or gap, or is broken.

(d) Except as provided in 40 CFR 63.140 of this Subpart, when an improper work practice or a control equipment failure is identified, first efforts at repair shall be made no later than 5 calendar days after identification and repair shall be completed within 45 calendar days after identification.

[62 FR 2754, Jan. 17, 1997, as amended at 64 FR 20191, Apr. 26, 1999]

40 CFR 63.135 - Process wastewater provisions - containers

(a) For each container that receives, manages, or treats a Group 1 wastewater stream or a residual removed from a Group 1 wastewater stream, the owner or operator shall comply with the requirements of paragraphs (b) through (f) of this section.

(b) The owner or operator shall operate and maintain a cover on each container used to handle, transfer, or store a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream in accordance with the following requirements:

(1) Except as provided in paragraph (d)(4) of this section, if the capacity of the container is greater than 0.42 m^3 , the cover and all openings (e.g., bungs, hatches, sampling ports, and pressure relief devices) shall be maintained in accordance with the requirements specified in 40 CFR 63.148 of this Subpart.

(2) If the capacity of the container is less than or equal to 0.42 m^3 , the owner or operator shall comply with either paragraph (b)(2)(i) or (b)(2)(ii) of this section.

(i) The container must meet existing Department of Transportation specifications and testing requirements under 49 CFR 178; or

(ii) Except as provided in paragraph (d)(4) of this section, the cover and all openings shall be maintained without leaks as specified in 40 CFR 63.148 of this Subpart.

(3) The cover and all openings shall be maintained in a closed position (e.g., covered by a lid) at all times that a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream is in the container except when it is necessary to use the opening for filling, removal, inspection, sampling, or pressure relief events related to safety considerations.

(c) For containers with a capacity greater than or equal to 0.42 m^3 , a submerged fill pipe shall be used when a container is being filled by pumping with a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream.

(1) The submerged fill pipe outlet shall extend to no more than 6 inches or within two fill pipe diameters of the bottom of the container while the container is being filled.

(2) The cover shall remain in place and all openings shall be maintained in a closed position except for those openings required for the submerged fill pipe and for venting of the container to prevent physical damage or permanent deformation of the container or cover.

(d) During treatment of a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream, including aeration, thermal or other treatment, in a container, whenever it is necessary for the container to be open, the container shall be located within an enclosure with a closed-vent system that routes the organic hazardous air pollutants vapors vented from the container to a control device.

(1) Except as provided in paragraph (d)(4) of this section, the enclosure and all openings (e.g., doors, hatches) shall be maintained in accordance with the requirements specified in 40 CFR 63.148 of this Subpart.

(2) The control device shall be designed, operated, and inspected in accordance with 40 CFR 63.139 of this Subpart.

(3) Except as provided in paragraph (d)(4) of this section, the closed-vent system shall be inspected in accordance with 40 CFR 63.148 of this Subpart.

(4) For any enclosure and closed-vent system that is operated and maintained under negative pressure, the owner or operator is not required to comply with the requirements specified in 40 CFR 63.148 of this Subpart.

(e) Each container shall be inspected initially, and semi-annually thereafter, for improper work practices and control equipment failures in accordance with 40 CFR 63.143 of this Subpart.

(1) For containers, improper work practice includes, but is not limited to, leaving open any access hatch or other opening when such hatch or opening is not in use.

(2) For containers, control equipment failure includes, but is not limited to, any time a cover or door has a gap or crack, or is broken.

(f) Except as provided in 40 CFR 63.140 of this Subpart, when an improper work practice or a control equipment failure is identified, first efforts at repair shall be made no later than 5 calendar days after identification and repair shall be completed within 15 calendar days after identification.

[62 FR 2755, Jan. 17, 1997]

40 CFR 63.136 - Process wastewater provisions - individual drain systems

(a) For each individual drain system that receives or manages a Group 1 wastewater stream or a residual removed from a Group 1 wastewater stream, the owner or operator shall comply with the requirements of paragraphs (b), (c), and (d) or with paragraphs (e), (f), and (g) of this section.

(b) If the owner or operator elects to comply with this paragraph, the owner or operator shall operate and maintain on each opening in the individual drain system a cover and if vented, route the vapors to a process or through a closed vent system to a control device. The owner or operator shall comply with the requirements of paragraphs (b)(1) through (b)(5) of this section.

(1) The cover and all openings shall meet the following requirements:

(i) Except as provided in paragraph (b)(4) of this section, the cover and all openings (e.g., access hatches, sampling ports) shall be maintained in accordance with the requirements specified in 40 CFR 63.148 of this Subpart.

(ii) The cover and all openings shall be maintained in a closed position at all times that a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream is in the drain system except when it is necessary to use the opening for sampling or removal, or for equipment inspection, maintenance, or repair.

(2) The control device shall be designed, operated, and inspected in accordance with 40 CFR 63.139 of this Subpart.

(3) Except as provided in paragraph (b)(4) of this section, the closed-vent system shall be inspected in accordance with 40 CFR 63.148 of this Subpart.

(4) For any cover and closed-vent system that is operated and maintained under negative pressure, the owner or operator is not required to comply with the requirements specified in 40 CFR 63.148 of this Subpart.

(5) The individual drain system shall be designed and operated to segregate the vapors within the system from other drain systems and the atmosphere.

(c) Each individual drain system shall be inspected initially, and semi- annually thereafter, for improper work practices and control equipment failures, in accordance with the inspection requirements specified in table 11 of this Subpart.

(1) For individual drain systems, improper work practice includes, but is not limited to, leaving open any access hatch or other opening when such hatch or opening is not in use for sampling or removal, or for equipment inspection, maintenance, or repair.

(2) For individual drain systems, control equipment failure includes, but is not limited to, any time a joint, lid, cover, or door has a gap or crack, or is broken.

(d) Except as provided in 40 CFR 63.140 of this Subpart, when an improper work practice or a control equipment failure is identified, first efforts at repair shall be made no later than 5 calendar days after identification and repair shall be completed within 15 calendar days after identification.

(e) If the owner or operator elects to comply with this paragraph, the owner or operator shall comply with the requirements in paragraphs (e)(1) through (e)(3) of this section:

(1) Each drain shall be equipped with water seal controls or a tightly fitting cap or plug. The owner or operator shall comply with paragraphs (e)(1)(i) and (e)(1)(ii) of this section.

(i) For each drain equipped with a water seal, the owner or operator shall ensure that the water seal is maintained. For example, a flow-monitoring device indicating positive flow from a main to a branch water line supplying a trap or water being continuously dripped into the trap by a hose could be used to verify flow of water to the trap. Visual observation is also an acceptable alternative.

(ii) If a water seal is used on a drain receiving a Group 1 wastewater, the owner or operator shall either extend the pipe discharging the wastewater below the liquid surface in the water seal of the receiving drain, or install a flexible shield (or other enclosure which restricts wind motion across the open area between the pipe and the drain) that encloses the space between the pipe discharging the wastewater to the drain receiving the wastewater. (Water seals which are used on hubs receiving Group 2 wastewater for the purpose of eliminating cross ventilation to drains carrying Group 1 wastewater are not required to have a flexible cap or extended subsurface discharging pipe.)

(2) Each junction box shall be equipped with a tightly fitting solid cover (i.e., no visible gaps, cracks, or holes) which shall be kept in place at all times except during inspection and maintenance. If the junction box is vented, the owner or operator shall comply with the requirements in paragraph (e)(2)(i) or (e)(2)(ii) of this section.

(i) The junction box shall be vented to a process or through a closed vent system to a control device. The closed vent system shall be inspected in accordance with the requirements of 40 CFR 63.148 and the control device shall be designed, operated, and inspected in accordance with the requirements of 40 CFR 63.139.

(ii) If the junction box is filled and emptied by gravity flow (i.e., there is no pump) or is operated with no more than slight fluctuations in the liquid level, the owner or operator may vent the junction box to the atmosphere provided that the junction box complies with the requirements in paragraphs (e)(2)(ii)(A) and (e)(2)(ii)(B) of this section.

(A) The vent pipe shall be at least 90 centimeters in length and no greater than 10.2 centimeters in nominal inside diameter.

(B) Water seals shall be installed and maintained at the wastewater entrance(s) to or exit from the junction box restricting ventilation in the individual drain system and between components in the individual drain

system. The owner or operator shall demonstrate (e.g., by visual inspection or smoke test) upon request by the Administrator that the junction box water seal is properly designed and restricts ventilation.

(3) Each sewer line shall not be open to the atmosphere and shall be covered or enclosed in a manner so as to have no visible gaps or cracks in joints, seals, or other emission interfaces.

(f) Equipment used to comply with paragraphs (e)(1), (e)(2), or (e)(3) of this section shall be inspected as follows:

(1) Each drain using a tightly fitting cap or plug shall be visually inspected initially, and semi-annually thereafter, to ensure caps or plugs are in place and that there are no gaps, cracks, or other holes in the cap or plug.

(2) Each junction box shall be visually inspected initially, and semi-annually thereafter, to ensure that there are no gaps, cracks, or other holes in the cover.

(3) The unburied portion of each sewer line shall be visually inspected initially, and semi-annually thereafter, for indication of cracks or gaps that could result in air emissions.

(g) Except as provided in 40 CFR 63.140 of this Subpart, when a gap, hole, or crack is identified in a joint or cover, first efforts at repair shall be made no later than 5 calendar days after identification, and repair shall be completed within 15 calendar days after identification.

[62 FR 2755, Jan. 17, 1997]

40 CFR 63.137 - Process wastewater provisions - oil-water separators

(a) For each oil-water separator that receives, manages, or treats a Group 1 wastewater stream or a residual removed from a Group 1 wastewater stream, the owner or operator shall comply with the requirements of paragraphs (c) and (d) of this section and shall operate and maintain one of the following:

(1) A fixed roof and a closed vent system that routes the organic hazardous air pollutants vapors vented from the oil-water separator to a control device. The fixed roof, closed-vent system, and control device shall meet the requirements specified in paragraph (b) of this section;

(2) A floating roof meeting the requirements in 40 CFR 60.693–2 (a)(1)(i), (a)(1)(ii), (a)(2), (a)(3), and (a)(4). For portions of the oil-water separator where it is infeasible to construct and operate a floating roof, such as over the weir mechanism, the owner or operator shall operate and maintain a fixed roof, closed vent system, and control device that meet the requirements specified in paragraph (b) of this section.

(3) An equivalent means of emission limitation. Determination of equivalence to the reduction in emissions achieved by the requirements of paragraphs (a)(1) and (a)(2) of this section will be evaluated according to 40 CFR 63.102(b) of Subpart F of this part. The determination will be based on the application to the Administrator which shall include the information specified in either paragraph (a)(3)(i) or (a)(3)(ii) of this section.

(i) Actual emissions tests that use full-size or scale-model oil-water separators that accurately collect and measure all organic hazardous air pollutants emissions from a given control technique, and that accurately simulate wind and account for other emission variables such as temperature and barometric pressure, or

(ii) An engineering evaluation that the Administrator determines is an accurate method of determining equivalence.

(b) If the owner or operator elects to comply with the requirements of paragraphs (a)(1) or (a)(2) of this section, the fixed roof shall meet the requirements of paragraph (b)(1) of this section, the control device shall meet the requirements of paragraph (b)(2) of this section, and the closed-vent system shall meet the requirements of paragraph (b)(3) of this section.

(1) The fixed-roof shall meet the following requirements:

(i) Except as provided in paragraph (b)(4) of this section, the fixed roof and all openings (e.g., access hatches, sampling ports, and gauge wells) shall be maintained in accordance with the requirements specified in 40 CFR 63.148 of this Subpart.

(ii) Each opening shall be maintained in a closed, sealed position (e.g., covered by a lid that is gasketed and latched) at all times that the oil-water separator contains a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream except when it is necessary to use the opening for sampling or removal, or for equipment inspection, maintenance, or repair.

(2) The control device shall be designed, operated, and inspected in accordance with the requirements of 40 CFR 63.139 of this Subpart.

(3) Except as provided in paragraph (b)(4) of this section, the closed-vent system shall be inspected in accordance with the requirements of 40 CFR 63.148 of this Subpart.

(4) For any fixed roof and closed-vent system that is operated and maintained under negative pressure, the owner or operator is not required to comply with the requirements of 40 CFR 63.148 of this Subpart.

(c) If the owner or operator elects to comply with the requirements of paragraph (a)(2) of this section, seal gaps shall be measured according to the procedures specified in 40 CFR 60.696(d)(1) and the schedule specified in paragraphs (c)(1) and (c)(2) of this section.

(1) Measurement of primary seal gaps shall be performed within 60 calendar days after installation of the floating roof and introduction of a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream and once every 5 years thereafter.

(2) Measurement of secondary seal gaps shall be performed within 60 calendar days after installation of the floating roof and introduction of a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream and once every year thereafter.

(d) Each oil-water separator shall be inspected initially, and semi-annually thereafter, for improper work practices in accordance with 40 CFR 63.143 of this Subpart. For oil-water separators, improper work practice includes, but is not limited to, leaving open or ungasketed any access door or other opening when such door or opening is not in use.

(e) Each oil-water separator shall be inspected for control equipment failures as defined in paragraph (e)(1) of this section according to the schedule specified in paragraphs (e)(2) and (e)(3) of this section.

(1) For oil-water separators, control equipment failure includes, but is not limited to, the conditions specified in paragraphs (e)(1)(i) through (e)(1)(vii) of this section.

(i) The floating roof is not resting on either the surface of the liquid or on the leg supports.

(ii) There is stored liquid on the floating roof.

(iii) A rim seal is detached from the floating roof.

(iv) There are holes, tears, or other open spaces in the rim seal or seal fabric of the floating roof.

(v) There are gaps between the primary seal and the separator wall that exceed 67 square centimeters per meter of separator wall perimeter or the width of any portion of any gap between the primary seal and the separator wall exceeds 3.8 centimeters.

(vi) There are gaps between the secondary seal and the separator wall that exceed 6.7 square centimeters per meter of separator wall perimeter or the width of any portion of any gap between the secondary seal and the separator wall exceeds 1.3 centimeters.

(vii) A gasket, joint, lid, cover, or door has a gap or crack, or is broken.

(2) The owner or operator shall inspect for the control equipment failures in paragraphs (e)(1)(i) through (e)(1)(vi) of this section according to the schedule specified in paragraph (c) of this section.

(3) The owner or operator shall inspect for control equipment failures in paragraph (e)(1)(vii) of this section initially, and semi-annually thereafter.

(f) Except as provided in 40 CFR 63.140 of this Subpart, when an improper work practice or a control equipment failure is identified, first efforts at repair shall be made no later than 5 calendar days after identification and repair shall be completed within 45 calendar days after identification.

[62 FR 2756, Jan. 17, 1997]

40 CFR 63.138 - Process wastewater provisions - performance standards for treatment processes managing Group 1 wastewater streams and/or residuals removed from Group 1 wastewater streams

(a) *General requirements.* This section specifies the performance standards for treating Group 1 wastewater streams. The owner or operator shall comply with the requirements as specified in paragraphs (a)(1) through (a)(6) of this section. Where multiple compliance options are provided, the options may be used in combination for different wastewater streams and/or for different compounds (e.g., Table 8 versus Table 9 compounds) in the same wastewater streams, except where otherwise provided in this section. Once a Group 1 wastewater stream or residual removed from a Group 1

wastewater stream has been treated in accordance with this Subpart, it is no longer subject to the requirements of this Subpart.

(1) *Existing source.* If the wastewater stream, at an existing source, is Group 1 for Table 9 compounds, comply with 40 CFR 63.138(b).

(2) *New source.* If the wastewater stream, at a new source, is Group 1 for Table 8 compounds, comply with 40 CFR 63.138(c). If the wastewater stream, at a new source, is Group 1 for Table 9 compounds, comply with 40 CFR 63.138(b). If the wastewater stream, at a new source, is Group 1 for Table 8 and Table 9 compounds, comply with both 40 CFR 63.138(b) and 40 CFR 63.138(c).

Note to paragraph(a)(2): The requirements for Table 8 and/or Table 9 compounds are similar and often identical.

(3) *Biological treatment processes.* Biological treatment processes in compliance with this section may be either open or closed biological treatment processes as defined in 40 CFR 63.111. An open biological treatment process in compliance with this section need not be covered and vented to a control device as required in 40 CFR 63.133 through 40 CFR 63.137 of this Subpart. An open or a closed biological treatment process in compliance with this section and using 40 CFR 63.145(f) or 40 CFR 63.145(g) of this Subpart to demonstrate compliance is not subject to the requirements of 40 CFR 63.133 through 40 CFR 63.137 of this Subpart. A closed biological treatment process in compliance with this section and using 40 CFR 63.145(e) of this Subpart to demonstrate compliance shall comply with the requirements of 40 CFR 63.133 through 40 CFR 63.137 of this Subpart. Waste management units upstream of an open or closed biological treatment process shall meet the requirements of 40 CFR 63.133 through 40 CFR 63.137 of this Subpart, as applicable.

(4) *Performance tests and design evaluations.* If design steam stripper option (40 CFR 63.138(d)) or Resource Conservation and Recovery Act (RCRA) option (40 CFR 63.138(h)) is selected to comply with this section, neither a design evaluation nor a performance test is required. For any other non-biological treatment process, and for closed biological treatment processes as defined in 40 CFR 63.111 of this Subpart, the owner or operator shall conduct either a design evaluation as specified in 40 CFR 63.138(j), or a performance test as specified in 40 CFR 63.145, of this Subpart. For each open biological treatment process as defined in 40 CFR 63.111 of this Subpart, the owner or operator shall conduct a performance test as specified in 40 CFR 63.145 of this Subpart.

Note to paragraph(a)(4): Some open biological treatment processes may not require a performance test. Refer to 40 CFR 63.145(h) and table 36 of this Subpart to determine whether the biological treatment process meets the criteria that exempt the owner or operator from conducting a performance test.

(5) *Control device requirements.* When gases are vented from the treatment process, the owner or operator shall comply with the applicable control device requirements specified in 40 CFR 63.139 and 40 CFR 63.145 (i) and (j), and the applicable leak inspection provisions specified in 40 CFR 63.148, of this Subpart. This requirement does not apply to any open biological treatment process that meets the mass removal requirements. Vents from anaerobic biological treatment processes may be routed through hard-piping to a fuel gas system.

(6) *Residuals: general.* When residuals result from treating Group 1 wastewater streams, the owner or operator shall comply with the requirements for residuals specified in 40 CFR 63.138(k) of this Subpart.

(7) *Treatment using a series of treatment processes.* In all cases where the wastewater provisions in this Subpart allow or require the use of a treatment process or control device to comply with emissions limitations, the owner or operator may use multiple treatment processes or control devices, respectively. For combinations of treatment processes where the wastewater stream is conveyed by hard-piping, the owner or operator shall comply with either the requirements of paragraph (a)(7)(i) or (a)(7)(ii) of this section. For combinations of treatment processes where the wastewater stream is not conveyed by hard-piping, the owner or operator shall comply with the requirements of paragraph (a)(7)(ii) of this section. For combinations of control devices, the owner or operator shall comply with the requirements of paragraph (a)(7)(i) of this section.

(i)

(A) For combinations of treatment processes, the wastewater stream shall be conveyed by hard-piping between the treatment processes. For combinations of control devices, the vented gas stream shall be conveyed by hard-piping between the control devices.

(B) For combinations of treatment processes, each treatment process shall meet the applicable requirements of 40 CFR 63.133 through 40 CFR 63.137 of this Subpart except as provided in paragraph (a)(3) of this section.

(C) The owner or operator shall identify, and keep a record of, the combination of treatment processes or of control devices, including identification of the first and last treatment process or control device. The owner or operator shall include this information as part of the treatment process description reported in the Notification of Compliance Status.

(D) The performance test or design evaluation shall determine compliance across the combination of treatment processes or control devices. If a performance test is conducted, the "inlet" shall be the point at which the wastewater stream or residual enters the first treatment process, or the vented gas stream enters the first control device. The "outlet" shall be the point at which the treated wastewater stream exits the last treatment process, or the vented gas stream exits the last control device.

(ii)

(A) For combinations of treatment processes, each treatment process shall meet the applicable requirements of 40 CFR 63.133 through 40 CFR 63.137 of this Subpart except as provided in paragraph (a)(3) of this section.

(B) The owner or operator shall identify, and keep a record of, the combination of treatment processes, including identification of the first and last treatment process. The owner or operator shall include this information as part of the treatment process description reported in the Notification of Compliance Status.

(C) The owner or operator shall determine the mass removed or destroyed by each treatment process. The performance test or design evaluation shall determine compliance for the combination of treatment processes by adding together the mass removed or destroyed by each treatment process.

(b) *Control options: Group 1 wastewater streams for Table 9 compounds.* The owner or operator shall comply with either paragraph (b)(1) or (b)(2) of this section for the control of Table 9 compounds at new or existing sources.

(1) *50 ppmw concentration option.* The owner or operator shall comply with paragraphs (b)(1)(i) and (b)(1)(ii) of this section.

(i) Reduce, by removal or destruction, the total concentration of Table 9 compounds to a level less than 50 parts per million by weight as determined by the procedures specified in 40 CFR 63.145(b) of this Subpart.

(ii) This option shall not be used when the treatment process is a biological treatment process. This option shall not be used when the wastewater stream is designated as a Group 1 wastewater stream as specified in 40 CFR 63.132(e). Dilution shall not be used to achieve compliance with this option.

(2) *Other compliance options.* Comply with the requirements specified in any one of paragraphs (d), (e), (f), (g), (h), or (i) of this section.

(c) *Control options: Group 1 wastewater streams for Table 8 compounds.* The owner or operator shall comply with either paragraph (c)(1) or (c)(2) of this section for the control of Table 8 compounds at new sources.

(1) *10 ppmw concentration option.* The owner or operator shall comply with paragraphs (c)(1)(i) and (c)(1)(ii) of this section.

(i) Reduce, by removal or destruction, the concentration of the individual Table 8 compounds to a level less than 10 parts per million by weight as determined in the procedures specified in 40 CFR 63.145(b) of this Subpart.

(ii) This option shall not be used when the treatment process is a biological treatment process. This option shall not be used when the wastewater stream is designated as a Group 1 wastewater stream as specified in 40 CFR 63.132(e). Dilution shall not be used to achieve compliance with this option.

(2) *Other compliance options.* Comply with the requirements specified in any one of paragraphs (d), (e), (f), (g), (h), or (i) of this section.

(d) *Design steam stripper option.* The owner or operator shall operate and maintain a steam stripper that meets the requirements of paragraphs (d)(1) through (d)(6) of this section.

(1) Minimum active column height of 5 meters,

(2) Countercurrent flow configuration with a minimum of 10 actual trays,

(3) Minimum steam flow rate of 0.04 kilograms of steam per liter of wastewater feed within the column,

(4) Minimum wastewater feed temperature to the steam stripper of 95 °C, or minimum column operating temperature of 95 °C,

(5) Maximum liquid loading of 67,100 liters per hour per square meter, and

(6) Operate at nominal atmospheric pressure.

(e) *Percent mass removal/destruction option.* The owner or operator of a new or existing source shall comply with paragraph (e)(1) or (e)(2) of this section for control of Table 8 and/or Table 9 compounds for Group 1 wastewater streams. his option shall not be used for biological treatment processes.

(1) *Reduce mass flow rate of Table 8 and/or Table 9 compounds by 99 percent.* For wastewater streams that are Group 1, the owner or operator shall reduce, by removal or destruction, the mass flow rate of Table 8 and/or Table 9 compounds by 99 percent or more. The removal/destruction efficiency shall be determined by the procedures specified in 40 CFR 63.145(c), for noncombustion processes, or 40 CFR 63.145(d), for combustion processes.

(2) *Reduce mass flow rate of Table 8 and/or Table 9 compounds by Fr value.* For wastewater streams that are Group 1 for Table 8 and/or Table 9 compounds, the owner or operator shall reduce, by removal or destruction, the mass flow rate by at least the fraction removal (Fr) values specified in Table 9 of this Subpart. (The Fr values for Table 8 compounds are all 0.99.) The removal/destruction efficiency shall be determined by the procedures specified in 40 CFR 63.145(c), for noncombustion treatment processes, or 40 CFR 63.145(d), for combustion treatment processes.

(f) *Required mass removal (RMR) option.* The owner or operator shall achieve the required mass removal (RMR) of Table 8 compounds at a new source for a wastewater stream that is Group 1 for Table 8 compounds and/or of Table 9 compounds at a new or existing source for a wastewater stream that is Group 1 for Table 9 compounds. For nonbiological treatment processes compliance shall be determined using the procedures specified in 40 CFR 63.145(e) of this Subpart. For aerobic biological treatment processes compliance shall be determined using the procedures specified in 40 CFR 63.145 (e) or (f) of this Subpart. For closed anaerobic biological treatment processes compliance shall be determined using the procedures specified in 40 CFR 63.145(e) of this Subpart. For open biological treatment processes compliance shall be determined using the procedures specified in 40 CFR 63.145(f) of this Subpart.

(g) *95-percent RMR option, for biological treatment processes.* The owner or operator of a new or existing source using biological treatment for at least one wastewater stream that is Group 1 for Table 9 compounds shall achieve a RMR of at least 95 percent for all Table 9 compounds. The owner or operator of a new source using biological treatment for at least one wastewater stream that is Group 1 for Table 8 compounds shall achieve a RMR of at least 95 percent for all Table 8 compounds. All Group 1 and Group 2 wastewater streams entering a biological treatment unit that are from chemical manufacturing process units subject to Subpart F shall be included in the demonstration of the 95-percent mass removal. The owner or operator shall comply with paragraphs (g)(1) through (g)(4) of this section.

(1) Except as provided in paragraph (g)(4) of this section, the owner or operator shall ensure that all Group 1 and Group 2 wastewater streams from chemical manufacturing process units subject to this rule entering a biological treatment unit are treated to destroy at least 95-percent total mass of all Table 8 and/or Table 9 compounds.

(2) For open biological treatment processes compliance shall be determined using the procedures specified in 40 CFR 63.145(g) of this Subpart. For closed aerobic biological treatment processes compliance shall be determined using the procedures specified in 40 CFR 63.145 (e) or (g) of this Subpart. For closed anaerobic biological treatment processes compliance shall be determined using the procedures specified in 40 CFR 63.145(e) of this Subpart.

(3) For each treatment process or waste management unit that receives, manages, or treats wastewater streams subject to this paragraph, from the point of determination of each Group 1 or Group 2 wastewater stream to the biological treatment unit, the owner or operator shall comply with 40 CFR 40 CFR 63.133 through 40 CFR 63.137 of this Subpart for control of air emissions. When complying with this paragraph, the term Group 1, whether used alone or in combination with other terms, in 40 CFR 63.133 through 40 CFR 63.137 of this Subpart shall mean both Group 1 and Group 2.

(4) If a wastewater stream is in compliance with the requirements in paragraph (b)(1), (c)(1), (d), (e), (f), or (h) of this section before entering the biological treatment unit, the hazardous air pollutants mass of that wastewater is not required to be included in the total mass flow rate entering the biological treatment unit for the purpose of demonstrating compliance.

(h) *Treatment in a RCRA unit option.* The owner or operator shall treat the wastewater stream or residual in a unit identified in, and complying with, paragraph (h)(1), (h)(2), or (h)(3) of this section. These units are exempt from the design evaluation or performance tests requirements specified in 40 CFR 63.138(a)(3) and 40 CFR 63.138(j) of this Subpart,

and from the monitoring requirements specified in 40 CFR 63.132(a)(2)(iii) and 40 CFR 63.132(b)(3)(iii) of this Subpart, as well as recordkeeping and reporting requirements associated with monitoring and performance tests.

(1) The wastewater stream or residual is discharged to a hazardous waste incinerator for which the owner or operator has been issued a final permit under 40 CFR 270 and complies with the requirements of 40 CFR 264 Subpart O, or has certified compliance with the interim status requirements of 40 CFR 265 Subpart O;

(2) The wastewater stream or residual is discharged to a process heater or boiler burning hazardous waste for which the owner or operator:

(i) Has been issued a final permit under 40 CFR 270 and complies with the requirements of 40 CFR 266 Subpart H; or

(ii) Has certified compliance with the interim status requirements of 40 CFR 266 Subpart H.

(3) The wastewater stream or residual is discharged to an underground injection well for which the owner or operator has been issued a final permit under 40 CFR 270 or 40 CFR 144 and complies with the requirements of 40 CFR 122. The owner or operator shall comply with all applicable requirements of this Subpart prior to the point where the wastewater enters the underground portion of the injection well.

(i) *One megagram total source mass flow rate option.* A wastewater stream is exempt from the requirements of paragraphs (b) and (c) of this section if the owner or operator elects to comply with either paragraph (i)(1) or (2) of this section, and complies with paragraph (i)(3) of this section.

(1) *All Group 1 wastewater streams at the source.* The owner or operator shall demonstrate that the total source mass flow rate for Table 8 and/or Table 9 compounds is less than 1 megagram per year using the procedures in paragraphs (i)(1)(i) and (i)(1)(ii) of this section. The owner or operator shall include all Group 1 wastewater streams at the source in the total source mass flow rate. The total source mass flow rate shall be based on the mass as calculated before the wastewater stream is treated. The owner or operator who meets the requirements of this paragraph (i)(1) is exempt from the requirements of 40 CFR 63.133 through 63.137.

(i) Calculate the annual average mass flow rate for each Group 1 wastewater stream by multiplying the annual average flow rate of the wastewater stream, as determined by procedures specified in 40 CFR 63.144(c), times the total annual average concentration of Table 8 and/or Table 9 compounds, as determined by procedures specified in 40 CFR 63.144(b) of this Subpart. (The mass flow rate of compounds in a wastewater stream that is Group 1 for both Table 8 and Table 9 compounds should be included in the annual average mass flow rate only once.)

(ii) Calculate the total source mass flow rate from all Group 1 wastewater streams by adding together the annual average mass flow rate calculated for each Group 1 wastewater stream.

(2) *Untreated and partially treated Group 1 wastewater streams.* The owner or operator shall demonstrate that the total source mass flow rate for untreated Group 1 wastewater streams and Group 1 wastewater streams treated to levels less stringent than required in paragraph (b) or (c) of this section is less than 1 megagram per year using the procedures in paragraphs (i)(2)(i) and (i)(2)(ii) of this section. The owner or operator shall manage these wastewater streams in accordance with paragraph (i)(2)(iii) of this section, and shall comply with paragraph (i)(3) of this section.

(i) Calculate the annual average mass flow rate in each wastewater stream by multiplying the annual average flow rate of the wastewater stream, as determined by procedures specified in 40 CFR 63.144(c), times the total annual average concentration of Table 8 and/or Table 9 compounds, as determined by procedures specified in 40 CFR 63.144(b). (The mass flow rate of compounds in a wastewater stream that are Group 1 for both Table 8 and Table 9 compounds should be included in the annual average mass flow rate only once.) When determining the total source mass flow rate for the purposes of paragraph (i)(2)(i)(B) of this section, the concentration and flow rate shall be determined at the location specified in paragraph (i)(2)(i)(B) of this section and not at the location specified in 40 CFR 63.144(b) and (c).

(A) For each untreated Group 1 wastewater stream, the annual average flow rate and the total annual average concentration shall be determined for that stream's point of determination.

(B) For each Group 1 wastewater stream that is treated to levels less stringent than those required by paragraph (b) or (c) of this section, the annual average flow rate and total annual average concentration shall be determined at the discharge from the treatment process or series of treatment processes.

(C) The annual average mass flow rate for Group 1 wastewater streams treated to the levels required by paragraph (b) or (c) of this section is not included in the calculation of the total source mass flow rate.

(ii) The total source mass flow rate shall be calculated by summing the annual average mass flow rates from all Group 1 wastewater streams, except those excluded by paragraph (i)(2)(i)(C) of this section.

(iii) The owner or operator of each waste management unit that receives, manages, or treats a partially treated wastewater stream prior to or during treatment shall comply with the requirements of 40 CFR 63.133 through 63.137, as applicable. For a partially treated wastewater stream that is stored, conveyed, treated, or managed in a waste management unit meeting the requirements of 40 CFR 63.133 through 63.137, the owner or operator shall follow the procedures in paragraph (i)(2)(i)(B) of this section to calculate mass flow rate. A wastewater stream, either untreated or partially treated, where the mass flow rate has been calculated following the procedures in paragraph (i)(2)(i)(A) of this section, is exempt from the requirements of 40 CFR 63.133 through 63.137.

(3) Wastewater streams included in this option shall be identified in the Notification of Compliance Status required by 40 CFR 63.152(b).

(j) *Design evaluations or performance tests for treatment processes.* Except as provided in paragraph (j)(3) or (h) of this section, the owner or operator shall demonstrate by the procedures in either paragraph (j)(1) or (j)(2) of this section that each nonbiological treatment process used to comply with paragraphs (b)(1), (c)(1), (e), and/or (f) of this section achieves the conditions specified for compliance. The owner or operator shall demonstrate by the procedures in either paragraph (j)(1) or (j)(2) of this section that each closed biological treatment process used to comply with paragraphs (f) or (g) of this section achieves the conditions specified for compliance. If an open biological treatment unit is used to comply with paragraph (f) or (g) of this section, the owner or operator shall comply with 40 CFR 63.145(f) or 40 CFR 63.145(g), respectively, of this Subpart. Some biological treatment processes may not require a performance test. Refer to 40 CFR 63.145(h) and table 36 of this Subpart to determine whether the open biological treatment process meets the criteria that exempt the owner or operator from conducting a performance test.

(1) A design evaluation and supporting documentation that addresses the operating characteristics of the treatment process and that is based on operation at a representative wastewater stream flow rate and a concentration under which it would be most difficult to demonstrate compliance. For closed biological treatment processes, the actual mass removal shall be determined by a mass balance over the unit. The mass flow rate of Table 8 or Table 9 compounds exiting the treatment process shall be the sum of the mass flow rate of Table 8 or Table 9 compounds in the wastewater stream exiting the biological treatment process and the mass flow rate of the vented gas stream exiting the control device. The mass flow rate entering the treatment process minus the mass flow rate exiting the process determines the actual mass removal.

(2) Performance tests conducted using test methods and procedures that meet the applicable requirements specified in 40 CFR 63.145 of this Subpart.

(3) The provisions of paragraphs (j)(1) and (j)(2) of this section do not apply to design stream strippers which meet the requirements of paragraph (d) of this section.

(k) *Residuals.* For each residual removed from a Group 1 wastewater stream, the owner or operator shall control for air emissions by complying with 40 CFR 63.133–137 of this Subpart and by complying with one of the provisions in paragraphs (k)(1) through (k)(4) of this section.

(1) Recycle the residual to a production process or sell the residual for the purpose of recycling. Once a residual is returned to a production process, the residual is no longer subject to this section.

(2) Return the residual to the treatment process.

(3) Treat the residual to destroy the total combined mass flow rate of Table 8 and/or Table 9 compounds by 99 percent or more, as determined by the procedures specified in 40 CFR 63.145(c) or (d) of this Subpart.

(4) Comply with the requirements for RCRA treatment options specified in 40 CFR 63.138(h) of this Subpart.

[62 FR 2757, Jan. 17, 1997, as amended at 66 FR 6933, Jan. 22, 2001]

40 CFR 63.139 - Process wastewater provisions - control devices

(a) For each control device or combination of control devices used to comply with the provisions in 40 CFR 63.133 through 63.138 of this Subpart, the owner or operator shall operate and maintain the control device or combination of control devices in accordance with the requirements of paragraphs (b) through (f) of this section.

(b) Whenever organic hazardous air pollutants emissions are vented to a control device which is used to comply with the provisions of this Subpart, such control device shall be operating.

(c) The control device shall be designed and operated in accordance with paragraph (c)(1), (c)(2), (c)(3), (c)(4), or (c)(5) of this section.

(1) An enclosed combustion device (including but not limited to a vapor incinerator, boiler, or process heater) shall meet the conditions in paragraph (c)(1)(i), (c)(1)(ii), or (c)(1)(iii) of this section, alone or in combination with other control devices. If a boiler or process heater is used as the control device, then the vent stream shall be introduced into the flame zone of the boiler or process heater.

(i) Reduce the total organic compound emissions, less methane and ethane, or total organic hazardous air pollutants emissions vented to the control device by 95 percent by weight or greater;

(ii) Achieve an outlet total organic compound concentration, less methane and ethane, or total organic hazardous air pollutants concentration of 20 parts per million by volume on a dry basis corrected to 3 percent oxygen. The owner or operator shall use either Method 18 of 40 CFR 60 Appendix A, or any other method or data that has been validated according to the applicable procedures in Method 301 of Appendix A of this part; or

(iii) Provide a minimum residence time of 0.5 seconds at a minimum temperature of 760 °C.

(2) A vapor recovery system (including but not limited to a carbon adsorption system or condenser), alone or in combination with other control devices, shall reduce the total organic compound emissions, less methane and ethane, or total organic hazardous air pollutants emissions vented to the control device of 95 percent by weight or greater or achieve an outlet total organic compound concentration, less methane and ethane, or total organic hazardous air pollutants concentration of 20 parts per million by volume, whichever is less stringent. The 20 parts per million by volume performance standard is not applicable to compliance with the provisions of 40 CFR 63.134 or 40 CFR 63.135 of this Subpart.

(3) A flare shall comply with the requirements of 40 CFR 63.11(b) of Subpart A of this part.

(4) A scrubber, alone or in combination with other control devices, shall reduce the total organic compound emissions, less methane and ethane, or total organic hazardous air pollutants emissions in such a manner that 95 weight-percent is either removed, or destroyed by chemical reaction with the scrubbing liquid or achieve an outlet total organic compound concentration, less methane and ethane, or total organic hazardous air pollutants concentration of 20 parts per million by volume, whichever is less stringent. The 20 parts per million by volume performance standard is not applicable to compliance with the provisions of 40 CFR 63.134 or 40 CFR 63.135 of this Subpart.

(5) Any other control device used shall, alone or in combination with other control devices, reduce the total organic compound emissions, less methane and ethane, or total organic hazardous air pollutants emissions vented to the control device by 95 percent by weight or greater or achieve an outlet total organic compound concentration, less methane and ethane, or total organic hazardous air pollutants concentration of 20 parts per million by volume, whichever is less stringent. The 20 parts per million by volume performance standard is not applicable to compliance with the provisions of 40 CFR 63.134 or 40 CFR 63.135 of this Subpart.

(d) Except as provided in paragraph (d)(4) of this section, an owner or operator shall demonstrate that each control device or combination of control devices achieves the appropriate conditions specified in paragraph (c) of this section by using one or more of the methods specified in paragraphs (d)(1), (d)(2), or (d)(3) of this section.

(1) Performance tests conducted using the test methods and procedures specified in 40 CFR 63.145(i) of this Subpart for control devices other than flares; or

(2) A design evaluation that addresses the vent stream characteristics and control device operating parameters specified in paragraphs (d)(2)(i) through (d)(2)(vii) of this section.

(i) For a thermal vapor incinerator, the design evaluation shall consider the vent stream composition, constituent concentrations, and flow rate and shall establish the design minimum and average temperature in the combustion zone and the combustion zone residence time.

(ii) For a catalytic vapor incinerator, the design evaluation shall consider the vent stream composition, constituent concentrations, and flow rate and shall establish the design minimum and average temperatures across the catalyst bed inlet and outlet.

(iii) For a boiler or process heater, the design evaluation shall consider the vent stream composition, constituent concentrations, and flow rate; shall establish the design minimum and average flame zone temperatures and

combustion zone residence time; and shall describe the method and location where the vent stream is introduced into the flame zone.

(iv) For a condenser, the design evaluation shall consider the vent stream composition, constituent concentrations, flow rate, relative humidity, and temperature and shall establish the design outlet organic compound concentration level, design average temperature of the condenser exhaust vent stream, and the design average temperatures of the coolant fluid at the condenser inlet and outlet.

(v) For a carbon adsorption system that regenerates the carbon bed directly on-site in the control device such as a fixed-bed adsorber, the design evaluation shall consider the vent stream composition, constituent concentrations, flow rate, relative humidity, and temperature and shall establish the design exhaust vent stream organic compound concentration level, adsorption cycle time, number and capacity of carbon beds, type and working capacity of activated carbon used for carbon beds, design total regeneration stream mass or volumetric flow over the period of each complete carbon bed regeneration cycle, design carbon bed temperature after regeneration, design carbon bed regeneration time, and design service life of carbon.

(vi) For a carbon adsorption system that does not regenerate the carbon bed directly on-site in the control device such as a carbon canister, the design evaluation shall consider the vent stream composition, constituent concentrations, mass or volumetric flow rate, relative humidity, and temperature and shall establish the design exhaust vent stream organic compound concentration level, capacity of carbon bed, type and working capacity of activated carbon used for carbon bed, and design carbon replacement interval based on the total carbon working capacity of the control device and source operating schedule.

(vii) For a scrubber, the design evaluation shall consider the vent stream composition; constituent concentrations; liquid-to-vapor ratio; scrubbing liquid flow rate and concentration; temperature; and the reaction kinetics of the constituents with the scrubbing liquid. The design evaluation shall establish the design exhaust vent stream organic compound concentration level and will include the additional information in paragraphs (d)(2)(vii)(A) and (d)(2)(vii)(B) of this section for trays and a packed column scrubber.

(A) Type and total number of theoretical and actual trays;

(B) Type and total surface area of packing for entire column, and for individual packed sections if column contains more than one packed section.

(3) For flares, the compliance determination specified in 40 CFR 63.11(b) of Subpart A of this part and 40 CFR 63.145(j) of this Subpart.

(4) An owner or operator using any control device specified in paragraphs (d)(4)(i) through (d)(4)(iv) of this section is exempt from the requirements in paragraphs (d)(1) through (d)(3) of this section and from the requirements in 40 CFR 63.6(f) of Subpart A of this part, and from the requirements of paragraph (e) of this section.

(i) A boiler or process heater with a design heat input capacity of 44 megawatts or greater.

(ii) A boiler or process heater into which the emission stream is introduced with the primary fuel.

(iii) A boiler or process heater burning hazardous waste for which the owner or operator:

(A) Has been issued a final permit under 40 CFR 270 and complies with the requirements of 40 CFR 266 Subpart H, or

(B) Has certified compliance with the interim status requirements of 40 CFR 266 Subpart H.

(iv) A hazardous waste incinerator for which the owner or operator has been issued a final permit under 40 CFR 270 and complies with the requirements of 40 CFR 264 Subpart O, or has certified compliance with the interim status requirements of 40 CFR 265 Subpart O.

(e) The owner or operator of a control device that is used to comply with the provisions of this section shall monitor the control device in accordance with 40 CFR 63.143 of this Subpart.

(f) Except as provided in 40 CFR 63.140 of this Subpart, if gaps, cracks, tears, or holes are observed in ductwork, piping, or connections to covers and control devices during an inspection, a first effort to repair shall be made as soon as practical but no later than 5 calendar days after identification. Repair shall be completed no later than 15 calendar days after identification or discovery of the defect.

[62 FR 2760, Jan. 17, 1997, as amended at 64 FR 20192, Apr. 26, 1999]

40 CFR 63.140 - Process wastewater provisions - delay of repair

(a) Delay of repair of equipment for which a control equipment failure or a gap, crack, tear, or hole has been identified, is allowed if the repair is technically infeasible without a shutdown, as defined in 40 CFR 63.101 of Subpart F of this part, or if the owner or operator determines that emissions of purged material from immediate repair would be greater than the emissions likely to result from delay of repair. Repair of this equipment shall occur by the end of the next shutdown.

(b) Delay of repair of equipment for which a control equipment failure or a gap, crack, tear, or hole has been identified, is allowed if the equipment is emptied or is no longer used to treat or manage Group 1 wastewater streams or residuals removed from Group 1 wastewater streams.

(c) Delay of repair of equipment for which a control equipment failure or a gap, crack, tear, or hole has been identified is also allowed if additional time is necessary due to the unavailability of parts beyond the control of the owner or operator. Repair shall be completed as soon as practical. The owner or operator who uses this provision shall comply with the requirements of 40 CFR 63.147(b)(7) to document the reasons that the delay of repair was necessary.

[62 FR 2762, Jan. 17, 1997, as amended at 66 FR 6933, Jan. 22, 2001]

40 CFR 63.141-63.142 [Reserved]

40 CFR 63.143 - Process wastewater provisions - inspections and monitoring of operations

(a) For each wastewater tank, surface impoundment, container, individual drain system, and oil-water separator that receives, manages, or treats a Group 1 wastewater stream, a residual removed from a Group 1 wastewater stream, a recycled Group 1 wastewater stream, or a recycled residual removed from a Group 1 wastewater stream, the owner or operator shall comply with the inspection requirements specified in table 11 of this Subpart.

(b) For each design steam stripper and biological treatment unit used to comply with 40 CFR 63.138 of this Subpart, the owner or operator shall comply with the monitoring requirements specified in table 12 of this Subpart.

(c) If the owner or operator elects to comply with Item 1 in table 12 of this Subpart, the owner or operator shall request approval to monitor appropriate parameters that demonstrate proper operation of the biological treatment unit. The request shall be submitted according to the procedures specified in 40 CFR 63.151(f) of this Subpart, and shall include a discription of planned reporting and recordkeeping procedures. The owner or operator shall include as part of the submittal the basis for the selected monitoring frequencies and the methods that will be used. The Administrator will specify appropriate reporting and recordkeeping requirements as part of the review of the permit application or by other appropriate means.

(d) If the owner or operator elects to comply with Item 3 in table 12 of this Subpart, the owner or operator shall request approval to monitor appropriate parameters that demonstrate proper operation of the selected treatment process. The request shall be submitted according to the procedures specified in 40 CFR 63.151(f) of this Subpart, and shall include 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 or by other appropriate means.

(e) Except as provided in paragraphs (e)(4) and (e)(5) of this section, for each control device used to comply with the requirements of 40 CFR 40 CFR 63.133 through 63.139 of this Subpart, the owner or operator shall comply with the requirements in 40 CFR 63.139(d) of this Subpart, and with the requirements specified in paragraph (e)(1), (e)(2), or (e)(3) of this section.

(1) The owner or operator shall comply with the monitoring requirements specified in table 13 of this Subpart; or

(2) The owner or operator shall use an organic monitoring device installed at the outlet of the control device and equipped with a continuous recorder. Continuous recorder is defined in 40 CFR 63.111 of this Subpart; or

(3) The owner or operator shall request approval to monitor parameters other than those specified in paragraphs (e)(1) and (e)(2) of this section. The request shall be submitted according to the procedures specified in 40 CFR 63.151(f) of this Subpart, and shall include 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 or by other appropriate means.

(4) For a boiler or process heater in which all vent streams are introduced with primary fuel, the owner or operator shall comply with the requirements in 40 CFR 63.139(d) of this Subpart but the owner or operator is exempt from the monitoring requirements specified in paragraphs (e)(1) through (e)(3) of this section.

(5) For a boiler or process heater with a design heat input capacity of 44 megawatts or greater, the owner or operator shall comply with the requirements in 40 CFR 63.139(d) of this Subpart but the owner or operator is exempt from the monitoring requirements specified in paragraphs (e)(1) through (e)(3) of this section.

(f) For each parameter monitored in accordance with paragraph (c), (d), or (e) of this section, the owner or operator shall establish a range that indicates proper operation of the treatment process or control device. In order to establish the range, the owner or operator shall comply with the requirements specified in 40 CFR 63.146(b)(7)(ii)(A) and (b)(8)(ii) of this Subpart.

(g) Monitoring equipment shall be installed, calibrated, and maintained according to the manufacturer's specifications or other written procedures that provide adequate assurance that the equipment would reasonably be expected to monitor accurately.

[62 FR 2762, Jan. 17, 1997]

40 CFR 63.144 - Process wastewater provisions - test methods and procedures for determining applicability and Group 1/Group 2 determinations (determining which wastewater streams require control)

(a) *Procedures to determine applicability.* An owner or operator shall comply with paragraph (a)(1) or (a)(2) of this section for each wastewater stream to determine which wastewater streams require control for Table 8 and/or Table 9 compounds. The owner or operator may use a combination of the approaches in paragraphs (a)(1) and (a)(2) of this section for different wastewater streams generated at the source.

(1) *Determine Group 1 or Group 2 status.* Determine whether a wastewater stream is a Group 1 or Group 2 wastewater stream in accordance with paragraphs (b) and (c) of this section.

(2) *Designate as Group 1.* An owner or operator may designate as a Group 1 wastewater stream a single wastewater stream or a mixture of wastewater streams. The owner or operator is not required to determine the concentration or flow rate for each designated Group 1 wastewater stream for the purposes of this section.

(b) *Procedures to establish concentrations, when determining Group status under paragraph (a)(1) of this section.* An owner or operator who elects to comply with the requirements of paragraph (a)(1) of this section shall determine the annual average concentration for Table 8 and/or Table 9 compounds according to paragraph (b)(1) of this section for existing sources or paragraph (b)(2) of this section for new sources. The annual average concentration shall be a flow weighted average representative of actual or anticipated operation of the chemical manufacturing process unit generating the wastewater over a designated 12 month period. For flexible operation units, the owner or operator shall consider the anticipated production over the designated 12 month period and include all wastewater streams generated by the process equipment during this period. The owner/operator is not required to determine the concentration of Table 8 or Table 9 compounds that are not reasonably expected to be in the process.

(1) *Existing sources.* An owner or operator of an existing source who elects to comply with the requirements of paragraph (a)(1) of this section shall determine the flow weighted total annual average concentration for Table 9 compounds. For the purposes of this section, the term concentration, whether concentration is used alone or with other terms, may be adjusted by multiplying by the compound-specific fraction measured (Fm) factors listed in table 34 of this Subpart unless determined by the methods in 40 CFR 63.144(b)(5)(i)(A) and/or (B). When concentration is determined by Method 305 as specified in 40 CFR 63.144(b)(5)(i)(B), concentration may be adjusted by dividing by the compound-specific Fm factors listed in table 34 of this Subpart. When concentration is determined by Method 25D as specified in 40 CFR 63.144(b)(5)(i)(A), concentration may not be adjusted by the compound-specific Fm factors listed in table 34 of this Subpart. Compound-specific Fm factors may be used only when concentrations of individual compounds are determined or when only one compound is in the wastewater stream. Flow weighted total annual average concentration for Table 9 compounds means the total mass of Table 9 compounds occurring in the wastewater stream during the designated 12-month period divided by the total mass of the wastewater stream during the same designated 12-month period. The total annual average concentration shall be determined for each wastewater stream either at the point of determination, or downstream of the point of determination with adjustment for concentration changes made according to paragraph (b)(6) of this section. The procedures specified in paragraphs (b)(3), (b)(4), and (b)(5) of this section are considered acceptable procedures for determining the annual average concentration. They may be used in combination, and no one procedure shall take precedence over another.

(2) *New sources.* An owner or operator of a new source who elects to comply with the requirements of paragraph (a)(1) of this section shall determine both the flow weighted total annual average concentration for Table 9 compounds and the flow weighted annual average concentration for each Table 8 compound. For the purposes of this section, the term concentration, whether concentration is used alone or with other terms, may be adjusted by multiplying by the

compound-specific Fm factors listed in table 34 of this Subpart unless determined by the methods in 40 CFR 63.144(b)(5)(i)(A) and/or (B). When concentration is determined by Method 305 as specified in 40 CFR 63.144(b)(5)(i)(B), concentration may be adjusted by dividing by the compound-specific Fm factors listed in table 34 of this Subpart. When concentration is determined by Method 25D as specified in 40 CFR 63.144(b)(5)(i)(A), concentration may not be adjusted by the compound-specific Fm factors listed in table 34 of this Subpart. Compound-specific fraction measured factors are compound specific and shall be used only when concentration of individual compounds are determined or when only one compound is in the wastewater stream. The flow weighted annual average concentration of each Table 8 compound means the mass of each Table 8 compound occurring in the wastewater stream during the designated 12-month period divided by the total mass of the wastewater stream during the same designated 12-month period. Flow weighted total annual average concentration for Table 9 compounds means the total mass of Table 9 compounds occurring in the wastewater stream during the designated 12-month period divided by the total mass of the wastewater stream during the same designated 12-month period. The annual average concentration shall be determined for each wastewater stream either at the point of determination, or downstream of the point of determination with adjustment for concentration changes made according to paragraph (b)(6) of this section. Procedures specified in paragraphs (b)(3), (b)(4), and (b)(5) of this section are considered acceptable procedures for determining the annual average concentration. They may be used in combination, and no one procedure shall take precedence over another.

(3) *Knowledge of the wastewater*. Where knowledge is used to determine the annual average concentration, the owner or operator shall provide sufficient information to document the annual average concentration for wastewater streams determined to be Group 2 wastewater streams. Documentation to determine the annual average concentration is not required for Group 1 streams. Examples of acceptable documentation include material balances, records of chemical purchases, process stoichiometry, or previous test results. If test data are used, the owner or operator shall provide documentation describing the testing protocol and the means by which any losses of volatile compounds during sampling, and the bias and accuracy of the analytical method, were accounted for in the determination.

(4) *Bench-scale or pilot-scale test data*. Where bench-scale or pilot-scale test data are used to determine the annual average concentration, the owner or operator shall provide sufficient information to document that the data are representative of the actual annual average concentration, or are reliably indicative of another relevant characteristic of the wastewater stream that could be used to predict the annual average concentration. For concentration data, the owner or operator shall also provide documentation describing the testing protocol, and the means by which any losses of volatile compounds during sampling, and the bias and accuracy of the analytical method, were accounted for in the determination of annual average concentration.

(5) *Test data from sampling at the point of determination or at a location downstream of the point of determination*. Where an owner or operator elects to comply with paragraph (a)(1) of this section by measuring the concentration for the relevant Table 8 or Table 9 compounds, the owner or operator shall comply with the requirements of this paragraph. For each wastewater stream, measurements shall be made either at the point of determination, or downstream of the point of determination with adjustment for concentration changes made according to paragraph (b)(6) of this section. A minimum of three samples from each wastewater stream shall be taken. Samples may be grab samples or composite samples.

(i) *Methods*. The owner or operator shall use any of the methods specified in paragraphs (b)(5)(i)(A) through (b)(5)(i)(F) of this section.

(A) *Method 25D*. Use procedures specified in Method 25D of 40 CFR 60 Appendix A.

(B) *Method 305*. Use procedures specified in Method 305 of 40 CFR 63 Appendix A.

(C) *Methods 624 and 625*. Use procedures specified in Methods 624 and 625 of 40 CFR 136 Appendix A and comply with the sampling protocol requirements specified in paragraph (b)(5)(ii) of this section. If these methods are used to analyze one or more compounds that are not on the method's published list of approved compounds, the Alternative Test Procedure specified in 40 CFR 136.4 and 136.5 shall be followed. For Method 625, make corrections to the compounds for which the analysis is being conducted based on the accuracy as recovery factors in Table 7 of the method.

(D) *Method 1624 and Method 1625*. Use procedures specified in Method 1624 and Method 1625 of 40 CFR 136 Appendix A and comply with the requirements specified in paragraph (b)(5)(ii) of this section. If these methods are used to analyze one or more compounds that are not on the method's published list of approved compounds, the Alternative Test Procedure specified in 40 CFR 136.4 and 136.5 shall be followed.

(E) *Other EPA method(s).* Use procedures specified in the method and comply with the requirements specified in paragraphs (b)(5)(ii) and either paragraph (b)(5)(iii)(A) or (b)(5)(iii)(B) of this section.

(F) *Method(s) other than EPA method.* Use procedures specified in the method and comply with the requirements specified in paragraphs (b)(5)(ii) and (b)(5)(iii)(A) of this section.

(ii) *Sampling plan.* The owner or operator who is expressly referred to this paragraph by provisions of this Subpart shall prepare a sampling plan. Wastewater samples shall be collected using sampling procedures which minimize loss of organic compounds during sample collection and analysis and maintain sample integrity. The sample plan shall include procedures for determining recovery efficiency of the relevant hazardous air pollutants listed in table 8 or table 9 of this Subpart. An example of an acceptable sampling plan would be one that incorporates similar sampling and sample handling requirements to those of Method 25D of 40 CFR 60 Appendix A. The sampling plan shall be maintained at the facility.

(iii) *Validation of methods.* The owner or operator shall validate EPA methods other than Methods 25D, 305, 624, 625, 1624, and 1625 using the procedures specified in paragraph (b)(5)(iii)(A) or (b)(5)(iii)(B) of this section. The owner or operator shall validate other methods as specified in paragraph (b)(5)(iii)(A) of this section.

(A) *Validation of EPA methods and other methods.* The method used to measure organic hazardous air pollutants concentrations in the wastewater shall be validated according to section 5.1 or 5.3, and the corresponding calculations in section 6.1 or 6.3, of Method 301 of Appendix A of this part. The data are acceptable if they meet the criteria specified in section 6.1.5 or 6.3.3 of Method 301 of Appendix A of this part. If correction is required under section 6.3.3 of Method 301 of Appendix A of this part, the data are acceptable if the correction factor is within the range 0.7 to 1.30. Other sections of Method 301 of Appendix A of this part are not required. The concentrations of the individual organic hazardous air pollutants measured in the water may be corrected to their concentrations had they been measured by Method 305 of Appendix A of this part, by multiplying each concentration by the compound-specific fraction measured (Fm) factor listed in table 34 of this Subpart.

(B) *Validation for EPA methods.* Follow the procedures as specified in "Alternative Validation Procedure for EPA Waste Methods" 40 CFR 63 Appendix D.

(iv) *Calculations of average concentration.* The average concentration for each individually speciated Table 8 compound shall be calculated by adding the individual values determined for the specific compound in each sample and dividing by the number of samples. The total average concentration of Table 9 compounds shall be calculated by first summing the concentration of the individual compounds to obtain a total hazardous air pollutants concentration for the sample; add the sample totals and then divide by the number of samples in the run to obtain the sample average for the run. If the method used does not speciate the compounds, the sample results should be added and this total divided by the number of samples in the run to obtain the sample average for the run.

(6) *Adjustment for concentrations determined downstream of the point of determination.* The owner or operator shall make corrections to the annual average concentration or total annual average concentration when the concentration is determined downstream of the point of determination at a location where: two or more wastewater streams have been mixed; one or more wastewater streams have been treated; or, losses to the atmosphere have occurred. The owner or operator shall make the adjustments either to the individual data points or to the final annual average concentration.

(c) *Procedures to determine flow rate, when evaluating Group status under paragraph (a)(1) of this section.* An owner or operator who elects to comply with paragraph (a)(1) of this section shall determine the annual average flow rate of the wastewater stream either at the point of determination for each wastewater stream, or downstream of the point of determination with adjustment for flow rate changes made according to paragraph (c)(4) of this section. These procedures may be used in combination for different wastewater streams at the source. The annual average flow rate for the wastewater stream shall be representative of actual or anticipated operation of the chemical manufacturing process unit generating the wastewater over a designated 12-month period. The owner or operator shall consider the total annual wastewater volume generated by the chemical manufacturing process unit. If the chemical manufacturing process unit is a flexible operation unit, the owner or operator shall consider all anticipated production in the process equipment over the designated 12-month period. The procedures specified in paragraphs (c)(1), (c)(2), and (c)(3) of this section are considered acceptable procedures for determining the flow rate. They may be used in combination, and no one procedure shall take precedence over another.

(1) *Knowledge of the wastewater.* The owner or operator may use knowledge of the wastewater stream and/or the process to determine the annual average flow rate. The owner or operator shall use the maximum expected annual average production capacity of the process unit, knowledge of the process, and/or mass balance information to either: Estimate directly the annual average wastewater flow rate; or estimate the total annual wastewater volume and then divide total volume by 525,600 minutes in a year. Where knowledge is used to determine the annual average flow rate, the owner or operator shall provide sufficient information to document the flow rate for wastewater streams determined to be Group 2 wastewater streams. Documentation to determine the annual average flow rate is not required for Group 1 streams.

(2) *Historical Records.* The owner or operator may use historical records to determine the annual average flow rate. Derive the highest annual average flow rate of wastewater from historical records representing the most recent 5 years of operation or, if the process unit has been in service for less than 5 years but at least 1 year, from historical records representing the total operating life of the process unit. Where historical records are used to determine the annual average flow rate, the owner or operator shall provide sufficient information to document the flow rate for wastewater streams determined to be Group 2 wastewater streams. Documentation to determine the annual average flow rate is not required for Group 1 streams.

(3) *Measurements of flow rate.* Where an owner or operator elects to comply with paragraph (a)(1) of this section by measuring the flow rate, the owner or operator shall comply with the requirements of this paragraph. Measurements shall be made at the point of determination, or at a location downstream of the point of determination with adjustments for flow rate changes made according to paragraph (c)(4) of this section. Where measurement data are used to determine the annual average flow rate, the owner or operator shall provide sufficient information to document the flow rate for wastewater streams determined to be Group 2 wastewater streams. Documentation to determine the annual average flow rate is not required for Group 1 streams.

(4) *Adjustment for flow rates determined downstream of the point of determination.* The owner or operator shall make corrections to the annual average flow rate of a wastewater stream when it is determined downstream of the point of determination at a location where two or more wastewater streams have been mixed or one or more wastewater streams have been treated. The owner or operator shall make corrections for such changes in the annual average flow rate.

[62 FR 2762, Jan. 17, 1997]

40 CFR 63.145 - Process wastewater provisions - test methods and procedures to determine compliance

(a) *General.* This section specifies the procedures for performance tests that are conducted to demonstrate compliance of a treatment process or a control device with the control requirements specified in 40 CFR 63.138 of this Subpart. Owners or operators conducting a design evaluation shall comply with the requirements of paragraph (a)(1) or (a)(2) of this section. Owners or operators conducting a performance test shall comply with the applicable requirements in paragraphs (a) through (i) of this section.

(1) *Performance tests and design evaluations for treatment processes.* If design steam stripper option (40 CFR 63.138(d)) or RCRA option (40 CFR 63.138(h)) is selected to comply with 40 CFR 63.138, neither a design evaluation nor a performance test is required. For any other non-biological treatment process, the owner or operator shall conduct either a design evaluation as specified in 40 CFR 63.138(j), or a performance test as specified in this section. For closed biological treatment processes, the owner or operator shall conduct either a design evaluation as specified in 40 CFR 63.138(j), or a performance test as specified in this section. For each open biological treatment process, the owner or operator shall conduct a performance test as specified in this section.

Note: Some open biological treatment processes may not require a performance test. Refer to 40 CFR 63.145(h) and table 36 of this Subpart to determine whether the biological treatment process meets the criteria that exempt the owner or operator from conducting a performance test.

(2) *Performance tests and design evaluations for control devices.* The owner or operator shall conduct either a design evaluation as specified in 40 CFR 63.139(d), or a performance test as specified in paragraph (i) of this section for control devices other than flares and paragraph (j) of this section for flares.

(3) *Representative process unit operating conditions.* Compliance shall be demonstrated for representative operating conditions. Operations during periods of startup, shutdown, or malfunction and periods of nonoperation shall not constitute representative conditions. The owner or operator shall record the process information that is necessary to document operating conditions during the test.

(4) *Representative treatment process or control device operating conditions.* Performance tests shall be conducted when the treatment process or control device is operating at a representative inlet flow rate and concentration. If the treatment process or control device will be operating at several different sets of representative operating conditions, the owner or operator shall comply with paragraphs (a)(4)(i) and (a)(4)(ii) of this section. The owner or operator shall record information that is necessary to document treatment process or control device operating conditions during the test.

(i) *Range of operating conditions.* If the treatment process or control device will be operated at several different sets of representative operating conditions, performance testing over the entire range is not required. In such cases, the performance test results shall be supplemented with modeling and/or engineering assessments to demonstrate performance over the operating range.

(ii) *Consideration of residence time.* If concentration and/or flow rate to the treatment process or control device are not relatively constant (i.e., comparison of inlet and outlet data will not be representative of performance), the owner or operator shall consider residence time, when determining concentration and flow rate.

(5) *Testing equipment.* All testing equipment shall be prepared and installed as specified in the applicable test methods, or as approved by the Administrator.

(6) *Compounds not required to be considered in performance tests or design evaluations.* Compounds that meet the requirements specified in paragraph (a)(6)(i), (a)(6)(ii), or (a)(6)(iii) of this section are not required to be included in the performance test. Concentration measurements based on Method 305 shall be adjusted by dividing each concentration by the compound-specific Fm factor listed in table 34 of this Subpart. Concentration measurements based on methods other than Method 305 shall not be adjusted by the compound-specific Fm factor listed in table 34 of this Subpart.

(i) Compounds not used or produced by the chemical manufacturing process unit; or

(ii) Compounds with concentrations at the point of determination that are below 1 part per million by weight; or

(iii) Compounds with concentrations at the point of determination that are below the lower detection limit where the lower detection limit is greater than 1 part per million by weight. The method shall be an analytical method for wastewater which has that compound as a target analyte.

(7) *Treatment using a series of treatment processes.* In all cases where the wastewater provisions in this Subpart allow or require the use of a treatment process to comply with emissions limitations, the owner or operator may use multiple treatment processes. The owner or operator complying with the requirements of 40 CFR 63.138(a)(7)(i), when wastewater is conveyed by hard-piping, shall comply with either 40 CFR 63.145(a)(7)(i) or 63.145(a)(7)(ii) of this Subpart. The owner or operator complying with the requirements of 40 CFR 63.138(a)(7)(ii) of this Subpart shall comply with the requirements of 40 CFR 63.145(a)(7)(ii) of this Subpart.

(i) The owner or operator shall conduct the performance test across each series of treatment processes. For each series of treatment processes, inlet concentration and flow rate shall be measured either where the wastewater stream enters the first treatment process in a series of treatment processes, or prior to the first treatment process as specified in 40 CFR 63.145(a)(9) of this Subpart. For each series of treatment processes, outlet concentration and flow rate shall be measured where the wastewater stream exits the last treatment process in the series of treatment processes, except when the last treatment process is an open or a closed aerobic biological treatment process demonstrating compliance by using the procedures in 40 CFR 63.145 (f) or (g) of this Subpart. When the last treatment process is either an open or a closed aerobic biological treatment process demonstrating compliance by using the procedures in 40 CFR 63.145 (f) or (g) of this Subpart, inlet and outlet concentrations and flow rates shall be measured as provided in paragraphs (a)(7)(i)(A) and (a)(7)(i)(B) of this section. The mass flow rates removed or destroyed by the series of treatment processes and by the biological treatment process are all used to calculate actual mass removal (AMR) as specified in 40 CFR 63.145(f)(5)(ii) of this Subpart.

(A) The inlet and outlet to the series of treatment processes prior to the biological treatment process are the points at which the wastewater enters the first treatment process and exits the last treatment process in the series, respectively, except as provided in paragraph (a)(9)(ii) of this section.

(B) The inlet to the biological treatment process shall be the point at which the wastewater enters the biological treatment process or the outlet from the series of treatment processes identified in paragraph (a)(7)(i)(A) of this section, except as provided in paragraph (a)(9)(ii) of this section.

(ii) The owner or operator shall conduct the performance test across each treatment process in the series of treatment processes. The mass flow rate removed or destroyed by each treatment process shall be added together to determine whether compliance has been demonstrated using 40 CFR 63.145 (c), (d), (e), (f), and (g), as applicable. If a biological treatment process is one of the treatment processes in the series of treatment processes, the inlet to the biological treatment process shall be the point at which the wastewater enters the biological treatment process, or the inlet to the equalization tank if all the criteria of paragraph (a)(9)(ii) of this section are met.

(8) When using a biological treatment process to comply with 40 CFR 63.138 of this Subpart, the owner or operator may elect to calculate the AMR using a subset of Table 8 and/or Table 9 compounds determined at the point of determination or downstream of the point of determination with adjustment for concentration and flowrate changes made according to 40 CFR 63.144(b)(6) and 40 CFR 63.144(c)(4) of this Subpart, respectively. All Table 8 and/or Table 9 compounds measured to determine the RMR, except as provided by 40 CFR 63.145(a)(6), shall be included in the RMR calculation.

(9) The owner or operator determining the inlet for purposes of demonstrating compliance with 40 CFR 63.145 (e), (f), or (g) of this Subpart may elect to comply with paragraph (a)(9)(i) or (a)(9)(ii) of this section.

(i) When wastewater is conveyed exclusively by hard-piping from the point of determination to a treatment process that is either the only treatment process or the first in a series of treatment processes (i.e., no treatment processes or other waste management units are used upstream of this treatment process to store, handle, or convey the wastewater), the inlet to the treatment process shall be at any location from the point of determination to where the wastewater stream enters the treatment process. When samples are taken upstream of the treatment process and before wastewater streams have converged, the owner or operator shall ensure that the mass flow rate of all Group 1 wastewater streams is accounted for when using 40 CFR 63.138 (e) or (f) to comply and that the mass flow rate of all Group 1 and Group 2 wastewater streams is accounted for when using 40 CFR 63.138(g) to comply, except as provided in 40 CFR 63.145(a)(6).

(ii) The owner or operator may consider the inlet to the equalization tank as the inlet to the biological treatment process if all the criteria in paragraphs (a)(9)(ii)(A) through (a)(9)(ii)(C) of this section are met. The outlet from the series of treatment processes prior to the biological treatment process is the point at which the wastewater exits the last treatment process in the series prior to the equalization tank, if the equalization tank and biological treatment process are part of a series of treatment processes. The owner or operator shall ensure that the mass flow rate of all Group 1 wastewater streams is accounted for when using 40 CFR 63.138 (e) or (f) to comply and that the mass flow rate of all Group 1 and Group 2 wastewater streams is accounted for when using 40 CFR 63.138(g) to comply, except as provided in 40 CFR 63.145(a)(6).

(A) The wastewater is conveyed by hard-piping from either the last previous treatment process or the point of determination to the equalization tank.

(B) The wastewater is conveyed from the equalization tank exclusively by hard-piping to the biological treatment process and no treatment processes or other waste management units are used to store, handle, or convey the wastewater between the equalization tank and the biological treatment process.

(C) The equalization tank is equipped with a fixed roof and a closed vent system that routes emissions to a control device that meets the requirements of 40 CFR 63.133(a)(2)(i) and 40 CFR 63.133 (b)(1) through (b)(4) of this Subpart.

(b) *Noncombustion treatment process—concentration limits.* This paragraph applies to performance tests that are conducted to demonstrate compliance of a noncombustion treatment process with the parts per million by weight wastewater stream concentration limits at the outlet of the treatment process. This compliance option is specified in 40 CFR 63.138(b)(1) and 40 CFR 63.138(c)(1). Wastewater samples shall be collected using sampling procedures which minimize loss of organic compounds during sample collection and analysis and maintain sample integrity per 40 CFR 63.144(b)(5)(ii). Samples shall be collected and analyzed using the procedures specified in 40 CFR 63.144 (b)(5)(i), (b)(5)(ii), and (b)(5)(iii) of this Subpart. Samples may be grab samples or composite samples. Samples shall be taken at approximately equally spaced time intervals over a 1-hour period. Each 1-hour period constitutes a run, and the performance test shall consist of a minimum of 3 runs. Concentration measurements based on Method 305 may be adjusted by dividing each concentration by the compound-specific Fm factor listed in Table 34 of this Subpart. Concentration measurements based on methods other than Method 305 may be adjusted by multiplying each concentration by the compound-specific Fm factor listed in table 34 of this Subpart. (For wastewater streams that are Group 1 for both Table 8 and Table 9 compounds, compliance is demonstrated only if the sum of the concentrations of Table 9 compounds is less than 50 ppmw, and the concentration of each Table 8 compound is less than 10 ppmw.)

(c) *Noncombustion, nonbiological treatment process: Percent mass removal/destruction option.* This paragraph applies to performance tests that are conducted to demonstrate compliance of a noncombustion, nonbiological treatment process with the percent mass removal limits specified in 40 CFR 63.138(e) (1) and (2) for Table 8 and/or Table 9 compounds. The owner or operator shall comply with the requirements specified in 40 CFR 63.145 (c)(1) through (c)(6) of this Subpart.

(1) *Concentration.* The concentration of Table 8 and/or Table 9 compounds entering and exiting the treatment process shall be determined as provided in this paragraph. Wastewater samples shall be collected using sampling procedures which minimize loss of organic compounds during sample collection and analysis and maintain sample integrity per 40 CFR 63.144(b)(5)(ii). The method shall be an analytical method for wastewater which has that compound as a target analyte. Samples may be grab samples or composite samples. Samples shall be taken at approximately equally spaced time intervals over a 1-hour period. Each 1-hour period constitutes a run, and the performance test shall consist of a minimum of 3 runs. Concentration measurements based on Method 305 shall be adjusted by dividing each concentration by the compound-specific Fm factor listed in Table 34 of this Subpart. Concentration measurements based on methods other than Method 305 shall not adjust by the compound-specific Fm factor listed in Table 34 of this Subpart.

(2) *Flow rate.* The flow rate of the entering and exiting wastewater streams shall be determined using inlet and outlet flow measurement devices, respectively. Where the outlet flow is not greater than the inlet flow, a flow measurement device shall be used, and may be used at either the inlet or outlet. Flow rate measurements shall be taken at the same time as the concentration measurements.

(3) *Calculation of mass flow rate—for noncombustion, nonbiological treatment processes.* The mass flow rates of Table 8 and/or Table 9 compounds entering and exiting the treatment process are calculated as follows.

$$QMW_a = \frac{\rho}{p*10^6}\left(\sum_{k=1}^{p} Q_{a,k} C_{T,a,k}\right) \qquad (Eqn\ WW1) \qquad QMW_b = \frac{\rho}{p*10^6}\left(\sum_{k=1}^{p} Q_{b,k} C_{T,b,k}\right) \qquad (Eqn\ WW2)$$

Where:

QMW_a, QMW_b = Mass flow rate of Table 8 or Table 9 compounds, average of all runs, in wastewater entering (QMW_a) or exiting (QMW_b) the treatment process, kilograms per hour.

ρ = Density of the wastewater, kilograms per cubic meter.

$Q_{a,k}$, $Qb_{b,k}$ = Volumetric flow rate of wastewater entering ($Q_{a,k}$) or exiting ($Q_{b,k}$) the treatment process during each run k, cubic meters per hour.

$C_{T,a,k}$, $C_{T,b,k}$ = Total concentration of Table 8 or Table 9 compounds in wastewater entering ($C_{T,a,k}$) or exiting ($C_{T,b,k}$) the treatment process during each run k, parts per million by weight.

p = Number of runs.

k = Identifier for a run.

10^6 = conversion factor, mg/kg

(4) *Percent removal calculation for mass flow rate.* The percent mass removal across the treatment process shall be calculated as follows:

$$E = \frac{QMW_a - QMW_b}{QMW_a} \times 100 \qquad (Eqn\ WW3)$$

Where:

E = Removal or destruction efficiency of the treatment process, percent.

QMW_a, QMW_b = Mass flow rate of Table 8 or Table 9 compounds in wastewater entering (QMW_a) and exiting (QMW_b) the treatment process, kilograms per hour (as calculated using Equations WW1 and WW2).

(5) *Calculation of flow-weighted average of Fr values.* If complying with 40 CFR 63.138(e)(2), use Equation WW8 to calculate the flow-weighted average of the Fr values listed in Table 9 of this Subpart. When the term "combustion" is used in Equation WW8, the term "treatment process" shall be used for the purposes of this paragraph.

(6) *Compare mass removal efficiency to required efficiency.* Compare the mass removal efficiency (calculated in Equation WW3) to the required efficiency as specified in 40 CFR 63.138(e) of this Subpart. If complying with 40 CFR 63.138(e)(1), compliance is demonstrated if the mass removal efficiency is 99 percent or greater. If complying with 40 CFR 63.138(e)(2), compliance is demonstrated if the mass removal efficiency is greater than or equal to the flow-weighted average of the Fr values calculated in Equation WW8.

(d) *Combustion treatment processes: percent mass removal/destruction option.* This paragraph applies to performance tests that are conducted to demonstrate compliance of a combustion treatment process with the percent mass destruction limits specified in 40 CFR 63.138(e) (1) and (2) for Table 9 compounds, and/or 40 CFR 63.138(e)(1) for Table 8 compounds. The owner or operator shall comply with the requirements specified in 40 CFR 63.145 (d)(1) through (d)(9) of this Subpart. (Wastewater streams that are Group 1 for both Table 8 and Table 9 compounds need only do the compliance demonstration for Table 9 compounds.)

(1) *Concentration in wastewater stream entering the combustion treatment process.* The concentration of Table 8 and/or Table 9 compounds entering the treatment process shall be determined as provided in this paragraph. Wastewater samples shall be collected using sampling procedures which minimize loss of organic compounds during sample collection and analysis and maintain sample integrity per 40 CFR 63.144(b)(5)(ii). The method shall be an analytical method for wastewater which has that compound as a target analyte. Samples may be grab samples or composite samples. Samples shall be taken at approximately equally spaced time intervals over a 1-hour period. Each 1-hour period constitutes a run, and the performance test shall consist of a minimum of 3 runs. Concentration measurements based on Method 305 of Appendix A of this part shall be adjusted by dividing each concentration by the compound-specific Fm factor listed in table 34 of this Subpart. Concentration measurements based on methods other than Method 305 shall not adjust by the compound-specific Fm factor listed in table 34 of this Subpart.

(2) *Flow rate of wastewater entering the combustion treatment process.* The flow rate of the wastewater stream entering the combustion treatment process shall be determined using an inlet flow meter. Flow rate measurements shall be taken at the same time as the concentration measurements.

(3) *Calculation of mass flow rate in wastewater stream entering combustion treatment processes.* The mass flow rate of Table 8 and/or Table 9 compounds entering the treatment process is calculated as follows:

$$QMW_a = \frac{\rho}{p * 10^6}\left(\sum_{k=1}^{p} Q_{a,k} * C_{T,a,k}\right) \qquad (Eqn\ WW4)$$

Where:

QMW_a = Mass flow rate of Table 8 or Table 9 compounds entering the combustion unit, kilograms per hour.

ρ = Density of the wastewater stream, kilograms per cubic meter.

$Q_{a,k}$ = Volumetric flow rate of wastewater entering the combustion unit during run k, cubic meters per hour.

$C_{T,a,k}$ = Total concentration of Table 8 or Table 9 compounds in the wastewater stream entering the combustion unit during run k, parts per million by weight.

p = Number of runs.

k = Identifier for a run.

(4) *Concentration in vented gas stream exiting the combustion treatment process.* The concentration of Table 8 and/or Table 9 compounds exiting the combustion treatment process in any vented gas stream shall be determined as provided in this paragraph. Samples may be grab samples or composite samples. Samples shall be taken at approximately equally spaced time intervals over a 1-hour period. Each 1-hour period constitutes a run, and the performance test shall consist of a minimum of 3 runs. Concentration measurements shall be determined using Method 18 of 40 CFR 60 Appendix A. Alternatively, any other test method validated according to the procedures in Method 301 of Appendix A of this part may be used.

(5) *Volumetric flow rate of vented gas stream exiting the combustion treatment process.* The volumetric flow rate of the vented gas stream exiting the combustion treatment process shall be determined using Method 2, 2A, 2C, or 2D of 40 CFR 60 Appendix A, as appropriate. Volumetric flow rate measurements shall be taken at the same time as the concentration measurements.

(6) *Calculation of mass flow rate of vented gas stream exiting combustion treatment processes.* The mass flow rate of Table 8 and/or Table 9 compounds in a vented gas stream exiting the combustion treatment process shall be calculated as follows:

(Eqn WW5) [Reserved]

$$QMG_b = K_2\left(\sum_{i=1}^{n} CG_{b,i} MW_i\right) QG_b \qquad (Eqn\ WW6)$$

Where:

$CG_{a,i}$, $CG_{b,i}$ = Concentration of total organic compounds (TOC) (minus methane and ethane) or total organic hazardous air pollutants, in vented gas stream, entering ($CG_{a,i}$) and exiting ($CG_{b,i}$) the control device, dry basis, parts per million by volume.

QMG_a, QMG_b = Mass rate of TOC (minus methane and ethane) or total organic hazardous air pollutants, in vented gas stream, entering (QMG_a) and exiting (QMG_b) the control device, dry basis, kilograms per hour.

MW_i = Molecular weight of a component, kilogram/kilogram-mole.

QG_a,QG_b = Flow rate of gas stream entering (QG_a) and exiting (QG_b) the control device, dry standard cubic meters per hour.

K_2 = Constant, 41.57×10^{-9}(parts per million)$^{-1}$(gram-mole per standard cubic meter) (kilogram/gram), where standard temperature (gram-mole per standard cubic meter) is 20 °Celsius.

i = Identifier for a compound.

n = Number of components in the sample.

(7) *Destruction efficiency calculation.* The destruction efficiency of the combustion unit for Table 8 and/or Table 9 compounds shall be calculated as follows:

$$E = \frac{QMW_a - QMG_b}{QMW_a} * 100 \qquad (Eqn\ WW7)$$

Where:

E = Destruction efficiency of Table 8 or Table 9 compounds for the combustion unit, percent.

QMW_a = Mass flow rate of Table 8 or Table 9 compounds entering the combustion unit, kilograms per hour.

QMG_b = Mass flow rate of Table 8 or Table 9 compounds in vented gas stream exiting the combustion treatment process, kilograms per hour.

(8) *Calculation of flow-weighted average of Fr values.* Use Equation WW8 to calculate the flow-weighted average of the Fr values listed in table 9 of this Subpart.

$$Fr_{avg} = \left[\frac{\sum_{i=1}^{n}\sum_{k=1}^{p} Fr_i * C_{i,a,k} * Q_{a,k}}{\sum_{k=1}^{p}\sum_{i=1}^{n} C_{i,a,k} * Q_{a,k}}\right] * 100 \qquad (Eqn\ WW8)$$

Where:

Fr_{avg} = Flow-weighted average of the Fr values.

$C_{i,a,k}$ = Concentration of Table 8 and/or Table 9 compounds in wastewater stream entering the combustion unit, during run k, parts per million by weight.

$Q_{a,k}$ = Volumetric flow rate of wastewater entering the combustion unit during run k, cubic meters per hour.

Fr_i = Compound-specific Fr value listed in table 9 of this Subpart.

(9) *Calculate flow-weighted average of Fr values and compare to mass destruction efficiency.* Compare the mass destruction efficiency (calculated in Equation WW 7) to the required efficiency as specified in 40 CFR 63.138(e). If complying with 40 CFR 63.138(e)(1), compliance is demonstrated if the mass destruction efficiency is 99 percent or greater. If complying with 40 CFR 63.138(e)(2), compliance is demonstrated if the mass destruction efficiency is greater than or equal to the flow-weighted average of the Fr value calculated in Equation WW8.

(e) *Non-combustion treatment processes including closed biological treatment processes: RMR option.* This paragraph applies to performance tests for non-combustion treatment processes other than open biological treatment processes to demonstrate compliance with the mass removal provisions for Table 8 and/or Table 9 compounds. Compliance options for noncombustion treatment processes are specified in 40 CFR 63.138(f) of this Subpart. Compliance options for closed aerobic or anaerobic biological treatment processes are specified in 40 CFR 63.138(f) and 40 CFR 63.138(g) of this Subpart. When complying with 40 CFR 63.138(f), the owner or operator shall comply with the requirements specified in 40 CFR 63.145(e)(1) through (e)(6) of this Subpart. When complying with 40 CFR 63.138(g), the owner or operator shall comply with the requirements specified in 40 CFR 63.145(e)(1) through (e)(6) of this Subpart. (Wastewater streams that are Group 1 for both Table 8 and Table 9 compounds need only do the compliance demonstration for Table 9 compounds.)

(1) *Concentration in wastewater stream.* The concentration of Table 8 and/or Table 9 compounds shall be determined as provided in this paragraph. Concentration measurements to determine RMR shall be taken at the point of determination or downstream of the point of determination with adjustment for concentration change made according to 40 CFR 63.144(b)(6) of this Subpart. Concentration measurements to determine AMR shall be taken at the inlet and outlet to the treatment process and as provided in 40 CFR 63.145(a)(7) for a series of treatment processes. Wastewater samples shall be collected using sampling procedures which minimize loss of organic compounds during sample collection and analysis and maintain sample integrity per 40 CFR 63.144(b)(5)(ii). The method shall be an analytical method for wastewater which has that compound as a target analyte. Samples may be grab samples or composite samples. Samples shall be taken at approximately equally spaced time intervals over a 1-hour period. Each 1-hour period constitutes a run, and the performance test shall consist of a minimum of 3 runs. Concentration measurements based on Method 305 shall be adjusted by dividing each concentration by the compound-specific Fm factor listed in table 34 of this Subpart. Concentration measurements based on methods other than Method 305 shall not adjust by the compound-specific Fm factor listed in table 34 of this Subpart.

(2) *Flow rate.* Flow rate measurements to determine RMR shall be taken at the point of determination or downstream of the point of determination with adjustment for flow rate change made according to 40 CFR 63.144(c)(4) of this Subpart. Flow rate measurements to determine AMR shall be taken at the inlet and outlet to the treatment process and as provided in 40 CFR 63.145(a)(7) for a series of treatment processes. Flow rate shall be determined using inlet and outlet flow measurement devices. Where the outlet flow is not greater than the inlet flow, a flow measurement device shall be used, and may be used at either the inlet or outlet. Flow rate measurements shall be taken at the same time as the concentration measurements.

(3) *Calculation of RMR for non-combustion treatment processes including closed biological treatment processes.* When using 40 CFR 63.138(f) to comply, the required mass removal of Table 8 and/or Table 9 compounds for each Group 1 wastewater stream shall be calculated as specified in paragraph (e)(3)(i) of this section. When using 40 CFR 63.138(g) to comply, the required mass removal shall be calculated as specified in paragraph (e)(3)(ii) of this section.

(i) When using 40 CFR 63.138(f) to comply, the required mass removal of Table 8 and/or Table 9 compounds for each Group 1 wastewater stream shall be calculated using Equation WW9.

$$RMR = \frac{\rho}{10^9} Q \sum_{i=1}^{n} \left(C_i * Fr_i \right) \qquad (Eqn\ WW9)$$

Where:

RMR = Required mass removal for treatment process or series of treatment processes, kilograms per hour.

ρ = Density of the Group 1 wastewater stream, kilograms per cubic meter.

Q = Volumetric flow rate of wastewater stream at the point of determination, liters per hour.

i = Identifier for a compound.

n = Number of Table 8 or Table 9 compounds in stream.

C_i = Concentration of Table 8 or Table 9 compounds at the point of determination, parts per million by weight.

Fr_i = Fraction removal value of a Table 8 or Table 9 compound. Fr values are listed in table 9 of this Subpart.

10^9 = Conversion factor, mg/kg * l/m^3 .

(ii) When using 40 CFR 63.138(g) to comply, the required mass removal is 95 percent of the mass flow rate for all Group 1 and Group 2 wastewater streams combined for treatment. The required mass removal of Table 8 and/or Table 9 compounds for all Group 1 and Group 2 wastewater streams combined for treatment when complying with 40 CFR 63.138(g) shall be calculated using the following equation:

$$RMR = \frac{0.95\rho}{10^9} Q \sum_{i=1}^{n} (C_i) \qquad (Eqn\ WW9a)$$

Where:

RMR = Required mass removal for treatment process or series of treatment processes, kilograms per hour.

ρ = Density of the Group 1 wastewater stream, kilograms per cubic meter.

Q = Volumetric flow rate of wastewater stream at the point of determination, liters per hour.

i = Identifier for a compound.

n = Number of Table 8 or Table 9 compounds in stream.

C_i = Concentration of Table 8 or Table 9 compounds at the point of determination, parts per million by weight.

10^9 = Conversion factor, mg/kg * l/m^3

(4)

(i) The required mass removal is calculated by summing the required mass removal for each Group 1 wastewater stream to be combined for treatment when complying with 40 CFR 63.138(f).

(ii) The required mass removal is calculated by summing the required mass removal for all Group 1 and Group 2 wastewater streams combined for treatment when complying with 40 CFR 63.138(g).

(5) *The AMR calculation procedure for non-combustion treatment processes including closed biological treatment processes.* The AMR shall be calculated as follows:

$$AMR = (QMW_a - QMW_b) \qquad (Eqn\ WW10)$$

Where:

AMR = Actual mass removal of Table 8 or Table 9 compounds achieved by treatment process or series of treatment processes, kilograms per hour.

QMW_a = Mass flow rate of Table 8 or Table 9 compounds in wastewater entering the treatment process or first treatment process in a series of treatment processes, kilograms per hour.

QMW_b = Mass flow rate of Table 8 or Table 9 compounds in wastewater exiting the last treatment process in a series of treatment processes, kilograms per hour.

(6) *Compare RMR to AMR.* When complying with 40 CFR 63.138(f), compare the RMR calculated in Equation WW9 to the AMR calculated in Equation WW10. Compliance is demonstrated if the AMR is greater than or equal to the RMR. When complying with 40 CFR 63.138(g), compare the RMR calculated in Equation WW–9a to the AMR calculated in Equation WW10. Compliance is demonstrated if the AMR is greater than or equal to 95-percent mass removal.

(f) *Open or closed aerobic biological treatment processes: Required mass removal (RMR) option.* This paragraph applies to the use of performance tests that are conducted for open or closed aerobic biological treatment processes to demonstrate compliance with the mass removal provisions for Table 8 and/or Table 9 compounds. These compliance options are specified in 40 CFR 63.138(f) of this Subpart. The owner or operator shall comply with the requirements specified in 40 CFR 63.145 (f)(1) through (f)(6) of this Subpart. Some compounds may not require a performance test. Refer to 40 CFR 63.145(h) and table 36 of this Subpart to determine which compounds may be exempt from the requirements of this paragraph.

(1) *Concentration in wastewater stream.* The concentration of Table 8 and/or Table 9 compounds shall be determined as provided in this paragraph. Concentration measurements to determine RMR shall be taken at the point of determination or downstream of the point of determination with adjustment for concentration change made according to 40 CFR 63.144(b)(6) of this Subpart. Concentration measurements to determine AMR shall be taken at the inlet and outlet to the treatment process and as provided in 40 CFR 63.145(a)(7) for a series of treatment processes. Wastewater samples shall be collected using sampling procedures which minimize loss of organic compounds during sample collection and analysis and maintain sample integrity per 40 CFR 63.144(b)(5)(ii). The method shall be an analytical method for wastewater which has that compound as a target analyte. Samples may be grab samples or composite samples. Samples shall be taken at approximately equally spaced time intervals over a 1-hour period. Each 1-hour period constitutes a run, and the performance test shall consist of a minimum of 3 runs. Concentration measurements based on Method 305 shall be adjusted by dividing each concentration by the compound-specific Fm factor listed in table 34 of this Subpart. Concentration measurements based on methods other than Method 305 shall not adjust by the compound-specific Fm factor listed in table 34 of this Subpart.

(2) *Flow rate.* Flow rate measurements to determine RMR shall be taken at the point of determination or downstream of the point of determination with adjustment for flow rate change made according to 40 CFR 63.144(c)(4) of this Subpart. Flow rate measurements to determine AMR shall be taken at the inlet and outlet to the treatment process and as provided in 40 CFR 63.145(a)(7) for a series of treatment processes. Flow rate shall be determined using inlet and outlet flow measurement devices. Where the outlet flow is not greater than the inlet flow, a flow measurement device shall be used, and may be used at either the inlet or outlet. Flow rate measurements shall be taken at the same time as the concentration measurements.

(3) *Calculation of RMR for open or closed aerobic biological treatment processes.* The required mass removal of Table 8 and/or Table 9 compounds for each Group 1 wastewater stream shall be calculated using the following equation:

$$RMR = \frac{\rho}{10^9} Q \sum_{i=1}^{n} \left(C_i * Fr_i \right) \qquad (Eqn\ WW11)$$

Where:

RMR = Required mass removal for treatment process or series of treatment processes, kilograms per hour.

ρ = Density of the Group 1 wastewater stream, kilograms per cubic meter.

Q = Volumetric flow rate of wastewater stream at the point of determination, liters per hour.

i = Identifier for a compound.

n = Number of Table 8 or Table 9 compounds in stream.

C_i = Concentration of Table 8 or Table 9 compounds at the point of determination, parts per million by weight.

Fr_i = Fraction removal value of a Table 8 or Table 9 compound. Fr values are listed in table 9 of this Subpart.

10^9 = Conversion factor, mg/kg * l/m^3 .

(4) The required mass removal is calculated by adding together the required mass removal for each Group 1 wastewater stream to be combined for treatment.

(5) *Actual mass removal calculation procedure for open or closed aerobic biological treatment processes.* The actual mass removal (AMR) shall be calculated using Equation WW12 as specified in paragraph (f)(5)(i) of this section when the performance test is performed across the open or closed aerobic biological treatment process only. If compliance is being demonstrated in accordance with 40 CFR 63.145(a)(7)(i), the AMR for the series shall be calculated using Equation WW13 in 40 CFR 63.145(f)(5)(ii). (This equation is for situations where treatment is performed in a series of treatment processes connected by hard-piping.) If compliance is being demonstrated in accordance with 40 CFR 63.145(a)(7)(ii), the AMR for the biological treatment process shall be calculated using Equation WW12 in 40 CFR 63.145(f)(5)(i). The AMR for the biological treatment process used in a series of treatment processes calculated using Equation WW12 shall be added to the AMR determined for each of the other individual treatment processes in the series of treatment processes.

(i) Calculate AMR for the open or closed aerobic biological treatment process as follows:

$$AMR = QMW_a * F_{bio} \qquad (Eqn\ WW12)$$

Where:

AMR=Actual mass removal of Table 8 or Table 9 compounds achieved by open or closed biological treatment process, kilograms per hour.

QMW_a=Mass flow rate of Table 8 or Table 9 compounds in wastewater entering the treatment process, kilograms per hour.

F_{bio}=Site-specific fraction of Table 8 or Table 9 compounds biodegraded. F_{bio} shall be determined as specified in 40 CFR 63.145(h) and Appendix C of this Subpart.

(ii) Calculate AMR across a series of treatment units where the last treatment unit is an open or closed aerobic biological treatment process as follows:

$$AMR = QMW_a - (QMW_b)(1 - F_{bio}) \qquad (Eqn\ WW13)$$

Where:

AMR = Actual mass removal of Table 8 or Table 9 compounds achieved by a series of treatment processes, kilograms per hour.

QMW_a = Mass flow rate of Table 8 or Table 9 compounds in wastewater entering the first treatment process in a series of treatment processes, kilograms per hour.

QMW_b = Mass flow rate of Table 8 or Table 9 compounds in wastewater exiting the last treatment process in a series of treatment processes prior to the biological treatment process, kilograms per hour.

F_{bio} = Site-specific fraction of Table 8 or Table 9 compounds biodegraded. F_{bio} shall be determined as specified in 40 CFR 63.145(h) and appendix C of this Subpart.

(6) *Compare RMR to AMR.* Compare the RMR calculated in Equation WW11 to the AMR calculated in either Equation WW12 or WW13, as applicable. Compliance is demonstrated if the AMR is greater than or equal to the RMR.

(g) *Open or closed aerobic biological treatment processes: 95-percent mass removal option.* This paragraph applies to performance tests that are conducted for open or closed aerobic biological treatment processes to demonstrate compliance with the 95-percent mass removal provisions for Table 8 and/or Table 9 compounds. This compliance option is specified in 40 CFR 63.138(g) of this Subpart. The RMR for this option is 95-percent mass removal. The owner or operator shall comply with the requirements specified in 40 CFR 63.145(g)(1) to determine AMR, 40 CFR 63.145 (e)(3)(ii) and (e)(4)(ii) to determine RMR, and (g)(2) of this Subpart to determine whether compliance has been demonstrated. Some compounds may not require a performance test. Refer to 40 CFR 63.145(h) and table 36 of this Subpart to determine which compounds may be exempt from the requirements of this paragraph. (Wastewater streams that are Group 1 for both Table 8 and Table 9 compounds need only do the compliance demonstration for Table 9 compounds.)

(1) The owner or operator shall comply with the requirements specified in paragraphs (f)(1), (f)(2), and (f)(5) of this section to determine AMR. References to Group 1 wastewater streams shall be deemed Group 1 and Group 2 wastewater streams for the purposes of this paragraph.

(2) *Compare RMR to AMR.* Compliance is demonstrated if the AMR is greater than or equal to RMR.

(h) *Site-specific fraction biodegraded* (Fbio). The compounds listed in table 9 of this Subpart are divided into two sets for the purpose of determining whether F_{bio} must be determined, and if F_{bio} must be determined, which procedures may be used to determine compound-specific kinetic parameters. These sets are designated as lists 1 and 2 in table 36 of this Subpart.

(1) *Performance test exemption.* If a biological treatment process meets the requirements specified in paragraphs (h)(1)(i) and (h)(1)(ii) of this section, the owner or operator is not required to determine F_{bio} and is exempt from the applicable performance test requirements specified in 40 CFR 63.138 of this Subpart.

(i) The biological treatment process meets the definition of “enhanced biological treatment process” in 40 CFR 63.111 of this Subpart.

(ii) At least 99 percent by weight of all compounds on table 36 of this Subpart that are present in the aggregate of all wastewater streams using the biological treatment process to comply with 40 CFR 63.138 of this Subpart are compounds on list 1 of table 36 of this Subpart.

(2) F_{bio} determination. If a biological treatment process does not meet the requirement specified in paragraph (h)(1)(i) of this section, the owner or operator shall determine F_{bio} for the biological treatment process using the procedures in Appendix C to Part 63, and paragraph (h)(2)(ii) of this section. If a biological treatment process meets the requirements of paragraph (h)(1)(i) of this section but does not meet the requirement specified in paragraph (h)(1)(ii) of this section, the owner or operator shall determine F_{bio} for the biological treatment process using the procedures in Appendix C to Part 63, and paragraph (h)(2)(i) of this section.

(i) *Enhanced biological treatment processes.* If the biological treatment process meets the definition of "enhanced biological treatment process" in 40 CFR 63.111 of this Subpart and the wastewater streams include one or more compounds on list 2 of table 36 of this Subpart that do not meet the criteria in paragraph (h)(1)(ii) of this section, the owner or operator shall determine f_{bio} for the list 2 compounds using any of the procedures specified in Appendix C of 40 CFR 63. (The symbol "f_{bio}" represents the site specific fraction of an individual Table 8 or Table 9 compound that is biodegraded.) The owner or operator shall calculate f_{bio} for the list 1 compounds using the defaults for first order biodegradation rate constants (K_1) in table 37 of Subpart G and follow the procedure explained in form III of Appendix C, 40 CFR 63, or any of the procedures specified in Appendix C, 40 CFR 63.

(ii) *Biological treatment processes that are not enhanced biological treatment processes.* For biological treatment processes that do not meet the definition for "enhanced biological treatment process" in 40 CFR 63.111 of this Subpart, the owner or operator shall determine the f_{bio} for the list 1 and 2 compounds using any of the procedures in Appendix C to Part 63, except procedure 3 (inlet and outlet concentration measurements). (The symbol "f_{bio}" represents the site specific fraction of an individual Table 8 or Table 9 compound that is biodegraded.)

(i) *Performance tests for control devices other than flares.* This paragraph applies to performance tests that are conducted to demonstrate compliance of a control device with the efficiency limits specified in 40 CFR 63.139(c). If complying with the 95-percent reduction efficiency requirement, comply with the requirements specified in paragraphs (i)(1) through (i)(9) of this section. If complying with the 20 ppm by volume requirement, comply with the requirements specified in paragraphs (i)(1) through (i)(6) and (i)(9) of this section. The 20 ppm by volume limit or 95-percent reduction efficiency requirement shall be measured as either total organic hazardous air pollutants or as TOC minus methane and ethane.

(1) *Sampling sites.* Sampling sites shall be selected using Method 1 or 1A of 40 CFR 60 Appendix A, as appropriate. For determination of compliance with the 95 percent reduction requirement, sampling sites shall be located at the inlet and the outlet of the control device. For determination of compliance with the 20 parts per million by volume limit, the sampling site shall be located at the outlet of the control device.

(2) *Concentration in gas stream entering or exiting the control device.* The concentration of total organic hazardous air pollutants or TOC in a gas stream shall be determined as provided in this paragraph. Samples may be grab samples or composite samples (i.e., integrated samples). Samples shall be taken at approximately equally spaced time intervals over a 1-hour period. Each 1-hour period constitutes a run, and the performance test shall consist of a minimum of 3 runs. Concentration measurements shall be determined using Method 18 of 40 CFR 60 Appendix A. Alternatively, any other test method validated according to the procedures in Method 301 of Appendix A of this part may be used.

(3) *Volumetric flow rate of gas stream entering or exiting the control device.* The volumetric flow rate of the gas stream shall be determined using Method 2, 2A, 2C, or 2D of 40 CFR 60 Appendix A, as appropriate. Volumetric flow rate measurements shall be taken at the same time as the concentration measurements.

(4) *Calculation of TOC concentration.* The TOC concentration (CG_T) is the sum of the concentrations of the individual components. If compliance is being determined based on TOC, the owner or operator shall compute TOC for each run using the following equation:

$$CG_T = \frac{1}{m}\sum_{j=1}^{m}\left(\sum_{i=1}^{n} CGS_{i,j}\right) \qquad (Eqn\ WW14)$$

Where:

CG_T = Total concentration of TOC (minus methane and ethane) in vented gas stream, average of samples, dry basis, parts per million by volume.

$CGS^{i,j}$ = Concentration of sample components in vented gas stream for sample j, dry basis, parts per million by volume.

i = Identifier for a compound.

n = Number of components in the sample.

j = Identifier for a sample.

m = Number of samples in the sample run.

(5) *Calculation of total organic hazardous air pollutants concentration.* The owner or operator determining compliance based on total organic hazardous air pollutants concentration (C_{HAP}) shall compute C_{HAP} according to the Equation WW14, except that only Table 9 compounds shall be summed.

(6) *Percent oxygen correction for combustion control devices.* If the control device is a combustion device, comply with the requirements specified in paragraph (i)(6)(i) of this section to determine oxygen concentration, and in paragraph (i)(6)(ii) of this section to calculate the percent oxygen correction.

(i) *Oxygen concentration.* The concentration of TOC or total organic hazardous air pollutants shall be corrected to 3 percent oxygen if the control device is a combustion device. The emission rate correction factor for excess air, composite sampling (i.e., integrated sampling) and analysis procedures of Method 3B of 40 CFR 60 Appendix A shall be used to determine the actual oxygen concentration ($\%0_{2d}$). The samples shall be taken during the same time that the TOC (minus methane or ethane) or total organic hazardous air pollutants samples are taken.

(ii) *3 percent oxygen calculation.* The concentration corrected to 3 percent oxygen (CG_c), when required, shall be computed using the following equation:

$$CG_C = CG_T \left(\frac{17.9}{20.9 - \%0_{2d}} \right) \qquad (Eqn\ WW15)$$

Where:

CG_c = Concentration of TOC or organic hazardous air pollutants corrected to 3 percent oxygen, dry basis, parts per million by volume.

CG_T = Total concentration of TOC (minus methane and ethane) in vented gas stream, average of samples, dry basis, parts per million by volume.

$\%0_{2d}$ = Concentration of oxygen measured in vented gas stream, dry basis, percent by volume.

(7) *Mass rate calculation.* The mass rate of either TOC (minus methane and ethane) or total organic hazardous air pollutants shall be calculated using the following equations. Where the mass rate of TOC is being calculated, all organic compounds (minus methane and ethane) measured by methods specified in paragraph (i)(2) of this section are summed using Equations WW16 and WW17. Where the mass rate of total organic hazardous air pollutants is being calculated, only Table 9 compounds shall be summed using Equations WW16 and WW17.

$$QMG_a = K_2 \left(\sum_{i=1}^{n} CG_{a,i}\ MW_i \right) QG_a \qquad (Eqn\ WW16)$$

$$QMG_b = K_2 \left(\sum_{i=1}^{n} CG_{b,i}\ MW_i \right) QG_b \qquad (Eqn\ WW17)$$

Where:

$CG_{a,i}$, $CG_{b,i}$ = Concentration of TOC (minus methane and ethane) or total organic hazardous air pollutants, in vented gas stream, entering ($CG_{a,i}$) and exiting ($CG_{b,i}$) the control device, dry basis, parts per million by volume.

QMG_a, QMG_b = Mass rate of TOC (minus methane and ethane) or total organic hazardous air pollutants, in vented gas stream, entering (QMG_a) and exiting (QMG_b) the control device, dry basis, kilograms per hour.

MW_i = Molecular weight of a component, kilogram/kilogram-mole.

QG_a, QG_b = Flow rate of gas stream entering (QG_a) and exiting (QG_b) the control device, dry standard cubic meters per hour.

K_2 = Constant, 41.57×10^{-9}(parts per million)$^{-1}$(gram-mole per standard cubic meter) (kilogram/gram), where standard temperature (gram-mole per standard cubic meter) is 20 °Celsius.

i = Identifier for a compound.

n = Number of components in the sample.

(8) *Percent reduction calculation.* The percent reduction in TOC (minus methane and ethane) or total organic hazardous air pollutants shall be calculated as follows:

$$E = \frac{QMG_a - QMG_b}{QMG_a}(100\%) \qquad (Eqn\ WW18)$$

Where:

E = Destruction efficiency of control device, percent.

QMG_a, QMG_b = Mass rate of TOC (minus methane and ethane) or total organic hazardous air pollutants, in vented gas stream entering and exiting (QMG_b) the control device, dry basis, kilograms per hour.

(9) *Compare mass destruction efficiency to required efficiency.* If complying with the 95 percent reduction efficiency requirement, compliance is demonstrated if the mass destruction efficiency (calculated in Equation WW18) is 95 percent or greater. If complying with the 20 parts per million by volume limit in 40 CFR 63.139 (c)(1)(ii) of this Subpart, compliance is demonstrated if the outlet total organic compound concentration, less methane and ethane, or total organic hazardous air pollutants concentration is 20 parts per million by volume, or less. For combustion control devices, the concentration shall be calculated on a dry basis, corrected to 3 percent oxygen.

(j) When a flare is used to comply with 40 CFR 63.139(c), the owner or operator shall comply with paragraphs (j)(1) through (3) of this section. The owner or operator is not required to conduct a performance test to determine percent emission reduction or outlet organic HAP or TOC concentration.

(1) Conduct a visible emission test using the techniques specified in 40 CFR 63.11(b)(4).

(2) Determine the net heating value of the gas being combusted using the techniques specified in 40 CFR 63.11(b)(6).

(3) Determine the exit velocity using the techniques specified in either 40 CFR 63.11(b)(7)(i) (and 40 CFR 63.11(b)(7)(iii), where applicable) or 40 CFR 63.11(b)(8), as appropriate.

[62 FR 2765, Jan. 17, 1997, as amended at 63 FR 67793, Dec. 9, 1998; 64 FR 20192, Apr. 26, 1999; 66 FR 6933, Jan. 22, 2001]

40 CFR 63.146 - Process wastewater provisions - reporting

(a) For each waste management unit, treatment process, or control device used to comply with 40 CFR 63.138 (b)(1), (c)(1), (d), (e), (f), or (g) of this Subpart for which the owner or operator seeks to monitor a parameter other than those specified in table 11, table 12, or table 13 of this Subpart, the owner or operator shall submit a request for approval to monitor alternative parameters according to the procedures specified in 40 CFR 63.151(f) or (g) of this Subpart.

(b) The owner or operator shall submit the information specified in paragraphs (b)(1) through (b)(9) of this section as part of the Notification of Compliance Status required by 40 CFR 63.152(b) of this Subpart.

(1) *Requirements for Group 2 wastewater streams.* This paragraph does not apply to Group 2 wastewater streams that are used to comply with 40 CFR 63.138(g). For Group 2 wastewater streams, the owner or operator shall include the information specified in paragraphs (b)(1)(i) through (iv) of this section in the Notification of Compliance Status Report. This information may be submitted in any form. Table 15 of this Subpart is an example.

(i) Process unit identification and description of the process unit.

(ii) Stream identification code.

(iii) For existing sources, concentration of table 9 compound(s) in parts per million, by weight. For new sources, concentration of table 8 and/or table 9 compound(s) in parts per million, by weight. Include documentation of the methodology used to determine concentration.

(iv) Flow rate in liter per minute.

(2) For each new and existing source, the owner or operator shall submit the information specified in table 15 of this Subpart for Table 8 and/or Table 9 compounds.

(3) [Reserved]

(4) For each treatment process identified in table 15 of this Subpart that receives, manages, or treats a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream, the owner or operator shall submit the information specified in table 17 of this Subpart.

(5) For each waste management unit identified in table 15 of this Subpart that receives or manages a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream, the owner or operator shall submit the information specified in table 18 of this Subpart.

(6) For each residual removed from a Group 1 wastewater stream, the owner or operator shall report the information specified in table 19 of this Subpart.

(7) For each control device used to comply with 40 CFR 63.133 through 63.139 of this Subpart, the owner or operator shall report the information specified in paragraphs (b)(7)(i) and (b)(7)(ii) of this section.

(i) For each flare, the owner or operator shall submit the information specified in paragraphs (b)(7)(i)(A) through (b)(7)(i)(C) of this section.

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

(B) All visible emission readings, heat content determinations, flow rate measurements, and exit velocity determinations made during the compliance determination required by 40 CFR 63.139(c)(3) of this Subpart; and

(C) Reports of the times and durations of all periods during the compliance determination when the pilot flame is absent or the monitor is not operating.

(ii) For each control device other than a flare, the owner or operator shall submit the information specified in paragraph (b)(7)(ii)(A) of this section and in either paragraph (b)(7)(ii)(B) or (b)(7)(ii)(C) of this section.

(A) The information on parameter ranges specified in 40 CFR 63.152(b)(2) of this Subpart for the applicable parameters specified in table 13 of this Subpart, unless the parameter range has already been established in the operating permit; and either

(B) The design evaluation specified in 40 CFR 63.139(d)(2) of this Subpart; or

(C) Results of the performance test specified in 40 CFR 63.139(d)(1) of this Subpart. Performance test results shall include operating ranges of key process and control parameters during the performance test; the value of each parameter being monitored in accordance with 40 CFR 63.143 of this Subpart; and applicable supporting calculations.

(8) For each treatment process used to comply with 40 CFR 63.138(b)(1), (c)(1), (d), (e), (f), or (g) of this Subpart, the owner or operator shall submit the information specified in paragraphs (b)(8)(i) and (b)(8)(ii) of this section.

(i) For Items 1 and 2 in table 12 of this Subpart, the owner or operator shall submit the information specified in paragraphs (b)(8)(i)(A) and (b)(8)(i)(B) of this section. An owner or operator using the design steam stripper compliance option specified 40 CFR 63.138(d) of this Subpart does not have to submit the information specified in paragraph (b)(8)(i)(A) or (b)(8)(i)(B) of this section. However, the monitoring requirements specified in Item 2 of table 12 of this Subpart still apply.

(A) The information on parameter ranges specified in 40 CFR 63.152(b)(2) of this Subpart for the parameters approved by the Administrator, unless the parameter range has already been established in the operating permit.

(B) Results of the initial measurements of the parameters approved by the Administrator and any applicable supporting calculations.

(ii) For Item 3 in table 12 of this Subpart, the owner or operator shall submit the information on parameter ranges specified in 40 CFR 63.152(b)(2) of this Subpart for the parameters specified in Item 3 of table 12 of this Subpart, unless the parameter range has already been established in the operating permit.

(9) For each waste management unit or treatment process used to comply with 40 CFR 63.138(b)(1), (c)(1), (e), (f), or (g), the owner or operator shall submit the information specified in either paragraph (b)(9)(i) or (ii) of this section.

(i) The design evaluation and supporting documentation specified in 40 CFR 63.138(j)(1) of this Subpart.

(ii) Results of the performance test specified in 40 CFR 63.138(j)(2) of this Subpart. Performance test results shall include operating ranges of key process and control parameters during the performance test; the value of each

parameter being monitored in accordance with 40 CFR 63.143 of this Subpart; and applicable supporting calculations.

(c) For each waste management unit that receives, manages, or treats a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream, the owner or operator shall submit as part of the next Periodic Report required by 40 CFR 63.152(c) of this Subpart the results of each inspection required by 40 CFR 63.143(a) of this Subpart in which a control equipment failure was identified. Control equipment failure is defined for each waste management unit in 40 CFR 63.133 through 63.137 of this Subpart. Each Periodic Report shall include the date of the inspection, identification of each waste management unit in which a control equipment failure was detected, description of the failure, and description of the nature of and date the repair was made.

(d) Except as provided in paragraph (f) of this section, for each treatment process used to comply with 40 CFR 63.138(b)(1), (c)(1), (d), (e) , (f), or (g), the owner or operator shall submit as part of the next Periodic Report required by 40 CFR 63.152(c) the information specified in paragraphs (d)(1), (2), and (3) of this section for the monitoring required by 40 CFR 63.143(b), (c), and (d).

(1) For Item 1 in table 12, the owner or operator shall submit the results of measurements that indicate that the biological treatment unit is outside the range established in the Notification of Compliance Status or operating permit.

(2) For Item 2 in table 12, the owner or operator shall submit the monitoring results for each operating day during which the daily average value of a continuously monitored parameter is outside the range established in the Notification of Compliance Status or operating permit.

(3) For Item 3 in table 12 of this Subpart, the owner or operator shall submit the monitoring results for each operating day during which the daily average value of any monitored parameter approved in accordance with 40 CFR 63.151 (f) was outside the range established in the Notification of Compliance Status or operating permit.

(e) Except as provided in paragraph (f) of this section, for each control device used to comply with 40 CFR 63.133 through 63.139 of this Subpart, the owner or operator shall submit as part of the next Periodic Report required by 40 CFR 63.152(c) of this Subpart the information specified in either paragraph (e)(1) or (e)(2) of this section.

(1) The information specified in table 20 of this Subpart, or

(2) If the owner or operator elects to comply with 40 CFR 63.143(e)(2) of this Subpart, i.e., an organic monitoring device installed at the outlet of the control device, the owner or operator shall submit the monitoring results for each operating day during which the daily average concentration level or reading is outside the range established in the Notification of Compliance Status or operating permit.

(f) Where the owner or operator obtains approval to use a treatment process or control device other than one for which monitoring requirements are specified in 40 CFR 63.143 of this Subpart, or to monitor parameters other than those specified in table 12 or 13 of this Subpart, the Administrator will specify appropriate reporting requirements.

(g) If an extension is utilized in accordance with 40 CFR 63.133(e)(2) or 40 CFR 63.133(h) of this Subpart, the owner or operator shall include in the next periodic report the information specified in 40 CFR 63.133 (e)(2) or 40 CFR 63.133(h).

[62 FR 2774, Jan. 17, 1997, as amended at 64 FR 20192, Apr. 26, 1999; 66 FR 6933, Jan. 22, 2001]

40 CFR 63.147 - Process wastewater provisions - recordkeeping

(a) The owner or operator transferring a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream in accordance with 40 CFR 63.132(g) of this Subpart shall keep a record of the notice sent to the treatment operator stating that the wastewater stream or residual contains organic hazardous air pollutants which are required to be managed and treated in accordance with the provisions of this Subpart.

(b) The owner or operator shall keep in a readily accessible location the records specified in paragraphs (b)(1) through (8) of the section.

(1) A record that each waste management unit inspection required by 40 CFR 63.133 through 63.137 of this Subpart was performed.

(2) A record that each inspection for control devices required by 40 CFR 63.139 of this Subpart was performed.

(3) A record of the results of each seal gap measurement required by 40 CFR 63.133(d) and 63.137(c) of this Subpart. The records shall include the date of the measurement, the raw data obtained in the measurement, and the calculations described in 40 CFR 63.120(b)(2), (3), and (4) of this Subpart.

(4) For Item 1 and Item 3 of table 12 of this Subpart, the owner or operator shall keep the records approved by the Administrator.

(5) Except as provided in paragraph (e) of this section, continuous records of the monitored parameters specified in Item 2 of table 12 and table 13 of this Subpart, and in 40 CFR 63.143(e)(2) of this Subpart.

(6) Documentation of a decision to use an extension, as specified in 40 CFR 63.133(e)(2) or (h) of this Subpart, which shall include a description of the failure, documentation that alternate storage capacity is unavailable, and specification of a schedule of actions that will ensure that the control equipment will be repaired or the vessel will be emptied as soon as practical.

(7) Documentation of a decision to use a delay of repair due to unavailability of parts, as specified in 40 CFR 63.140(c), shall include a description of the failure, the reason additional time was necessary (including a statement of why replacement parts were not kept on site and when the manufacturer promised delivery), and the date when repair was completed.

(8) *Requirements for Group 2 wastewater streams.* This paragraph (b)(8) does not apply to Group 2 wastewater streams that are used to comply with 40 CFR 63.138(g). For all other Group 2 wastewater streams, the owner or operator shall keep in a readily accessible location the records specified in paragraphs (b)(8)(i) through (iv) of this section.

(i) Process unit identification and description of the process unit.

(ii) Stream identification code.

(iii) For existing sources, concentration of table 9 compound(s) in parts per million, by weight. For new sources, concentration of table 8 and/or table 9 compound(s) in parts per million, by weight. Include documentation of the methodology used to determine concentration.

(iv) Flow rate in liter per minute.

(c) For each boiler or process heater used to comply with 40 CFR 40 CFR 63.133 through 63.139 of this Subpart, the owner or operator shall keep a record of any changes in the location at which the vent stream is introduced into the flame zone as required in 40 CFR 63.139(c)(1) of this Subpart.

(d) The owner or operator shall keep records of the daily average value of each continuously monitored parameter for each operating day as specified in 40 CFR 63.152(f), except as provided in paragraphs (d)(1) through (3) of this section.

(1) For flares, records of the times and duration of all periods during which the pilot flame is absent shall be kept rather than daily averages.

(2) *Regenerative carbon adsorbers.* For regenerative carbon adsorbers, the owner or operator shall keep the records specified in paragraphs (d)(2)(i) and (ii) of this section instead of daily averages.

(i) Records of the total regeneration stream mass flow for each carbon bed regeneration cycle.

(ii) Records of the temperature of the carbon bed after each regeneration cycle.

(3) *Non-regenerative carbon adsorbers.* For non-regenerative carbon adsorbers using organic monitoring equipment, the owner or operator shall keep the records specified in paragraph (d)(3)(i) of this section instead of daily averages. For non-regenerative carbon adsorbers replacing the carbon adsorption system with fresh carbon at a regular predetermined time interval that is less than the carbon replacement interval that is determined by the maximum design flow rate and organic concentration in the gas stream vented to the carbon adsorption system, the owner or operator shall keep the records specified in paragraph (d)(3)(ii) of this section instead of daily averages.

(i)

(A) Record of how the monitoring frequency, as specified in table 13 of this Subpart, was determined.

(B) Records of when organic compound concentration of adsorber exhaust was monitored.

(C) Records of when the carbon was replaced.

(ii)

(A) Record of how the carbon replacement interval, as specified in table 13 of this Subpart, was determined.

(B) Records of when the carbon was replaced.

(e) Where the owner or operator obtains approval to use a control device other than one for which monitoring requirements are specified in 40 CFR 63.143 of this Subpart, or to monitor parameters other than those specified in table 12 or table 13 of this Subpart, the Administrator will specify appropriate recordkeeping requirements.

(f) If the owner or operator uses process knowledge to determine the annual average concentration of a wastewater stream as specified in 40 CFR 63.144(b)(3) of this Subpart and/or uses process knowledge to determine the annual average flow rate as specified in 40 CFR 63.144(c)(1) of this Subpart, and determines that the wastewater stream is not a Group 1 wastewater stream, the owner or operator shall keep in a readily accessible location the documentation of how process knowledge was used to determine the annual average concentration and/or the annual average flow rate of the wastewater stream.

[62 FR 2775, Jan. 17, 1997, as amended at 64 FR 20192, Apr. 26, 1999; 66 FR 6933, Jan. 22, 2001]

40 CFR 63.148 - Leak inspection provisions

(a) Except as provided in paragraph (k) of this section, for each vapor collection system, closed-vent system, fixed roof, cover, or enclosure required to comply with this section, the owner or operator shall comply with the requirements of paragraphs (b) through (j) of this section.

(b) Except as provided in paragraphs (g) and (h) of this section, each vapor collection system and closed-vent system shall be inspected according to the procedures and schedule specified in paragraphs (b)(1) and (b)(2) of this section and each fixed roof, cover, and enclosure shall be inspected according to the procedures and schedule specified in paragraph (b)(3) of this section.

(1) If the vapor collection system or closed vent system is constructed of hard-piping, the owner or operator shall:

(i) Conduct an initial inspection according to the procedures in paragraph (c) of this section, and

(ii) Conduct annual visual inspections for visible, audible, or olfactory indications of leaks.

(2) If the vapor collection system or closed vent system is constructed of ductwork, the owner or operator shall:

(i) Conduct an initial inspection according to the procedures in paragraph (c) of this section, and

(ii) Conduct annual inspections according to the procedures in paragraph (c) of this section.

(iii) Conduct annual visual inspections for visible, audible, or olfactory indications of leaks.

(3) For each fixed roof, cover, and enclosure, the owner or operator shall conduct initial visual inspections and semi-annual visual inspections for visible, audible, or olfactory indications of leaks as specified in 40 CFR 63.133 through 63.137 of this Subpart.

(c) Each vapor collection system and closed vent system shall be inspected according to the procedures specified in paragraphs (c)(1) through (c)(5) of this section.

(1) Inspections shall be conducted in accordance with Method 21 of 40 CFR 60 Appendix A.

(2)

(i) Except as provided in paragraph (c)(2)(ii) of this section, the detection instrument shall meet the performance criteria of Method 21 of 40 CFR 60 Appendix A, except the instrument response factor criteria in section 3.1.2(a) of Method 21 shall be for the average composition of the process fluid not each individual volatile organic compound in the stream. For process streams that contain nitrogen, air, or other inerts which are not organic hazardous air pollutants or volatile organic compounds, the average stream response factor shall be calculated on an inert-free basis.

(ii) If no instrument is available at the plant site that will meet the performance criteria specified in paragraph (c)(2)(i) of this section, the instrument readings may be adjusted by multiplying by the average response factor of the process fluid, calculated on an inert-free basis as described in paragraph (c)(2)(i) of this section.

(3) The detection instrument shall be calibrated before use on each day of its use by the procedures specified in Method 21 of 40 CFR 60 Appendix A.

(4) Calibration gases shall be as follows:

(i) Zero air (less than 10 parts per million hydrocarbon in air); and

(ii) Mixtures of methane in air at a concentration less than 10,000 parts per million. A calibration gas other than methane in air may be used if the instrument does not respond to methane or if the instrument does not meet the performance criteria specified in paragraph (c)(2)(i) of this section. In such cases, the calibration gas may be a mixture of one or more of the compounds to be measured in air.

(5) An owner or operator may elect to adjust or not adjust instrument readings for background. If an owner or operator elects to not adjust readings for background, all such instrument readings shall be compared directly to the applicable leak definition to determine whether there is a leak. If an owner or operator elects to adjust instrument readings for background, the owner or operator shall measure background concentration using the procedures in 40 CFR 63.180(b) and (c) of Subpart H of this part. The owner or operator shall subtract background reading from the maximum concentration indicated by the instrument.

(6) The arithmetic difference between the maximum concentration indicated by the instrument and the background level shall be compared with 500 parts per million for determining compliance.

(d) Leaks, as indicated by an instrument reading greater than 500 parts per million above background or by visual inspections, shall be repaired as soon as practicable, except as provided in paragraph (e) of this section.

(1) A first attempt at repair shall be made no later than 5 calendar days after the leak is detected.

(2) Repair shall be completed no later than 15 calendar days after the leak is detected, except as provided in paragraph (d)(3) of this section.

(3) For leaks found in vapor collection systems used for transfer operations, repairs shall be completed no later than 15 calendar days after the leak is detected or at the beginning of the next transfer loading operation, whichever is later.

(e) Delay of repair of a vapor collection system, closed vent system, fixed roof, cover, or enclosure for which leaks have been detected is allowed if the repair is technically infeasible without a shutdown, as defined in 40 CFR 63.101 of Subpart F of this part, or if the owner or operator determines that emissions resulting from immediate repair would be greater than the fugitive emissions likely to result from delay of repair. Repair of such equipment shall be complete by the end of the next shutdown.

(f) For each vapor collection system or closed vent system that contains bypass lines that could divert a vent stream away from the control device and to the atmosphere, the owner or operator shall comply with the provisions of either paragraph (f)(1) or (f)(2) of this section, except as provided in paragraph (f)(3) of this section.

(1) Install, calibrate, maintain, and operate a flow indicator that determines whether vent stream flow is present at least once every 15 minutes. Records shall be generated as specified in 40 CFR 63.118(a)(3) of this Subpart. The flow indicator shall be installed at the entrance to any bypass line; or

(2) Secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure the valve is maintained in the closed position and the vent stream is not diverted through the bypass line.

(3) Equipment such as low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, and pressure relief valves needed for safety purposes are not subject to this paragraph.

(g) Any parts of the vapor collection system, closed vent system, fixed roof, cover, or enclosure that are designated, as described in paragraph (i)(1) of this section, as unsafe to inspect are exempt from the inspection requirements of paragraphs (b)(1), (b)(2), and (b)(3)(i) of this section if:

(1) The owner or operator determines that the equipment is unsafe to inspect because inspecting personnel would be exposed to an imminent or potential danger as a consequence of complying with paragraphs (b)(1), (b)(2), or (b)(3)(i) of this section; and

(2) The owner or operator has a written plan that requires inspection of the equipment as frequently as practicable during safe-to-inspect times.

(h) Any parts of the vapor collection system, closed vent system, fixed roof, cover, or enclosure that are designated, as described in paragraph (i)(2) of this section, as difficult to inspect are exempt from the inspection requirements of paragraphs (b)(1), (b)(2), and (b)(3)(i) of this section if:

(1) The owner or operator determines that the equipment cannot be inspected without elevating the inspecting personnel more than 2 meters above a support surface; and

(2) The owner or operator has a written plan that requires inspection of the equipment at least once every 5 years.

(i) The owner or operator shall record the information specified in paragraphs (i)(1) through (i)(5) of this section.

(1) Identification of all parts of the vapor collection system, closed vent system, fixed roof, cover, or enclosure that are designated as unsafe to inspect, an explanation of why the equipment is unsafe to inspect, and the plan for inspecting the equipment.

(2) Identification of all parts of the vapor collection system, closed vent system, fixed roof, cover, or enclosure that are designated as difficult to inspect, an explanation of why the equipment is difficult to inspect, and the plan for inspecting the equipment.

(3) For each vapor collection system or closed vent system that contains bypass lines that could divert a vent stream away from the control device and to the atmosphere, the owner or operator shall keep a record of the information specified in either paragraph (i)(3)(i) or (i)(3)(ii) of this section.

(i) Hourly records of whether the flow indicator specified under paragraph (f)(1) of this section was operating and whether a diversion was detected at any time during the hour, as well as records of the times of all periods when the vent stream is diverted from the control device or the flow indicator is not operating.

(ii) Where a seal mechanism is used to comply with paragraph (f)(2) of this section, hourly records of flow are not required. In such cases, the owner or operator shall record whether the monthly visual inspection of the seals or closure mechanisms has been done, and shall record the occurrence of all periods when the seal mechanism is broken, the bypass line valve position has changed, or the key for a lock-and-key type configuration has been checked out, and records of any car-seal that has broken.

(4) For each inspection during which a leak is detected, a record of the information specified in paragraphs (i)(4)(i) through (i)(4)(viii) of this section.

(i) The instrument identification numbers; operator name or initials; and identification of the equipment.

(ii) The date the leak was detected and the date of the first attempt to repair the leak.

(iii) Maximum instrument reading measured by the method specified in paragraph (d) of this section after the leak is successfully repaired or determined to be nonrepairable.

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

(v) The name, initials, or other form of identification of the owner or operator (or designee) whose decision it was that repair could not be effected without a shutdown.

(vi) The expected date of successful repair of the leak if a leak is not repaired within 15 calendar days.

(vii) Dates of shutdowns that occur while the equipment is unrepaired.

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

(5) For each inspection conducted in accordance with paragraph (c) of this section during which no leaks are detected, a record that the inspection was performed, the date of the inspection, and a statement that no leaks were detected.

(6) For each visual inspection conducted in accordance with paragraph (b)(1)(ii) or (b)(3)(ii) of this section during which no leaks are detected, a record that the inspection was performed, the date of the inspection, and a statement that no leaks were detected.

(j) The owner or operator shall submit with the reports required by 40 CFR 63.182(b) of Subpart H of this part or with the reports required by 40 CFR 63.152(c) of this Subpart, the information specified in paragraphs (j)(1) through (j)(3) of this section.

(1) The information specified in paragraph (i)(4) of this section;

(2) Reports of the times of all periods recorded under paragraph (i)(3)(i) of this section when the vent stream is diverted from the control device through a bypass line; and

(3) Reports of all periods recorded under paragraph (i)(3)(ii) of this section in which the seal mechanism is broken, the bypass line valve position has changed, or the key to unlock the bypass line valve was checked out.

(k) If a closed-vent system subject to this section is also subject to 40 CFR 63.172 of Subpart H of this part, the owner or operator shall comply with the provisions of 40 CFR 63.172 of Subpart H of this part and is exempt from the requirements of this section.

[59 FR 19468, Apr. 22, 1994, as amended at 60 FR 63628, Dec. 12, 1995; 62 FR 2775, Jan. 17, 1997; 64 FR 20192, Apr. 26, 1999]

40 CFR 63.149 - Control requirements for certain liquid streams in open systems within a chemical manufacturing process unit

(a) The owner or operator shall comply with the provisions of table 35 of this Subpart, for each item of equipment meeting all the criteria specified in paragraphs (b) through (d) and either paragraph (e)(1) or (e)(2) of this section.

(b) The item of equipment is of a type identified in table 35 of this Subpart;

(c) The item of equipment is part of a chemical manufacturing process unit that meets the criteria of 40 CFR 63.100(b) of Subpart F of this part;

(d) The item of equipment is controlled less stringently than in table 35 and is not listed in 40 CFR 63.100(f) of Subpart F of this part, and the item of equipment is not otherwise exempt from controls by the provisions of Subparts A, F, G, or H of this part; and

(e) The item of equipment:

(1) is a drain, drain hub, manhole, lift station, trench, pipe, or oil/water separator that conveys water with a total annual average concentration greater than or equal to 10,000 parts per million by weight of Table 9 compounds at any flowrate; or a total annual average concentration greater than or equal to 1,000 parts per million by weight of Table 9 compounds at an annual average flow rate greater than or equal to 10 liters per minute. At a chemical manufacturing process unit subject to the new source requirements of 40 CFR 63.100(l)(1) or 40 CFR 63.100(l)(2), the criteria of this paragraph are also met if the item of equipment conveys water with an annual average concentration greater than or equal to 10 parts per million by weight of any Table 8 compound at an annual average flow rate greater than or equal to 0.02 liter per minute, or

(2) is a tank that receives one or more streams that contain water with a total annual average concentration greater than or equal to 1,000 ppm (by weight) of Table 9 compounds at an annual average flowrate greater than or equal to 10 liters per minute. At a chemical manufacturing process unit subject to the new source requirements of 40 CFR 63.100(l)(1) or 40 CFR 63.100 (l)(2), the criteria of this paragraph are also met if the tank receives one or more streams that contain water with an annual average concentration greater than or equal to 10 parts per million by weight of any Table 8 compound at an annual average flow rate greater than or equal to 0.02 liter per minute. The owner or operator of the source shall determine the characteristics of the stream as specified in paragraphs (e)(2) (i) and (ii) of this section.

(i) The characteristics of the stream being received shall be determined at the inlet to the tank.

(ii) The characteristics shall be determined according to the procedures in 40 CFR 63.144 (b) and (c).

[62 FR 2776, Jan. 17, 1997]

40 CFR 63.150 - Emissions averaging provisions

(a) This section applies to owners or operators of existing sources who seek to comply with the emission standard in 40 CFR 63.112(a) of this Subpart by using emissions averaging according to 40 CFR 63.112(f) of this Subpart rather than following the provisions of 40 CFR 40 CFR 63.113 through 63.148 of this Subpart. Notwithstanding the definition of process vent in 40 CFR 63.101 and the sampling site designation in 40 CFR 63.115(a), for purposes of this section the location of a process vent shall be defined, and the characteristics of its gas stream shall be determined, consistent with paragraph (g)(2)(i) of this section.

(b) Unless an operating permit application has been submitted, the owner or operator shall develop and submit for approval an Implementation Plan containing all of the information required in 40 CFR 63.151(d) of this Subpart for all points to be included in an emissions average. The Implementation Plan or operating permit application shall identify all emission points to be included in the emissions average. This must include any Group 1 emission points to which the reference control technology (defined in 40 CFR 63.111 of this Subpart) is not applied and all other emission points being controlled as part of the average.

(c) The following emission points can be used to generate emissions averaging credits, if control was applied after November 15, 1990 and if sufficient information is available to determine the appropriate value of credits for the emission point:

(1) Group 2 emission points.

(2) Group 1 emission points that are controlled by a technology that the Administrator or permitting authority agrees has a higher nominal efficiency than the reference control technology. Information on the nominal efficiencies for such technologies must be submitted and approved as provided in paragraph (i) of this section.

(3) Emission points from which emissions are reduced by pollution prevention measures. Percent reductions for pollution prevention measures shall be determined as specified in paragraph (j) of this section.

(i) For a Group 1 emission point, the pollution prevention measure must reduce emissions more than the reference control technology would have had the reference control technology been applied to the emission point instead of the pollution prevention measure except as provided in paragraph (c)(3)(ii) of this section.

(ii) If a pollution prevention measure is used in conjunction with other controls for a Group 1 emission point, the pollution prevention measure alone does not have to reduce emissions more than the reference control technology, but the combination of the pollution prevention measure and other controls must reduce emissions more than the reference control technology would have had it been applied instead.

(d) The following emission points cannot be used to generate emissions averaging credits:

(1) Emission points already controlled on or before November 15, 1990, unless the level of control is increased after November 15, 1990, in which case credit will be allowed only for the increase in control after November 15, 1990.

(2) Group 1 emission points that are controlled by a reference control technology, unless the reference control technology has been approved for use in a different manner and a higher nominal efficiency has been assigned according to the procedures in paragraph (i) of this section. For example, it is not allowable to claim that an internal floating roof meeting the specifications of 40 CFR 63.119(b) of this Subpart applied to a storage vessel is achieving greater than 95 percent control.

(3) Emission points on shut-down process units. Process units that are shut down cannot be used to generate credits or debits.

(4) Wastewater that is not process wastewater or wastewater streams treated in biological treatment units. These two types of wastewater cannot be used to generate credits or debits. For the purposes of this section, the terms wastewater and wastewater stream are used to mean process wastewater.

(5) Emission points controlled to comply with a State or Federal rule other than this Subpart, unless the level of control has been increased after November 15, 1990 above what is required by the other State or Federal rule. Only the control above what is required by the other State or Federal rule will be credited. However, if an emission point has been used to generate emissions averaging credit in an approved emissions average, and the point is subsequently made subject to a State or Federal rule other than this Subpart, the point can continue to generate emissions averaging credit for the purpose of complying with the previously approved average.

(e) For all points included in an emissions average, the owner or operator shall:

(1) Calculate and record monthly debits for all Group 1 emission points that are controlled to a level less stringent than the reference control technology for those emission points. Equations in paragraph (g) of this section shall be used to calculate debits.

(2) Calculate and record monthly credits for all Group 1 or Group 2 emission points that are overcontrolled to compensate for the debits. Equations in paragraph (h) of this section shall be used to calculate credits. Emission points and controls that meet the criteria of paragraph (c) of this section may be included in the credit calculation, whereas those described in paragraph (d) of this section shall not be included.

(3) Demonstrate that annual credits calculated according to paragraph (h) of this section are greater than or equal to debits calculated for the same annual compliance period according to paragraph (g) of this section.

(i) The owner or operator may choose to include more than the required number of credit-generating emission points in an average in order to increase the likelihood of being in compliance.

(ii) The initial demonstration in the Implementation Plan or operating permit application that credit-generating emission points will be capable of generating sufficient credits to offset the debits from the debit-generating emission points must be made under representative operating conditions. After the compliance date, actual operating data will be used for all debit and credit calculations.

(4) Demonstrate that debits calculated for a quarterly (3-month) period according to paragraph (g) of this section are not more than 1.30 times the credits for the same period calculated according to paragraph (h) of this section.

Compliance for the quarter shall be determined based on the ratio of credits and debits from that quarter, with 30 percent more debits than credits allowed on a quarterly basis.

(5) Record and report quarterly and annual credits and debits in the Periodic Reports as specified in 40 CFR 63.152(c) of this Subpart. Every fourth Periodic Report shall include a certification of compliance with the emissions averaging provisions as required by 40 CFR 63.152(c)(5)(iv)(B) of this Subpart.

(f) Debits and credits shall be calculated in accordance with the methods and procedures specified in paragraphs (g) and (h) of this section, respectively, and shall not include emissions from the following:

(1) More than 20 individual Group 1 or Group 2 emission points. Where pollution prevention measures (as specified in paragraph (j)(1) of this section) are used to control emission points to be included in an emissions average, no more than 25 emission points may be included in the average. For example, if two emission points to be included in an emissions average are controlled by pollution prevention measures, the average may include up to 22 emission points.

(2) Periods of start-up, shutdown, and malfunction as described in the source's start-up, shutdown, and malfunction plan required by 40 CFR 63.6(e)(3) of Subpart A of this part.

(3) Periods of monitoring excursions as defined in 40 CFR 63.152(c)(2)(ii)(A) of this Subpart. For these periods, the calculation of monthly credits and debits shall be adjusted as specified in paragraphs (f)(3)(i) through (f)(3)(iii) of this section.

(i) No credits would be assigned to the credit-generating emission point.

(ii) Maximum debits would be assigned to the debit-generating emission point.

(iii) The owner or operator may demonstrate to the Administrator that full or partial credits or debits should be assigned using the procedures in paragraph (l) of this section.

(g) Debits are generated by the difference between the actual emissions from a Group 1 emission point that is uncontrolled or is controlled to a level less stringent than the reference control technology, and the emissions allowed for the Group 1 emission point. Debits shall be calculated as follows:

(1) The overall equation for calculating source-wide debits is:

$$Debits = \sum_{i=1}^{n}\left(EPV_{iACTUAL} - (0.02)EPV_{iu}\right) + \sum_{i=1}^{n}\left(ES_{iACTUAL} - (0.05)ES_{iu}\right) + \sum_{i=1}^{n}\left(ETR_{iACTUAL} - (0.02)ETR_{iu}\right) + \sum_{i=1}^{n}\left(EWW_{iACTUAL} - EWW_{ic}\right)$$

where:

Debits and all terms of the equation are in units of megagrams per month, and

$EPV_{iACTUAL}$ = Emissions from each Group 1 process vent i that is uncontrolled or is controlled to a level less stringent than the reference control technology. This is calculated according to paragraph (g)(2) of this section.

(0.02) EPV_{iu} = Emissions from each Group 1 vent i if the reference control technology had been applied to the uncontrolled emissions, calculated according to paragraph (g)(2) of this section.

$ES_{iACTUAL}$ = Emissions from each Group 1 storage vessel i that is uncontrolled or is controlled to a level less stringent than the reference control technology. This is calculated according to paragraph (g)(3) of this section.

(0.05) ES_{iu} = Emissions from each Group 1 storage vessel i if the reference control technology had been applied to the uncontrolled emissions, calculated according to paragraph (g)(3) of this section.

$ETR_{iACTUAL}$ = Emissions from each Group 1 transfer rack i that is uncontrolled or is controlled to a level less stringent than the reference control technology. This is calculated according to paragraph (g)(4) of this section.

(0.02) ETR_{iu} = Emissions from each Group 1 transfer rack i if the reference control technology had been applied to the uncontrolled emissions, calculated according to paragraph (g)(4) of this section.

$EWW_{iACTUAL}$ = Emissions from each Group 1 wastewater stream i that is uncontrolled or is controlled to a level less stringent than the reference control technology. This is calculated according to paragraph (g)(5) of this section.

EWW_{ic} = Emissions from each Group 1 wastewater stream i if the reference control technology had been applied to the uncontrolled emissions. This is calculated according to paragraph (g)(5) of this section.

n = The number of emission points being included in the emissions average. The value of n is not necessarily the same for process vents, storage vessels, transfer racks, and wastewater.

(2) Emissions from process vents shall be calculated according to paragraphs (g)(2)(i) through (iii) of this section.

(i) The location of a process vent shall be defined, and the characteristics of its gas stream shall be determined at a point that meets the conditions in either paragraph (g)(2)(i)(A) or (B) of this section and the conditions in paragraphs (g)(2)(i)(C) through (E) of this section.

(A) The point is after the final recovery device (if any recovery devices are present).

(B) If a gas stream included in an emissions average is combined with one or more other gas streams after a final recovery device (if any recovery devices are present), then for each gas stream, the point is at a representative point after any final recovery device and as near as feasible to, but before, the point of combination of the gas streams.

(C) The point is before any control device (for process vents, recovery devices shall not be considered control devices).

(D) The point is before discharge to the atmosphere.

(E) The measurement site for determination of the characteristics of the gas stream was selected using Method 1 or 1A of 40 CFR 60 Appendix A.

(ii) The following equation shall be used for each process vent i to calculate EPV_{iu}:

$$EPV_{iu} = (2.494 \times 10^{-9})\, Qh \left(\sum_{j=1}^{n} C_j M_j \right)$$

where:

EPV_{iu} = Uncontrolled process vent emission rate from process vent i, megagrams per month.

Q = Vent stream flow rate, dry standard cubic meters per minute, measured using Method 2, 2A, 2C, or 2D of Part 60 Appendix A, as appropriate.

h = Monthly hours of operation during which positive flow is present in the vent, hours per month.

Cj = Concentration, parts per million by volume, dry basis, of organic HAP j as measured by Method 18 of Part 60 Appendix A.

Mj = Molecular weight of organic HAP j, gram per gram-mole.

n = Number of organic HAP's.

(A) The values of Q, C_j, and M_j shall be determined during a performance test conducted under representative operating conditions. The values of Q, C_j, and M_j shall be established in the Notification of Compliance Status and must be updated as provided in paragraph (g)(2)(ii)(B) of this section.

(B) If there is a change in capacity utilization other than a change in monthly operating hours, or if any other change is made to the process or product recovery equipment or operation such that the previously measured values of Q, C_j, and M_j are no longer representative, a new performance test shall be conducted to determine new representative values of Q, C_j, and M_j. These new values shall be used to calculate debits and credits from the time of the change forward, and the new values shall be reported in the next Periodic Report.

(iii) The following procedures and equations shall be used to calculate $EPV_{iACTUAL}$:

(A) If the vent is not controlled by a control device or pollution prevention measure, $EPV_{iACTUAL} = EPV_{iu}$, where EPV_{iu} is calculated according to the procedures in paragraphs (g)(2)(i) and (g)(2)(ii) of this section.

(B) If the vent is controlled using a control device or a pollution prevention measure achieving less than 98-percent reduction,

$$EPV_{iACTUAL} = EPV_{iu} \times \left(1 - \frac{Percent\ reduction}{100\%}\right)$$

(*1*) The percent reduction shall be measured according to the procedures in 40 CFR 63.116 of this Subpart if a combustion control device is used. For a flare meeting the criteria in 40 CFR 63.116(a) of this Subpart, or a boiler or process heater meeting the criteria in 40 CFR 63.116(b) of this Subpart, the percent reduction shall be 98 percent. If a non-combustion control device is used, percent reduction shall be demonstrated by a performance test at the inlet and outlet of the device, or, if testing is not feasible, by a control design evaluation and documented engineering calculations.

(*2*) For determining debits from Group 1 process vents, recovery devices shall not be considered control devices and cannot be assigned a percent reduction in calculating $EPV_{iACTUAL}$. The sampling site for measurement of uncontrolled emissions is after the final recovery device. However, as provided in 40 CFR 63.113(a)(3), a Group 1 process vent may add sufficient recovery to raise the TRE index value above 1.0, thereby becoming a Group 2 process vent.

(*3*) Procedures for calculating the percent reduction of pollution prevention measures are specified in paragraph (j) of this section.

(3) Emissions from storage vessels shall be calculated as follows:

(i) The following equation shall be used for each storage vessel i to calculate ES_{iu}:

$$ES_{iu} = \frac{L_B + L_W}{12}$$

where:

ES_{iu} = Uncontrolled emissions, defined as emissions from a fixed roof vessel having identical dimensions and vessel color as vessel i, megagrams per month.

L_B = Breathing loss emissions, megagrams per year, calculated according to paragraph (g)(3)(i)(A) of this section.

L_W = Working loss emissions, megagrams per year, calculated according to paragraph (g)(3)(i)(B) of this section.

12 = Constant, months per year.

(A) Breathing loss emissions shall be calculated using the following equation:

$$L_B = 1.02 \times 10^{-5} M_v \left(\frac{P}{P_A - P}\right) 0.68_D 1.73_H 0.51_{\Delta T} 0.50_{F_p C K_C}$$

where:

M_v = Molecular weight of vapor in storage vessel, pound per pound-mole.

P_A = Average atmospheric pressure, pounds per square inch absolute.

P = True vapor pressure of the HAP at liquid storage temperature, pounds per square inch absolute. See table 21 of this Subpart.

D = Tank diameter, feet.

H = Average vapor space height, feet. Use vessel-specific values or an assumed value of one-half the height.

ΔT = Average ambient diurnal temperature change, °F. A typical value of 20 °F may be used.

F_p = Paint factor, dimensionless, from table 22 of this Subpart; use F_p=1 for vessels located indoors.

C = Adjustment factor for small diameter tanks, dimensionless; use C=1 for diameter ≥30 feet; use $C = 0.0771D - 0.0013D^2 - 0.1334$ for diameter <30 feet.

K_C = Product factor, dimensionless. Use 1.0 for organic HAP's.

(B) Working losses shall be calculated using the following equation:

$$L_W = 1.089 \times 10^{-8} M_v(P)(V)(N)(K_N)(K_C)$$

where:

V = Tank capacity, gallon.

N = Number of turnovers per year.

K_N = Turnover factor, dimensionless, and

$$K_N = \frac{180 + N}{6N} \text{ for turnovers} > 36$$

$$K_N = 1 \text{ for turnovers} \leq 36.$$

M_v, P, and K_C as defined in paragraph (g)(3)(i)(A) of this section.

(C) The owner or operator may elect to calculate ES_{iu} in accordance with the methods described in American Petroleum Institute Publication 2518, Evaporative Loss from Fixed-Roof Tanks (incorporated by reference as specified in 40 CFR 63.14 of this part).

(*1*) The owner or operator who elects to use these alternative methods must use them for all storage vessels included in the emissions average as debit or credit generating points.

(*2*) The equations of paragraphs (g)(3)(i)(A) and (g)(3)(i)(B) of this section shall not be used in conjunction with the alternative methods provided under paragraph (g)(3)(i)(C) of this section.

(ii) The following procedures and equations shall be used for each fixed roof storage vessel i that is not controlled with a floating roof to calculate $ES_{iACTUAL}$:

(A) If the vessel is not controlled, $ES_{iACTUAL} = ES_{iu}$, where ES_{iu} is calculated according to the procedures in paragraph (g)(3)(i) of this section.

(B) Except as provided in paragraph (g)(3)(ii)(C) of this section, if the vessel is controlled using a control device or pollution prevention measure achieving less than 95-percent reduction,

$$ES_{iACTUAL} = ES_{iu} * \left(\frac{1 - Percent\ reduction}{100} \right)$$

(*1*) The percent reduction for a control device shall be determined through a design evaluation according to the procedures specified in 40 CFR 63.120(d) of this Subpart.

(*2*) Procedures for calculating the percent reduction for pollution prevention measures are specified in paragraph (j) of this section.

(C) If the vessel is controlled according to the provisions of 40 CFR 63.119(e)(2) of this section whereby the control device is only required to achieve at least 90-percent reduction, the vessel shall not be considered to be generating debits.

(iii) The following equation shall be used for each internal floating roof vessel i that does not meet the specifications of 40 CFR 63.119(b) or (d) of this Subpart to calculate $ES_{iACTUAL}$:

$$ES_{iACTUAL} = \frac{L_W + L_R + L_F + L_D}{12}$$

where:

L_W = Withdrawal loss emissions, megagrams per year, calculated according to paragraph (g)(3)(iii)(A) of this section.

L_R = Rim seal loss emissions, megagrams per year, calculated according to paragraph (g)(3)(iii)(B) of this section.

L_F = Fitting loss emissions, megagrams per year, calculated according to paragraph (g)(3)(iii)(C) of this section.

L_D = Deck seam loss emissions, megagrams per year, calculated according to paragraph (g)(3)(iii)(D) of this section.

12 = Constant, months per year.

(A) Withdrawal loss emissions shall be calculated using the following equation:

$$L_W = \frac{1.018 \times 10^{-5} QCW_L}{D}\left[1 + \left(\frac{N_c F_c}{D}\right)\right]$$

where:

Q = Throughput, gallon per year; (gallon/turnover) * (turnovers per year).

C = Shell clingage factor, barrel per 1,000 square foot, see table 23 of this Subpart.

WL = Average liquid density, pound per gallon.

D = Tank diameter, feet.

N_c = Number of columns, dimensionless, see table 24 of this Subpart.

F_c = Effective column diameter, feet [column perimeter (feet)÷3.1416], see table 25 of this Subpart.

(B) Rim seal loss emissions shall be calculated using the following equation:

$$L_R = \frac{K_s V^n P^* D M_v K_c}{2,205}$$

where:

M_v = Molecular weight of vapor in storage vessel, pound per pound-mole.

D = Tank diameter, feet.

K_c = Product factor, dimensionless; use 1.0 for organic HAP's.

K_s = Seal factor, pound-mole per [foot (miles per hour)^n year], see table 26 of this Subpart.

V = Average wind speed at the source, miles per hour. A value of 10 miles per hour may be assumed if source-specific data are not available.

n = Seal related wind speed exponent, dimensionless, see table 26 of this Subpart.

2,205 = Constant, pounds per megagram.

P* = Vapor pressure function, dimensionless, and

$$P^* = \frac{\frac{P}{P_A}}{\left[1 + \left(1 - \frac{P}{P_A}\right)0.5\right]^2}$$

where:

P_A = Average atmospheric pressure, pounds per square inch absolute.

P = True vapor pressure at liquid storage temperature, pounds per square inch absolute.

(C) Fitting loss emissions shall be calculated using the following equation:

$$L_F = \frac{F_f P^* M_v K_c}{2,205}$$

where:

F_f = The total deck fitting loss factor, pound-mole per year, and

where:

$$F_f = \sum_{i=1}^{n}\left(N_{F_i}K_{F_i}\right) = \left[\left(N_{F_1}K_{F_1}\right) + \left(N_{F_2}K_{F_2}\right) + \ldots + \left(N_{F_n}K_{F_n}\right)\right]$$

N_{Fi} = Number of fittings of a particular type, dimensionless. N_{Fi} is determined for the specific tank or estimated from tables 24 and 27 of this Subpart.

K_{Fi} = Deck fitting loss factor for a particular type fitting, pound-mole per year. K_{Fi} is determined for each fitting type from table 27 of this Subpart.

n = Number of different types of fittings, dimensionless.

P*, M_v, K_c, and 2,205 as defined in paragraph (g)(3)(iii)(B) of this section.

(D) Deck seam loss emissions shall be calculated using the following equation:

$$L_D = \frac{K_D S_D D^2 P^* M_v K_c}{2,205}$$

where:

K_D = Deck seam loss factor, pound-mole per foot per year, and

K_D = 0.34 for non-welded decks.

K_D = 0 for welded decks.

S_D = Deck seam length factor, feet per square foot, see table 28 of this Subpart.

D, P*, M_v, K_c, and 2,205 as defined in paragraph (g)(3)(iii)(B) of this section.

(iv) The following equation shall be used for each external floating roof vessel i that does not meet the specifications of 40 CFR 63.119(c) of this Subpart to calculate $ES_{iACTUAL}$:

$$ES_{iACTUAL} = \frac{L_W + L_R + L_F}{12}$$

where:

L_W = Withdrawal loss emissions, megagrams per year, calculated according to paragraph (g)(3)(iv)(A) of this section.

L_R = Rim seal loss emissions, megagrams per year, calculated according to paragraph (g)(3)(iv)(B) of this section.

L_F = Fitting loss emissions, megagrams per year, calculated according to paragraph (g)(3)(iv)(C) of this section.

12 = Constant, months per year.

(A) Withdrawal loss emissions shall be calculated using the following equation:

$$L_W = \frac{4.28 * 10^{-4} QCW_L}{D}$$

where:

Q = Throughput, gallons per year.

C = Shell clingage factor, barrel per 1,000 square foot, see table 23 of this Subpart.

W_L = Average liquid density, pound per gallon.

D = Vessel diameter, feet.

(B) Rim seal loss emissions shall be calculated using the following equation:

$$L_R = \frac{K_s V^N P^* D M_v K_c}{2,205}$$

where:

K_s = Seal factor, pound-mole per [foot (miles per hour)^N year], see table 29 of this Subpart.

V = Average wind speed, miles per hour, at the source. A value of 10 miles per hour may be assumed if source-specific data are not available.

N = Seal wind speed exponent, dimensionless, see table 29 of this Subpart.

P* = Vapor pressure function, dimensionless, as defined in paragraph (g)(3)(iii)(B) of this section.

D = Vessel diameter, feet.

M_V = Molecular weight of the HAP, pound per pound-mole.

K_c = Product factor, dimensionless; use 1.0 for organic HAP's.

2,205 = Constant, pounds per megagram.

(C) Fitting loss emissions shall be calculated using the following equation:

$$L_F = \frac{F_F P^* M_v K_c}{2,205}$$

where:

F_F = The total deck fitting loss factor, pound-mole per year, and

$$F_F = \sum_{i=1}^{n}\left(N_{F_i} K_{F_i}\right) = \left[\left(N_{F_1} K_{F_1}\right) + \left(N_{F_2} K_{F_2}\right) + \ldots + \left(N_{F_n} K_{F_n}\right)\right]$$

where:

N_{Fi} = Number of fittings of a particular type, dimensionless. N_{Fi} is determined for the specific tank or estimated from tables 30 through 32 of this Subpart.

K_{Fi} = Deck fitting loss factor for a particular type fitting, pound-mole per year, and

K_{Fi} = $K_{Fai}+K_{Fbi}V^{mi}$, pound-mole per year, see table 30 of this Subpart for the appropriate values of K_{Fa}, K_{Fb}, and m for each fitting type.

V, P*, M_v, K_c, and 2,205 as defined in paragraph (g)(3)(iv)(B) of this section.

(4) Emissions from transfer racks shall be calculated as follows:

(i) The following equation shall be used for each transfer rack i to calculate ETR_{iu}:

$$ETR_{iu} = \left(1.20 \times 10^{-7}\right)\frac{SPMG}{T}$$

where:

ETR_{iu} = Uncontrolled transfer HAP emission rate from transfer rack i, megagrams per month.

S = Saturation factor, dimensionless (see table 33 of this Subpart).

P = Weighted average rack partial pressure of organic HAP's transferred at the rack during the month, kilopascals.

M = Weighted average molecular weight of organic HAP's transferred at the transfer rack during the month, gram per gram-mole.

G = Monthly volume of organic HAP's transferred, liters per month.

T = Weighted rack bulk liquid loading temperature during the month, Kelvin (°C + 273).

(ii) The following equation shall be used for each transfer rack i to calculate the weighted average rack partial pressure:

$$P = \frac{\sum_{1}^{j=n} (P_j)(G_j)}{G}$$

where:

P_j = Maximum true vapor pressure of individual organic HAP transferred at the rack, kilopascals.

G = Monthly volume of organic HAP transferred, liters per month, and

$$G = \sum_{1}^{j=n} G_j$$

G_j = Monthly volume of individual organic HAP transferred at the transfer rack, liters per month.

n = Number of organic HAP's transferred at the transfer rack.

(iii) The following equation shall be used for each transfer rack i to calculate the weighted average rack molecular weight:

$$M = \frac{\sum_{1}^{j=n} (M_j)(G_j)}{G}$$

where:

M_j = Molecular weight of individual organic HAP transferred at the rack, gram per gram-mole.

G, G_j, and n as defined in paragraph (g)(4)(ii) of this section.

(iv) The following equation shall be used for each transfer rack i to calculate the monthly weighted rack bulk liquid loading temperature:

$$T = \frac{\sum_{1}^{j=n} (T_j)(G_j)}{G}$$

where:

T_j = Average annual bulk temperature of individual organic HAP loaded at the transfer rack, Kelvin (°C + 273).

G, G_j, and n as defined in paragraph (g)(4)(ii) of this section.

(v) The following procedures and equations shall be used to calculate $ETR_{iACTUAL}$:

(A) If the transfer rack is not controlled, $ETR_{iACTUAL} = ETR_{iu}$, where ETR_{iu} is calculated using the equations specified in paragraphs (g)(4)(i) through (g)(4)(iv) of this section.

(B) If the transfer rack is controlled using a control device or a pollution prevention measure achieving less than the 98-percent reduction,

$$ETR_{iACTUAL} = ETR_{iu}\left(\frac{1 - Percent\ reduction}{100\%}\right)$$

(*1*) The percent reduction for a control device shall be measured according to the procedures and test methods specified in 40 CFR 63.128(a) of this Subpart. For a flare meeting the criteria in 40 CFR 63.128(b) of this Subpart or a boiler or process heater meeting the criteria in 40 CFR 63.128(c) of this Subpart, the percent reduction shall be 98 percent. If testing is not feasible, percent reduction shall be determined through a design evaluation according to the procedures specified in 40 CFR 63.128(h) of this Subpart.

(*2*) Procedures for calculating the percent reduction for pollution prevention measures are specified in paragraph (j) of this section.

(5) Emissions from wastewater shall be calculated as follows:

(i) The following equation shall be used for each wastewater stream i to calculate EWW_{ic}:

$$EWW_{ic} = \left(6.0*10^{-8}\right) Q_i H_i \sum_{m=1}^{s} \left(1 - Fr_m\right) Fe_m HAP_{im}$$
$$+ \left(0.05\right)\left(6.0*10^{-8}\right) Q_i H_i \sum_{m=1}^{s} \left(Fr_m HAP_{im}\right)$$

where:

EWW_{ic} = Monthly wastewater stream emission rate if wastewater stream i is controlled by the reference control technology, megagrams per month.

Q_i = Average flow rate for wastewater stream i, as determined by the procedure in 40 CFR 63.144(c)(3), liters per minute.

H_i = Number of hours during the month that wastewater stream i was generated, hours per month.

s = Total number of table 9 HAP in wastewater stream i.

Fr_m = Fraction removed of table 9 HAP m in wastewater, from table 9, dimensionless.

Fe_m = Fraction emitted of table 9 HAP m in wastewater, from table 34, dimensionless.

HAP_{im} = Average concentration of table 9 HAP m in wastewater stream i, parts per million by weight.

(A) HAP_{im} shall be determined for the point of determination or, at a location downstream of the point of determination and adjusted according as specified in 40 CFR 63.144(b)(6) of this Subpart, by developing and using the sampling plan specified in 40 CFR 63.144(b)(5)(ii) of this Subpart. The samples collected may be analyzed by any of the methods specified in 40 CFR 63.144(b)(5)(i)(B) through (b)(5)(i)(F) of this Subpart. Concentration measurements based on Method 305 shall be adjusted by dividing each concentration by the compound-specific Fm factor listed on table 34 of this Subpart. Concentration measurements other than Method 305 shall not be adjusted by the compound-specific Fm factor listed in table 34 of this Subpart.

(B) Values for Q_i, HAP_{im}, and C_{im} shall be determined during a performance test conducted under representative conditions as specified in 40 CFR 63.145(a)(3) and (a)(4) of this Subpart. The average value obtained from three test runs shall be used. The values of Q_i, HAP_{im}, and C_{im} shall be established in the Notification of Compliance Status and must be updated as provided in paragraph (g)(5)(i)(C) of this section.

(C) If there is a change to the process or operation such that the previously measured values of Q_i, HAP_{im}, and C_{im} are no longer representative, a new performance test shall be conducted to determine new representative values of Q_i, HAP_{im}, and C_{im}. These new values shall be used to calculate debits and credits from the time of the change forward, and the new values shall be reported in the next Periodic Report.

(ii) The following equation shall be used to calculate $EWW_{iACTUAL}$ for each wastewater stream i that is not managed according to the provisions for waste management units of 40 CFR 63.133 through 63.137 of this Subpart, as applicable, which specify equipment and work practices for suppressing and controlling vapors. Q_i, H_i, s, Fe_m, and HAP_{im} are as defined and determined according to paragraph (g)(5)(i) of this section.

$$EWW_{iACTUAL} = \left(6.0 \times 10^{-8}\right) Q_i H_i \sum_{m=1}^{s} Fe_m HAP_{im}$$

Where:

$EWW_{iACTUAL}$ = Monthly wastewater stream emission rate if wastewater stream i is uncontrolled or is controlled to a level less stringent than the reference control technology, megagrams per month.

(iii) The following equation shall be used to calculate $EWW_{iACTUAL}$ for each wastewater stream i that is managed according to the requirements of 40 CFR 63.133 through 63.137 of this Subpart, as applicable, and wastewater stream i is uncontrolled or is controlled to a level less stringent than the reference control technology (for the

purposes of the wastewater emissions averaging provisions, the term control is used to mean treatment). Q_i, H_i, s, Fe_m, and HAP_{im} are as defined and determined according to paragraph (g)(5)(i) of this section.

$$EWW_{iACTUAL} = \left(6.0*10^{-8}\right) Q_i H_i \sum_{m=1}^{s}\left[Fe_m HAP_{im}\left(1-PR_{im}\right)\right] + \left(1-\frac{R_i}{100\%}\right)\left(6.0*10^{-8}\right) Q_i H_i \sum_{m=1}^{s}\left(HAP_{im} PR_{im}\right)$$

Where:

$EWW_{iACTUAL}$ = Monthly wastewater stream emission rate if wastewater stream i is uncontrolled or is controlled to a level less stringent than the reference control technology, megagrams per month.

PR_{im} = The efficiency of the treatment process, or series of treatment processes, which treat wastewater stream i, in reducing the emission potential of table 9 HAP m in wastewater, dimensionless, as calculated by:

$$PR_{im} = \frac{HAP_{im-in} - HAP_{im-out}}{HAP_{im-in}}$$

Where:

HAPim-in = Average concentration of table 9 HAP m, parts per million by weight, as defined and determined according to paragraph (g)(5)(i) of this section, in the wastewater entering the first treatment process in the series.

HAPim-out = Average concentration of table 9 HAP m, parts per million by weight, as defined and determined according to paragraph (g)(5)(i) of this section, in the wastewater exiting the last treatment process in the series.

R_i = Reduction efficiency of the device used to control any vapor streams emitted and collected from wastewater stream i during treatment, dimensionless, as determined according to the procedures in 40 CFR 63.145(i) or (j) of this Subpart.

(h) Credits are generated by the difference between emissions that are allowed for each Group 1 and Group 2 emission point and the actual emissions from a Group 1 or Group 2 emission point that has been controlled after November 15, 1990 to a level more stringent than what is required by this Subpart or any other State or Federal rule or statute. Credits shall be calculated as follows:

(1) The overall equation for calculating source-wide credits is:

$$Credits = D\sum_{i=1}^{n}\left((0.02)\, EPV1_{iu} - EPV1_{iACTUAL}\right) + D\sum_{i=1}^{m}\left(EPV2_{iBASE} - EPV2_{iACTUAL}\right) + D\sum_{i=1}^{n}\left((0.05)\, ES1_{iu} - ES1_{iACTUAL}\right) + D\sum_{i=1}^{m}\left(ES2_{iBASE} - ES2_{iACTUAL}\right) + D\sum_{i=1}^{n}\left((0.02)\, ETR1_{iu} - ETR1_{iACTUAL}\right) + D\sum_{i=1}^{m}\left(ETR2_{iBASE} - ETR2_{iACTUAL}\right) + D\sum_{i=1}^{n}\left(EWW1_{ic} - EWW1_{iACTUAL}\right) + D\sum_{i=1}^{m}\left(EWW2_{iBASE} - EWW2_{iACTUAL}\right)$$

where:

Credits and all terms of the equation are in units of megagrams per month, the baseline date is November 15, 1990, and:

D = Discount factor=0.9 for all credit generating emission points except those controlled by a pollution prevention measure, which will not be discounted.

$EPV1_{iACTUAL}$ = Emissions for each Group 1 process vent i that is controlled to a level more stringent than the reference control technology, calculated according to paragraph (h)(2) of this section.

(0.02) $EPV1_{iu}$ = Emissions from each Group 1 process vent i if the reference control technology had been applied to the uncontrolled emissions. $EPV1_{iu}$is calculated according to paragraph (h)(2) of this section.

$EPV2_{iACTUAL}$ = Emissions from each Group 2 process vent i that is controlled, calculated according to paragraph (h)(2) of this section.

$EPV2_{iBASE}$ = Emissions from each Group 2 process vent i at the baseline date, as calculated in paragraph (h)(2) of this section.

$ES1_{iACTUAL}$ = Emissions from each Group 1 storage vessel i that is controlled to a level more stringent than the reference control technology, calculated according to paragraph (h)(3) of this section.

(0.05) $ES1_{iu}$ = Emissions from each Group 1 storage vessel i if the reference control technology had been applied to the uncontrolled emissions. $ES1_{iu}$is calculated according to paragraph (h)(3) of this section.

$ES2_{iACTUAL}$ = Emissions from each Group 2 storage vessel i that is controlled, calculated according to paragraph (h)(3) of this section.

$ES2_{iBASE}$ = Emissions from each Group 2 storage vessel i at the baseline date, as calculated in paragraph (h)(3) of this section.

$ETR1_{iACTUAL}$ = Emissions from each Group 1 transfer rack i that is controlled to a level more stringent than the reference control technology, calculated according to paragraph (h)(4) of this section.

(0.02) $ETR1_{iu}$ = Emissions from each Group 1 transfer rack i if the reference control technology had been applied to the uncontrolled emissions. $ETR1_{iu}$is calculated according to paragraph (h)(4) of this section.

$ETR2_{iACTUAL}$ = Emissions from each Group 2 transfer rack i that are controlled, calculated according to paragraph (h)(4) of this section.

$ETR2_{iBASE}$ = Emissions from each Group 2 transfer rack i at the baseline date, as calculated in paragraph (h)(4) of this section.

$EWW1_{iACTUAL}$ = Emissions from each Group 1 wastewater stream i that is controlled to a level more stringent than the reference control technology, calculated according to paragraph (h)(5) of this section.

$EWW1_{ic}$ = Emissions from each Group 1 wastewater stream i if the reference control technology had been applied to the uncontrolled emissions, calculated according to paragraph (h)(5) of this section.

$EWW2_{iACTUAL}$ = Emissions from each Group 2 wastewater stream i that is controlled, calculated according to paragraph (h)(5) of this section.

$EWW2_{iBASE}$ = Emissions from each Group 2 wastewater stream i at the baseline date, calculated according to paragraph (h)(5) of this section.

n = Number of Group 1 emission points included in the emissions average. The value of n is not necessarily the same for process vents, storage vessels, transfer racks, and wastewater.

m = Number of Group 2 emission points included in the emissions average. The value of m is not necessarily the same for process vents, storage vessels, transfer racks, and wastewater.

(i) For an emission point controlled using a reference control technology, the percent reduction for calculating credits shall be no greater than the nominal efficiency associated with the reference control technology, unless a higher nominal efficiency is assigned as specified in paragraph (h)(1)(ii) of this section.

(ii) For an emission point controlled to a level more stringent than the reference control technology, the nominal efficiency for calculating credits shall be assigned as described in paragraph (i) of this section. A reference control technology may be approved for use in a different manner and assigned a higher nominal efficiency according to the procedures in paragraph (i) of this section.

(iii) For an emission point controlled using a pollution prevention measure, the nominal efficiency for calculating credits shall be as determined as described in paragraph (j) of this section.

(2) Emissions from process vents shall be determined as follows:

(i) Uncontrolled emissions from Group 1 process vents, $EPV1_{iu}$, shall be calculated according to the procedures and equation for EPV_{iu} in paragraphs (g)(2)(i) and (g)(2)(ii) of this section.

(ii) Actual emissions from Group 1 process vents controlled using a technology with an approved nominal efficiency greater than 98 percent or a pollution prevention measure achieving greater than 98 percent emission reduction, $EPV1_{iACTUAL}$, shall be calculated according to the following equation:

$$EPV1_{iACTUAL} = EPV1_{iu}\left(1 - \frac{\text{Nominal efficiency \%}}{100\%}\right)$$

(iii) The following procedures shall be used to calculate actual emissions from Group 2 process vents, $EPV2_{iACTUAL}$:

(A) For a Group 2 process vent controlled by a control device, a recovery device applied as a pollution prevention project, or a pollution prevention measure, if the control achieves a percent reduction less than or equal to 98 percent reduction,

$$EPV2_{iACTUAL} = EPV2_{iu} \times \left(1 - \frac{\text{Percent reduction}}{100\%}\right)$$

(*1*) $EPV2_{iu}$ shall be calculated according to the equations and procedures for EPV_{iu} in paragraphs (g)(2)(i) and (g)(2)(ii) of this section, except as provided in paragraph (h)(2)(iii)(A)(*3*) of this section.

(*2*) The percent reduction shall be calculated according to the procedures in paragraphs (g)(2)(iii)(B)(*1*) through (g)(2)(iii)(B)(*3*) of this section, except as provided in paragraph (h)(2)(iii)(A)(*4*) of this section.

(*3*) If a recovery device was added as part of a pollution prevention project, $EPV2_{iu}$ shall be calculated prior to that recovery device. The equation for EPV_{iu} in paragraph (g)(2)(ii) of this section shall be used to calculate $EPV2_{iu}$; however, the sampling site for measurement of vent stream flow rate and organic HAP concentration shall be at the inlet of the recovery device.

(*4*) If a recovery device was added as part of a pollution prevention project, the percent reduction shall be demonstrated by conducting a performance test at the inlet and outlet of that recovery device.

(B) For a Group 2 process vent controlled using a technology with an approved nominal efficiency greater than 98 percent or a pollution prevention measure achieving greater than 98 percent reduction,

$$EPV2_{iACTUAL} = EPV2_{iu}\left(1 - \frac{\text{Nominal efficiency \%}}{100\%}\right)$$

(iv) Emissions from Group 2 process vents at baseline, $EPV2_{iBASE}$, shall be calculated as follows:

(A) If the process vent was uncontrolled on November 15, 1990, $EPV2_{iBASE}=EPV2_{iu}$ and shall be calculated according to the procedures and equation for EPV_{iu} in paragraphs (g)(2)(i) and (g)(2)(ii) of this section.

(B) If the process vent was controlled on November 15, 1990,

$$EPV2_{iBASE} = EPV2_{iu}\left(1 - \frac{\text{Percent reduction \%}}{100\%}\right)$$

where $EPV2_{iu}$ is calculated according to the procedures and equation for EPV_{iu} in paragraphs (g)(2)(i) and (g)(2)(ii) of this section. The percent reduction shall be calculated according to the procedures specified in paragraphs (g)(2)(iii)(B)(*1*) through (g)(2)(iii)(B)(*3*) of this section.

(C) If a recovery device was added to a process vent as part of a pollution prevention project initiated after November 15, 1990, $EPV2_{iBASE}=EPV2_{iu}$, where $EPV2_{iu}$ is calculated according to paragraph (h)(2)(iii)(A)(*3*) of this section.

(3) Emissions from storage vessels shall be determined as follows:

(i) Uncontrolled emissions from Group 1 storage vessels, $ES1_{iu}$, shall be calculated according to the equations and procedures for ES_{iu} in paragraph (g)(3)(i) of this section.

(ii) Actual emissions from Group 1 storage vessels controlled using a technology with an approved nominal efficiency greater than 95 percent or a pollution prevention measure achieving greater than 95 percent emission reduction, $ES1_{iACTUAL}$, shall be calculated according to the following equation:

$$ES1_{iACTUAL} = ES1_{iu}\left(1 - \frac{\text{Nominal efficiency \%}}{100\%}\right)$$

(iii) The following procedures shall be used to calculate actual emissions from Group 2 storage vessels, $ES2_{iACTUAL}$:

(A) For a Group 2 storage vessel controlled using a control device or a pollution prevention measure (other than an internal or external floating roof) achieving a percent reduction less than or equal to 95-percent reduction,

$$ES2_{iACTUAL} = ES2_{iu} \times \left(1 - \frac{Percent\ \text{reduction}}{100\%}\right)$$

(*1*) $ES2_{iu}$ is calculated according to the equations and procedures for ES_{iu} in paragraph (g)(3)(i) of this section.

(*2*) The percent reduction shall be calculated according to the procedures in paragraphs (g)(3)(ii)(B)(*1*) and (g)(3)(ii)(B)(2) of this section.

(*3*) If an internal or external floating roof meeting the specifications of 40 CFR 63.119 (b), (c), or (d) of this Subpart is used to control the vessel, the percent reduction shall be 95 percent.

(B) If a Group 2 storage vessel is controlled with an internal or external floating roof not meeting the specifications of 40 CFR 63.119 (b), (c), or (d) of this Subpart, $ES2_{iACTUAL}$ shall be calculated as specified for $ES_{iACTUAL}$ in paragraph (g)(3)(iii) or (g)(3)(iv) of this section.

(C) For a Group 2 storage vessel controlled using a technology with an approved nominal efficiency greater than 95 percent or a pollution prevention measure achieving greater than 95 percent reduction,

$$ES2_{iACTUAL} = ES2_{iu}\left(1 - \frac{\text{Nominal efficiency }\%}{100\%}\right)$$

(iv) Emissions from Group 2 storage vessels at baseline, $ES2_{iBASE}$, shall be calculated as follows:

(A) If the fixed-roof vessel was uncontrolled on November 15, 1990, $ES2_{iBASE}$=$ES2_{iu}$ and shall be calculated according to the procedures and equations for ES_{iu} in paragraph (g)(3)(i) of this section.

(B) If the storage vessel was controlled on November 15, 1990:

(*1*) The equations for $ES_{iACTUAL}$ in paragraph (g)(3)(iii) of this section shall be used to calculate $ES2_{iBASE}$ for vessels controlled with an internal floating roof that does not meet the specifications of 40 CFR 63.119 (b) or (d) of this Subpart.

(*2*) The equations for $ES_{iACTUAL}$ in paragraph (g)(3)(iv) of this section shall be used to calculate $ES2_{iBASE}$ for vessels controlled with an external floating roof that does not meet the specifications of 40 CFR 63.119(c) of this Subpart.

(*3*) The following equations shall be used to calculate $ES2_{iBASE}$ for vessels controlled with a control device,

$$ES2_{iBASE} = ES2_{iu}\left(1 - \frac{\text{Percent reduction }\%}{100\%}\right)$$

where $ES2_{iu}$ shall be calculated according to the equations for ES_{iu} in paragraph (g)(3)(i) of this section. The percent reduction shall be calculated according to the procedures in paragraphs (g)(3)(ii)(B)(*1*) and (g)(3)(ii)(B)(*2*) of this section.

(4) Emissions from transfer racks shall be determined as follows:

(i) Uncontrolled emissions from Group 1 transfer racks, $ETR1_{iu}$, shall be calculated according to the procedures and equations for ETR_{iu} as described in paragraphs (g)(4)(i) through (g)(4)(iv) of this section.

(ii) Actual emissions from Group 1 transfer racks controlled using a technology with an approved nominal efficiency greater than 98 percent or a pollution prevention measure achieving greater than 98 percent emission reduction, $ETR_{iACTUAL}$, shall be calculated according to the following equation:

$$ETR1_{iACTUAL} = ETR1_{iu}\left(1 - \frac{\text{Nominal efficiency}}{100\%}\right)$$

(iii) The following procedures shall be used to calculate actual emissions from Group 2 transfer racks, $ETR2_{iACTUAL}$:

(A) For a Group 2 transfer rack controlled by a control device or a pollution prevention measure achieving a percent reduction less than or equal to 98 percent reduction,

$$ETR2_{iACTUAL} = ETR2_{iu}\left(1 - \frac{\text{Percent reduction}}{100\%}\right)$$

(*1*) $ETR2_{iu}$ shall be calculated according to the equations and procedures for ETR_{iu} in paragraphs (g)(4)(i) through (g)(4)(iv) of this section.

(*2*) The percent reduction shall be calculated according to the procedures in paragraph (g)(4)(v)(B)(*1*) and (g)(4)(v)(B)(*2*) of this section.

(B) For a Group 2 transfer rack controlled using a technology with an approved nominal efficiency greater than 98 percent or a pollution prevention measure achieving greater than 98 percent reduction,

$$ETR2_{iACTUAL} = ETR2_{iu}\left(1 - \frac{\text{Nominal efficiency}}{100\%}\right)$$

(iv) Emissions from Group 2 transfer racks at baseline, $ETR2_{iBASE}$, shall be calculated as follows:

(A) If the transfer rack was uncontrolled on November 15, 1990, $ETR2_{iBASE}=ETR2_{iu}$ and shall be calculated according to the procedures and equations for ETR_{iu} in paragraphs (g)(4)(i) through (g)(4)(iv) of this section.

(B) If the transfer rack was controlled on November 15, 1990,

$$ETR2_{iBASE} = ETR2_{iu}\left(1 - \frac{\text{Percent reduction}}{100\%}\right)$$

where $ETR2_{iu}$ is calculated according to the procedures and equations for ETR_{iu} in paragraphs (g)(4)(i) through (g)(4)(iv) of this section. Percent reduction shall be calculated according to the procedures in paragraphs (g)(4)(v)(B)(*1*) and (g)(4)(v)(B)(*2*) of this section.

(5) Emissions from wastewater shall be determined as follows:

(i) $EWW1_{ic}$ shall be calculated according to the equation for EWW_{ic} in paragraph (g)(5)(i) of this section.

(ii) $EWW2_{iBASE}$ shall be calculated according to the equation for $EWW_{iACTUAL}$ in paragraph (g)(5)(ii) of this section for each Group 2 wastewater stream i, which on November 15, 1990, was not managed according to the requirements of 40 CFR 63.133 through 63.137 of this Subpart, as applicable.

(iii) $EWW2_{iBASE}$ shall be calculated according to the equation for $EWW_{iACTUAL}$ in paragraph (g)(5)(iii) of this section for each Group 2 wastewater stream i, which on November 15, 1990, was managed according to the requirements of 40 CFR 63.133 through 63.137 of this Subpart, as applicable, and was uncontrolled or controlled to a level less stringent than the reference control technology.

(iv) For Group 2 wastewater streams that are managed according to the requirements of 40 CFR 63.133 through 63.137 of this Subpart, as applicable, $EWW2_{iACTUAL}$ shall be calculated as follows:

(A) $EWW2_{iACTUAL}$ shall be calculated according to the equation for $EWW_{iACTUAL}$ in paragraph (g)(5)(iii) of this section for each Group 2 wastewater stream i that is controlled to a level less stringent than, or equivalent to, the reference control technology.

(B) $EWW2_{iACTUAL}$ shall be calculated according to the procedures for calculating $EWW1_{iACTUAL}$ in paragraph (h)(5)(v) of this section for each Group 2 wastewater stream that is controlled to a level more stringent than the reference control technology.

(v) The following equations for EWW1iACTUAL shall be used to calculate emissions from each Group 1 wastewater stream i that is managed according to the requirements of 40 CFR 63.133 through 63.137 of this Subpart, as applicable, and is controlled to a level more stringent than the reference control technology.

(A) If the Group 1 wastewater stream i is controlled using a treatment process or series of treatment processes with an approved nominal reduction efficiency in the concentration of table 9 HAP for stream i greater than

that of the design steam stripper specified in 40 CFR 63.138(d) of this Subpart, and the control device used to reduce table 9 HAP emissions from the vapor stream(s) vented from the treatment process(es) achieves a percent reduction equal to 95 percent, the following equation shall be used. All terms in this equation are as defined and determined in paragraph (g)(5) of this section.

$$EWW1_{iACTUAL} = \left(6.0*10^{-8}\right) Q_i H_i \sum_{m=1}^{5} \left[Fe_m HAP_{im} \left(1 - PR_{im}\right) \right] + 0.05 \left(6.0*10^{-8}\right) Q_i H_i \sum_{m=1}^{5} \left[HAP_{im} PR_{im} \right]$$

(B) If the Group 1 wastewater stream i is not controlled using a treatment process or series of treatment processes with a nominal reduction efficiency in the table 9 HAP concentration greater than that of the design steam stripper specified in 40 CFR 63.138(d) of this Subpart, but the vapor stream(s) vented from the treatment process(es) are controlled using a device with an approved nominal efficiency greater than 95 percent, the following equation shall be used. All terms other than nominal efficiency are as defined and determined in paragraph (g)(5) of this section.

$$EWW1_{iACTUAL} = \left(6.0*10^{-8}\right) Q_i H_i \sum_{m=1}^{5} \left[Fe_m HAP_{im} \left(1 - Fr_m\right) \right] + \left(1 - \frac{Nominal\ efficiency\ \%}{100}\right) \left(6.0*10^{-8}\right) Q_i H_i \sum_{m=1}^{5} \left[HAP_{im} Fr_m \right]$$

(C) If the Group 1 wastewater stream i is controlled using a treatment process or series of treatment processes with an approved nominal reduction efficiency in the table 9 HAP concentration greater than that of the design steam stripper specified in 40 CFR 63.138(d) of this Subpart, and the vapor stream(s) vented from the treatment process are controlled using a device with an approved nominal efficiency greater than 95 percent, the following equation shall be used. All terms other than nominal efficiency are as defined and determined in paragraph (g)(5) of this section.

$$EWW1_{iACTUAL} = \left(6.0*10^{-8}\right) Q_i H_i \sum_{m=1}^{5} \left[Fe_m HAP_{im} \left(1 - PR_{im}\right) \right] + \left(1 - \frac{Nominal\ efficiency\ \%}{100}\right) \left(6.0*10^{-8}\right) Q_i H_i \sum_{m=1}^{5} \left[HAP_{im} PR_{im} \right]$$

(i) The following procedures shall be followed to establish nominal efficiencies. The procedures in paragraphs (i)(1) through (i)(6) of this section shall be followed for control technologies that are different in use or design from the reference control technologies and achieve greater percent reductions than the percent efficiencies assigned to the reference control technologies in 40 CFR 63.111 of this Subpart.

(1) In those cases where the owner or operator is seeking permission to take credit for use of a control technology that is different in use or design from the reference control technology, and the different control technology will be used in more than three applications at a single plant-site, the owner or operator shall submit the information specified in paragraphs (i)(1)(i) through (i)(1)(iv) of this section to the Director of the EPA Office of Air Quality Planning and Standards in writing:

(i) Emission stream characteristics of each emission point to which the control technology is or will be applied including the kind of emission point, flow, organic HAP concentration, and all other stream characteristics necessary to design the control technology or determine its performance.

(ii) Description of the control technology including design specifications.

(iii) Documentation demonstrating to the Administrator's satisfaction the control efficiency of the control technology. This may include performance test data collected using an appropriate EPA method or any other method validated according to Method 301 of Appendix A of this part. If it is infeasible to obtain test data, documentation may include a design evaluation and calculations. The engineering basis of the calculation procedures and all inputs and assumptions made in the calculations shall be documented.

(iv) A description of the parameter or parameters to be monitored to ensure that the control technology will be operated in conformance with its design and an explanation of the criteria used for selection of that parameter (or parameters).

(2) The Administrator shall determine within 120 calendar days whether an application presents sufficient information to determine nominal efficiency. The Administrator reserves the right to request specific data in addition to the items listed in paragraph (i)(1) of this section.

(3) The Administrator shall determine within 120 calendar days of the submittal of sufficient data whether a control technology shall have a nominal efficiency and the level of that nominal efficiency. If, in the Administrator's judgment, the control technology achieves a level of emission reduction greater than the reference control technology for a particular kind of emission point, the Administrator will publish a Federal Register notice establishing a nominal efficiency for the control technology.

(4) The Administrator may condition permission to take emission credits for use of the control technology on requirements that may be necessary to ensure operation and maintenance to achieve the specified nominal efficiency.

(5) In those cases where the owner or operator is seeking permission to take credit for use of a control technology that is different in use or design from the reference control technology and the different control technology will be used in no more than three applications at a single plant site, the information listed in paragraphs (i)(1)(i) through (i)(1)(iv) can be submitted to the permitting authority for the source for approval instead of the Administrator.

(i) In these instances, use and conditions for use of the control technology can be approved by the permitting authority as part of an operating permit application or modification. The permitting authority shall follow the procedures specified in paragraphs (i)(2) through (i)(4) of this section except that, in these instances, a Federal Register notice is not required to establish the nominal efficiency for the different technology.

(ii) If, in reviewing the application, the permitting authority believes the control technology has broad applicability for use by other sources, the permitting authority shall submit the information provided in the application to the Director of the EPA Office of Air Quality Planning and Standards. The Administrator shall review the technology for broad applicability and may publish a Federal Register notice; however, this review shall not affect the permitting authority's approval of the nominal efficiency of the control technology for the specific application.

(6) If, in reviewing an application for a control technology for an emission point, the Administrator or permitting authority determines the control technology is not different in use or design from the reference control technology, the Administrator or permitting authority shall deny the application.

(j) The following procedures shall be used for calculating the efficiency (percent reduction) of pollution prevention measures:

(1) A pollution prevention measure is any practice which meets the criteria of paragraphs (j)(1)(i) and (j)(1)(ii) of this section.

(i) A pollution prevention measure is any practice that results in a lesser quantity of organic HAP emissions per unit of product released to the atmosphere prior to out-of-process recycling, treatment, or control of emissions, while the same product is produced.

(ii) Pollution prevention measures may include: substitution of feedstocks that reduce HAP emissions; alterations to the production process to reduce the volume of materials released to the environment; equipment modifications; housekeeping measures; and in-process recycling that returns waste materials directly to production as raw materials. Production cutbacks do not qualify as pollution prevention.

(2) The emission reduction efficiency of pollution prevention measures implemented after November 15, 1990, can be used in calculating the actual emissions from an emission point in the debit and credit equations in paragraphs (g) and (h) of this section. When the term “organic HAP” is used in 40 CFR 63.150(j)(2) in reference to wastewater emission points, the term “table 9 HAP” shall apply for the purposes of this paragraph.

(i) For pollution prevention measures, the percent reduction used in the equations in paragraphs (g)(2) through (g)(5) of this section and paragraphs (h)(2) through (h)(5) of this section is the percent difference between the monthly organic HAP emissions for each emission point after the pollution prevention measure for the most recent month versus monthly emissions from the same emission point before the pollution prevention measure, adjusted by the volume of product produced during the two monthly periods.

(ii) The following equation shall be used to calculate the percent reduction of a pollution prevention measure for each emission point.

$$\text{Percent reduction} = \frac{E_B - \frac{(E_{pp} \times P_B)}{P_{pp}}}{E_B} \times 100\%$$

where:

Percent reduction = Efficiency of pollution prevention measure (percent organic HAP reduction).

E_B = Monthly emissions before the pollution prevention measure, megagrams per month, determined as specified in paragraphs (j)(2)(ii)(A), (j)(2)(ii)(B), and (j)(2)(ii)(C) of this section.

E_{pp} = Monthly emissions after the pollution prevention measure, megagrams per month, as determined for the most recent month, determined as specified in paragraphs (j)(2)(ii)(D) or (j)(2)(ii)(E) of this section.

P_B = Monthly production before the pollution prevention measure, megagrams per month, during the same period over which E_B is calculated.

P_{pp} = Monthly production after the pollution prevention measure, megagrams per month, as determined for the most recent month.

(A) The monthly emissions before the pollution prevention measure, E_B, shall be determined in a manner consistent with the equations and procedures in paragraphs (g)(2), (g)(3), and (g)(4) of this section for process vents, storage vessels, and transfer operations.

(B) For wastewater, E_B shall be calculated as follows:

$$E_B = \sum_{i=1}^{n} \left[\left(6.0 * 10^{-8}\right) Q_{Bi} H_{Bi} \sum_{m=1}^{s} Fe_m HAP_{Bim} \right]$$

Where:

n = Number of wastewater streams.

Q_{Bi} = Average flow rate for wastewater stream i before the pollution prevention measure, defined and determined according to paragraph (g)(5)(i) of this section, liters per minute, before implementation of the pollution prevention measure.

H_{Bi} = Number of hours per month that wastewater stream i was discharged before the pollution prevention measure, hours per month.

s = Total number of table 9 HAP in wastewater stream i.

Fe_m = Fraction emitted of table 9 HAP m in wastewater of this Subpart, dimensionless.

HAP_{Bim} = Average concentration of table 9 HAP m in wastewater stream i, defined and determined according to paragraph (g)(5)(i) of this section, before the pollution prevention measure, parts per million by weight, as measured before the implementation of the pollution measure.

(C) If the pollution prevention measure was implemented prior to April 22, 1994, records may be used to determine E_B.

(D) The monthly emissions after the pollution prevention measure, E_{pp}, may be determined during a performance test or by a design evaluation and documented engineering calculations. Once an emissions-to-production ratio has been established, the ratio can be used to estimate monthly emissions from monthly production records.

(E) For wastewater, E_{pp} shall be calculated using the following equation:

$$E_{pp} = \sum_{i=1}^{n} \left[\left(6.0 * 10^{-8}\right) Q_{ppi} H_{ppi} \sum_{m=1}^{s} Fe_m HAP_{ppim} \right]$$

where n, Q_{ppi}, H_{ppi}, s, Fe_m, and HAP_{ppim} are defined and determined as described in paragraph (j)(2)(ii)(B) of this section except that Q_{ppi}, H_{ppi}, and HAP_{ppim} shall be determined after the pollution prevention measure has been implemented.

(iii) All equations, calculations, test procedures, test results, and other information used to determine the percent reduction achieved by a pollution prevention measure for each emission point shall be fully documented.

(iv) The same pollution prevention measure may reduce emissions from multiple emission points. In such cases, the percent reduction in emissions for each emission point must be calculated.

(v) For the purposes of the equations in paragraphs (h)(2) through (h)(5) of this section, used to calculate credits for emission points controlled more stringently than the reference control technology, the nominal efficiency of a pollution prevention measure is equivalent to the percent reduction of the pollution prevention measure. When a pollution prevention measure is used, the owner or operator of a source is not required to apply to the Administrator for a nominal efficiency and is not subject to paragraph (i) of this section.

(k) The owner or operator must demonstrate that the emissions from the emission points proposed to be included in the average will not result in greater hazard or, at the option of the operating permit authority, greater risk to human health or the environment than if the emission points were controlled according to the provisions in 40 CFR 63.113 through 63.148.

(1) This demonstration of hazard or risk equivalency shall be made to the satisfaction of the operating permit authority.

(i) The Administrator may require owners and operators to use specific methodologies and procedures for making a hazard or risk determination.

(ii) The demonstration and approval of hazard or risk equivalency shall be made according to any guidance that the Administrator makes available for use.

(2) Owners and operators shall provide documentation demonstrating the hazard or risk equivalency of their proposed emissions average in their operating permit application or in their Implementation Plan if an operating permit application has not yet been submitted.

(3) An emissions averaging plan that does not demonstrate hazard or risk equivalency to the satisfaction of the Administrator shall not be approved. The Administrator may require such adjustments to the emissions averaging plan as are necessary in order to ensure that the average will not result in greater hazard or risk to human health or the environment than would result if the emission points were controlled according to 40 CFR 63.113 through 63.148 of this Subpart.

(4) A hazard or risk equivalency demonstration must:

(i) Be a quantitative, bona fide chemical hazard or risk assessment;

(ii) Account for differences in chemical hazard or risk to human health or the environment; and

(iii) Meet any requirements set by the Administrator for such demonstrations.

(l) For periods of excursions, an owner or operator may request that the provisions of paragraphs (l)(1) through (l)(4) of this section be followed instead of the procedures in paragraphs (f)(3)(i) and (f)(3)(ii) of this section.

(1) The owner or operator shall notify the Administrator of excursions in the Periodic Reports as required in 40 CFR 63.152 of this Subpart.

(2) The owner or operator shall demonstrate that other types of monitoring data or engineering calculations are appropriate to establish that the control device for the emission point was operating in such a fashion to warrant assigning full or partial credits and debits. This demonstration shall be made to the Administrator's satisfaction, and the Administrator may establish procedures of demonstrating compliance that are acceptable.

(3) The owner or operator shall provide documentation of the excursion and the other type of monitoring data or engineering calculations to be used to demonstrate that the control device for the emission point was operating in such a fashion to warrant assigning full or partial credits and debits.

(4) The Administrator may assign full or partial credit and debits upon review of the information provided.

(m) For each Group 1 or Group 2 emission point included in an emissions average, the owner or operator shall perform testing, monitoring, recordkeeping, and reporting equivalent to that required for Group 1 emission points complying with 40 CFR 63.113 through 63.148 of this Subpart. The specific requirements for process vents, storage vessels, transfer racks, and wastewater are identified in paragraphs (m)(1) through (m)(6) of this section.

(1) The source shall implement the following testing, monitoring, recordkeeping, and reporting procedures for each process vent equipped with a flare, incinerator, boiler, or process heater.

(i) Determine, consistent with paragraph (g)(2)(i) of this section, whether the process vent is Group 1 or Group 2 according to the procedures in 40 CFR 63.115.

(ii) Conduct initial performance tests to determine percent reduction as specified in 40 CFR 63.116 of this Subpart;

(iii) Monitor the operating parameters, keep records, and submit reports specified in 40 CFR 63.114, 40 CFR 63.117(a), and 40 CFR 63.118 (a), (f), and (g) of this Subpart, as appropriate for the specific control device.

(2) The source shall implement the following procedures for each process vent equipped with a carbon adsorber, absorber, or condenser but not equipped with a control device:

(i) Determine, consistent with paragraph (g)(2)(i) of this section, the flow rate, organic HAP concentration, and TRE index value using the methods specified in 40 CFR 63.115;

(ii) Monitor the operating parameters, keep records, and submit reports specified in 40 CFR 63.114, 40 CFR 63.117(a), and 40 CFR 63.118(b), (f), and (g) of this Subpart, as appropriate for the specific recovery device.

(3) The source shall implement the following procedures for each storage vessel controlled with an internal floating roof, external roof, or a closed vent system with a control device, as appropriate to the control technique:

(i) Perform the monitoring or inspection procedures in 40 CFR 63.120 of this Subpart,

(ii) Perform the reporting and recordkeeping procedures in 40 CFR 63.122 and 63.123 of this Subpart, and

(iii) For closed vent systems with control devices, conduct an initial design evaluation and submit an operating plan as specified in 40 CFR 63.120(d) and 40 CFR 63.122(a)(2) and (b) of this Subpart.

(4) The source shall implement the following procedures for each transfer rack controlled with a vapor balancing system, or a vapor collection system and an incinerator, flare, boiler, process heater, adsorber, condenser, or absorber, as appropriate to the control technique:

(i) The monitoring and inspection procedures in 40 CFR 63.127 of this Subpart,

(ii) The testing and compliance procedures in 40 CFR 63.128 of this Subpart, and

(iii) The reporting and recordkeeping procedures in 40 CFR 63.129 and 40 CFR 63.130 of this Subpart.

(5) The source shall implement the following procedures for wastewater emission points, as appropriate to the control techniques:

(i) For wastewater treatment processes, conduct tests as specified in 40 CFR 63.138(j) of this Subpart.

(ii) Conduct inspections and monitoring as specified in 40 CFR 63.143 of this Subpart.

(iii) A recordkeeping program as specified in 40 CFR 63.147 of this Subpart.

(iv) A reporting program as specified in 40 CFR 63.146 of this Subpart.

(6) If an emission point in an emissions average is controlled using a pollution prevention measure or a device or technique for which no monitoring parameters or inspection procedures are specified in 40 CFR 63.114, 40 CFR 63.120, 40 CFR 63.127, or 40 CFR 63.143 of this Subpart, the owner or operator shall submit the information specified in 40 CFR 63.151(f) of this Subpart in the Implementation Plan or operating permit application.

(n) Records of all information required to calculate emission debits and credits shall be retained for five years.

(o) Initial Notifications, Implementation Plans, Notifications of Compliance Status, Periodic Reports, and other reports shall be submitted as required by 40 CFR 63.151 and 40 CFR 63.152 of this Subpart.

[59 FR 19468, Apr. 22, 1994, as amended at 60 FR 63628, Dec. 12, 1995; 64 FR 20192, Apr. 26, 1999; 66 FR 6934, Jan. 22, 2001]

40 CFR 63.151 - Initial notification

(a) Each owner or operator of a source subject to this Subpart shall submit the reports listed in paragraphs (a)(1) through (a)(5) of this section. Owners or operators requesting an extension of compliance shall also submit the report listed in paragraph (a)(6) of this section.

(1) An Initial Notification described in paragraph (b) of this section, and

(2) An Implementation Plan for new sources subject to this Subpart or for emission points to be included in an emissions average, unless an operating permit application has been submitted prior to the date the Implementation Plan is due and the owner or operator has elected to include the information specified in 40 CFR 63.152(e) in that application. The submittal date and contents of the Implementation Plan are specified in paragraphs (c) and (d) of this section.

(3) A Notification of Compliance Status described in 40 CFR 63.152 of this Subpart,

(4) Periodic Reports described in 40 CFR 63.152 of this Subpart, and

(5) Other reports described in 40 CFR 63.152 of this Subpart.

(6) Pursuant to section 112(i)(3)(B) of the Act, an owner or operator may request an extension allowing the existing source up to 1 additional year to comply with section 112(d) standards.

(i) For purposes of this Subpart, a request for an extension shall be submitted to the permitting authority as part of the operating permit application or as part of the Initial Notification or as a separate submittal. Requests for extensions shall be submitted no later than 120 days prior to the compliance dates specified in 40 CFR 63.100(k)(2), 40 CFR 63.100(l)(4), and 40 CFR 63.100(m) of Subpart F of this part, except as provided for in paragraph (a)(6)(iv) of this section. The dates specified in 40 CFR 63.6(i) of Subpart A of this part for submittal of requests for extensions shall not apply to sources subject to this Subpart G.

(ii) A request for an extension of compliance must include the data described in 40 CFR 63.6(i)(6)(i) (A), (B), and (D) of Subpart A of this part.

(iii) The requirements in 40 CFR 63.6(i)(8) through (i)(14) of Subpart A will govern the review and approval of requests for extensions of compliance with this Subpart.

(iv) An owner or operator may submit a compliance extension request after the date specified in paragraph (a)(6)(i) of this section provided the need for the compliance extension arose after that date and before the otherwise applicable compliance date, and the need arose due to circumstances beyond reasonable control of the owner or operator. This request shall include, in addition to the information in paragraph (a)(6)(ii) of this section, a statement of the reasons additional time is needed and the date when the owner or operator first learned of the problem.

(7) The reporting requirements for storage vessels are located in 40 CFR 63.122 of this Subpart.

(b) Each owner or operator of an existing or new source subject to Subpart G shall submit a written Initial Notification to the Administrator, containing the information described in paragraph (b)(1) of this section, according to the schedule in paragraph (b)(2) of this section. The Initial Notification provisions in 40 CFR 63.9(b)(2), (b)(3), and (b)(6) of Subpart A shall not apply to owners or operators of sources subject to Subpart G.

(1) The Initial Notification shall include the following information:

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

(ii) The address (physical location) of the affected source;

(iii) An identification of the kinds of emission points within the source that are subject to this Subpart;

(iv) An identification of the chemical manufacturing processes subject to Subpart G; and

(v) A statement of whether the source can achieve compliance by the relevant compliance date specified in 40 CFR 63.100 of Subpart F.

(2) The Initial Notification shall be submitted according to the schedule in paragraph (b)(2)(i), (b)(2)(ii), or (b)(2)(iii) of this section, as applicable.

(i) For an existing source, the Initial Notification shall be submitted within 120 calendar days after the date of promulgation.

(ii) For a new source that has an initial start-up 90 calendar days after the date of promulgation of this Subpart or later, the application for approval of construction or reconstruction required by 40 CFR 63.5(d) of Subpart A shall be submitted in lieu of the Initial Notification. The application shall be submitted as soon as practicable

before construction or reconstruction is planned to commence (but it need not be sooner than 90 calendar days after the date of promulgation of this Subpart).

(iii) For a new source that has an initial start-up prior to 90 calendar days after the date of promulgation, the Initial Notification shall be submitted within 90 calendar days after the date of promulgation of this Subpart. The application for approval of construction or reconstruction described in 40 CFR 63.5(d) of Subpart A is not required for these sources.

(c) Each owner or operator of an existing source with emission points that will be included in an emissions average or new source subject to this Subpart must submit an Implementation Plan to the Administrator by the dates specified in paragraphs (c)(1) and (c)(2) of this section, unless an operating permit application accompanied by the information specified in 40 CFR 63.152(e) of this Subpart has been submitted. The Implementation Plan for emissions averaging is subject to Administrator approval.

(1) Each owner or operator of an existing source subject to this Subpart who elects to comply with 40 CFR 63.112 of this Subpart by using emissions averaging for any emission points, and who has not submitted an operating permit application accompanied by the information specified in 40 CFR 63.152(e) of this Subpart at least 18 months prior to the compliance dates specified in 40 CFR 63.100 of Subpart F of this part, shall develop an Implementation Plan for emissions averaging. For existing sources, the Implementation Plan for those emission points to be included in an emissions average shall be submitted no later than 18 months prior to the compliance dates in 40 CFR 63.100 of Subpart F of this part.

(2) Each owner or operator of a new source shall submit an Implementation Plan by the date specified in paragraphs (c)(2)(i) or (c)(2)(ii) of this section, as applicable, unless an operating permit application containing the information in paragraph (e) of this section has been submitted by that date.

(i) For a new source that has an initial start-up 90 calendar days after the date of promulgation of this Subpart or later, the Implementation Plan shall be submitted with the application for approval of construction or reconstruction by the date specified in paragraph (b)(2)(ii) of this section.

(ii) For a new source that has an initial start-up prior to 90 calendar days after the date of promulgation, the Implementation Plan shall be submitted within 90 calendar days after the date of promulgation of this Subpart.

(3) The Administrator shall determine within 120 calendar days whether the Implementation Plan submitted by sources using emissions averaging presents sufficient information. The Administrator shall either approve the Implementation Plan, request changes, or request that the owner or operator submit additional information. Once the Administrator receives sufficient information, the Administrator shall approve, disapprove, or request changes to the plan within 120 calendar days.

(d) Each owner or operator required to submit an Implementation Plan for emissions averaging shall include in the plan, for all emission points included in the emissions average, the information listed in paragraphs (d)(1) through (d)(8) of this section.

(1) The identification of all emission points in the planned emissions average and notation of whether each point is a Group 1 or Group 2 emission point as defined in 40 CFR 63.111 of this Subpart.

(2) The projected emission debits and credits for each emission point and the sum for the emission points involved in the average calculated according to 40 CFR 63.150 of this Subpart. The projected credits must be greater than the projected debits, as required under 40 CFR 63.150(e)(3) of this Subpart.

(3) The specific control technology or pollution prevention measure that will be used for each emission point included in the average and date of application or expected date of application.

(4) The specific identification of each emission point affected by a pollution prevention measure. To be considered a pollution prevention measure, the criteria in 40 CFR 63.150(j)(1) of this Subpart must be met. If the same pollution prevention measure reduces or eliminates emissions from multiple emission points in the average, the owner or operator must identify each of these emission points.

(5) A statement that the compliance demonstration, monitoring, inspection, recordkeeping, and reporting provisions in 40 CFR 63.150(m), (n), and (o) of this Subpart that are applicable to each emission point in the emissions average will be implemented beginning on the date of compliance.

(6) Documentation of the information listed in paragraph (d)(6)(i) through (d)(6)(v) of this section for each process vent, storage vessel, or transfer rack included in the average.

(i) The values of the parameters used to determine whether the emission point is Group 1 or Group 2. Where TRE index value is used for process vent group determination, the estimated or measured values of the parameters used in the TRE equation in 40 CFR 63.115(d) of this Subpart (flow rate, organic HAP emission rate, TOC emission rate, and net heating value) and the resulting TRE index value shall be submitted.

(ii) The estimated values of all parameters needed for input to the emission debit and credit calculations in 40 CFR 63.150 (g) and (h) of this Subpart. These parameter values, or as appropriate, limited ranges for the parameter values, shall be specified in the source's Implementation Plan (or operating permit) as enforceable operating conditions. Changes to these parameters must be reported as required by paragraph (i)(2)(ii) of this section.

(iii) The estimated percent reduction if a control technology achieving a lower percent reduction than the efficiency of the reference control technology, as defined in 40 CFR 63.111 of this Subpart, is or will be applied to the emission point.

(iv) The anticipated nominal efficiency if a control technology achieving a greater percent emission reduction than the efficiency of the reference control technology is or will be applied to the emission point. The procedures in 40 CFR 63.150(i) of this Subpart shall be followed to apply for a nominal efficiency.

(v) The operating plan required in 40 CFR 63.122(a)(2) and (b) of this Subpart for each storage vessel controlled with a closed-vent system with a control device other than a flare.

(7) The information specified in 40 CFR 63.151(f) of this Subpart shall be included in the Implementation Plan for:

(i) Each process vent or transfer rack controlled by a pollution prevention measure or control technique for which monitoring parameters or inspection procedures are not specified in 40 CFR 63.114, 40 CFR 63.126(b)(3), or 40 CFR 63.127 of this Subpart, and

(ii) Each storage vessel controlled by pollution prevention or a control technique other than an internal or external floating roof or a closed vent system with a control device.

(8) Documentation of the information listed in paragraph (d)(8)(i) through (d)(8)(iv) for each process wastewater stream included in the average.

(i) The information used to determine whether the wastewater stream is a Group 1 or Group 2 wastewater stream.

(ii) The estimated values of all parameters needed for input to the wastewater emission credit and debit calculations in 40 CFR 63.150 (g)(5) and (h)(5) of this Subpart.

(iii) The estimated percent reduction if:

(A) A control technology that achieves an emission reduction less than or equal to the emission reduction achieved by the design steam stripper, as specified in 40 CFR 63.138(g) of this Subpart, is or will be applied to the wastewater stream, or

(B) A control technology achieving less than or equal to 95 percent emission reduction is or will be applied to the vapor stream(s) vented and collected from the treatment processes, or

(C) A pollution prevention measure is or will be applied.

(iv) The anticipated nominal efficiency if the owner or operator plans to apply for a nominal efficiency under 40 CFR 63.150(i) of this Subpart. A nominal efficiency shall be applied for if:

(A) A control technology is or will be applied to the wastewater stream and achieves an emission reduction greater than the emission reduction achieved by the design steam stripper as specified in 40 CFR 63.138(g) of this Subpart, or

(B) A control technology achieving greater than 95 percent emission reduction is or will be applied to the vapor stream(s) vented and collected from the treatment processes.

(v) For each pollution prevention measure, treatment process, or control device used to reduce air emissions of organic HAP's from wastewater and for which no monitoring parameters or inspection procedures are specified in 40 CFR 63.143 of this Subpart, the information specified in 40 CFR 63.151(f) of this Subpart shall be included in the Implementation Plan.

(e) An owner or operator expressly referred to this paragraph shall report, in an Implementation Plan, operating permit application, or as otherwise specified by the permitting authority, the information listed in paragraphs (e)(1) through (e)(5) of this section.

(1) A list designating each emission point complying with 40 CFR 40 CFR 63.113 through 63.149 and whether each emission point is Group 1 or Group 2, as defined in 40 CFR 63.111. For each process vent within the source, provide the information listed in paragraphs (e)(1)(i) through (iv) of this section.

(i) The chemical manufacturing process unit(s) that is the origin of all or part of the vent stream that exits the process vent.

(ii) The type(s) of unit operations (*i.e.*, an air oxidation reactor, distillation unit, or reactor) that creates the vent stream that exits the process vent.

(iii) For a Group 2 process vent, the last recovery device, if any.

(iv) For a Group 1 process vent, the control device, or other equipment used for compliance.

(2) The control technology or method of compliance that will be applied to each Group 1 emission point.

(3) A statement that the compliance demonstration, monitoring, inspection, recordkeeping, and reporting provisions in 40 CFR 40 CFR 63.113 through 63.149 of this Subpart that are applicable to each emission point will be implemented beginning on the date of compliance.

(4) The operating plan required in 40 CFR 63.122(a)(2) and (b) of this Subpart for each storage vessel controlled with a closed vent system with a control device other than a flare.

(5) The monitoring information in 40 CFR 63.151(f) of this Subpart if, for any emission point, the owner or operator of a source seeks to comply through use of a control technique other than those for which monitoring parameters are specified in 40 CFR 63.114 for process vents, 40 CFR 63.127 for transfer, and 40 CFR 63.143 for process wastewater.

(f) The owner or operator who has been directed by any section of this Subpart that expressly references this paragraph to set unique monitoring parameters or who requests approval to monitor a different parameter than those listed in 40 CFR 63.114 for process vents, 40 CFR 63.127 for transfer, or 40 CFR 63.143 for process wastewater of this Subpart shall submit the information specified in paragraphs (f)(1), (f)(2), and (f)(3) of this section with the operating permit application or as otherwise specified by the permitting authority.

(1) A description of the parameter(s) to be monitored to ensure the control technology or pollution prevention measure is operated in conformance with its design and achieves the specified emission limit, percent reduction, or nominal efficiency, and an explanation of the criteria used to select the parameter(s).

(2) A description of the methods and procedures that will be used to demonstrate that the parameter indicates proper operation of the control device, the schedule for this demonstration, and a statement that the owner or operator will establish a range for the monitored parameter as part of the Notification of Compliance Status report required in 40 CFR 63.152(b) of this Subpart, unless this information has already been included in the operating permit application.

(3) The frequency and content of monitoring, recording, and reporting if monitoring and recording is not continuous, or if reports of daily average values when the monitored parameter value is outside the range established in the operating permit or Notification of Compliance Status will not be included in Periodic Reports required under 40 CFR 63.152(c) of this Subpart. The rationale for the proposed monitoring, recording, and reporting system shall be included.

(g) An owner or operator may request approval to use alternatives to the continuous operating parameter monitoring and recordkeeping provisions listed in 40 CFR 40 CFR 63.114, 63.117, and 63.118 for process vents, 40 CFR 40 CFR 63.127, 63.129, and 63.130 for transfer operations, and 40 CFR 40 CFR 63.143, 63.146, and 63.147 for wastewater.

(1) Requests shall be included in the operating permit application or as otherwise specified by the permitting authority and shall contain the information specified in paragraphs (g)(3) through (g)(5) of this section, as applicable.

(2) The provisions in 40 CFR 63.8(f)(5)(i) of Subpart A shall govern the review and approval of requests.

(3) An owner or operator of a source that does not have an automated monitoring and recording system capable of measuring parameter values at least once every 15 minutes and generating continuous records may request approval to use a non-automated system with less frequent monitoring.

(i) The requested system shall include manual reading and recording of the value of the relevant operating parameter no less frequently than once per hour. Daily average values shall be calculated from these hourly values and recorded.

(ii) The request shall contain:

(A) A description of the planned monitoring and recordkeeping system;

(B) Documentation that the source does not have an automated monitoring and recording system;

(C) Justification for requesting an alternative monitoring and recordkeeping system; and

(D) Demonstration to the Administrator's satisfaction that the proposed monitoring frequency is sufficient to represent control device operating conditions considering typical variability of the specific process and control device operating parameter being monitored.

(4) An owner or operator may request approval to use an automated data compression recording system that does not record monitored operating parameter values at a set frequency (for example once every 15 minutes) but records all values that meet set criteria for variation from previously recorded values.

(i) The requested system shall be designed to:

(A) Measure the operating parameter value at least once every 15 minutes.

(B) Record at least four values each hour during periods of operation.

(C) Record the date and time when monitors are turned off or on.

(D) Recognize unchanging data that may indicate the monitor is not functioning properly, alert the operator, and record the incident.

(E) Compute daily average values of the monitored operating parameter based on recorded data.

(F) If the daily average is not an excursion, as defined in 40 CFR 63.152(c)(2)(ii), the data for that operating day may be converted to hourly average values and the four or more individual records for each hour in the operating day may be discarded.

(ii) The request shall contain a description of the monitoring system and data compression recording system, including the criteria used to determine which monitored values are recorded and retained, the method for calculating daily averages, and a demonstration that the system meets all criteria in paragraph (g)(4)(i) of this section.

(5) An owner or operator may request approval to use other alternative monitoring systems according to the procedures specified in 40 CFR 63.8(f) of Subpart A of this part.

(h) The owner or operator required to prepare an Implementation Plan, or otherwise required to submit a report, under paragraph (c), (d), or (e) of this section shall also submit a supplement for any additional alternative controls or operating scenarios that may be used to achieve compliance.

(i) The owner or operator of a source required to submit an Implementation Plan for emissions averaging under paragraphs (c) and (d) of this section shall also submit written updates of the Implementation Plan to the Administrator for approval under the circumstances described in paragraphs (i)(1) and (i)(2) of this section unless the relevant information has been included and submitted in an operating permit application or amendment.

(1) The owner or operator who plans to make a change listed in paragraph (i)(1)(i) or (i)(1)(ii) of this section shall submit an Implementation Plan update at least 120 calendar days prior to making the change.

(i) Whenever an owner or operator elects to achieve compliance with the emissions averaging provisions in 40 CFR 63.150 of this Subpart by using a control technique other than that specified in the Implementation Plan or plans to monitor a different parameter or operate a control device in a manner other than that specified in the Implementation Plan.

(ii) Whenever an emission point or a chemical manufacturing process unit is added to an existing source and is planned to be included in an emissions average, or whenever an emission point not included in the emissions average described in the Implementation Plan is to be added to an emissions average. The information in paragraph (d) of this section shall be updated to include the additional emission point.

(2) The owner or operator who has made a change listed in paragraph (i)(2)(i) or (i)(2)(ii) of this section shall submit an Implementation Plan update within 90 calendar days after the information regarding the change is known to the source. The update may be submitted in the next quarterly Periodic Report if the change is made after the date the Notification of Compliance status is due.

(i) Whenever a process change is made such that the group status of any emission point in an emissions average changes.

(ii) Whenever a value of a parameter in the emission credit or debit equations in 40 CFR 63.150(g) or (h) changes such that it is outside the range specified in the Implementation Plan and causes a decrease in the projected credits or an increase in the projected debits.

(3) The Administrator shall approve or request changes to the Implementation Plan update within 120 calendar days of receipt of sufficient information regarding the change for emission points included in emissions averages.

(j) The owner or operator of a source subject to this Subpart, for emission points that are not included in an emissions average, shall report to the Administrator under the circumstances described in paragraphs (j)(1), (j)(2), and (j)(3) of this section unless the relevant information has been included and submitted in an operating permit application or amendment, or as otherwise specified by the permitting authority. The information shall be submitted within 180 calendar days after the change is made or the information regarding the change is known to the source. The update may be submitted in the next Periodic Report if the change is made after the date the Notification of Compliance Status is due.

(1) Whenever a deliberate change is made such that the group status of any emission point changes. The information submitted shall include a compliance schedule as specified in 40 CFR 63.100 of Subpart F of this part if the emission point becomes Group 1.

(2) Whenever an owner or operator elects to achieve compliance with this Subpart by using a control technique other than that previously reported to the Administrator or to the permitting authority, or plans to monitor a different parameter, or operate a control device in a manner other than that previously reported.

(3) Whenever an emission point or a chemical manufacturing process unit is added to a source, written information specified under paragraphs (e)(1) through (e)(5) of this section, containing information on the new emission point(s) shall be submitted to the EPA regional office where the source is located.

[59 FR 19468, Apr. 22, 1994, as amended at 60 FR 63628, Dec. 12, 1995; 61 FR 7718, Feb. 29, 1996; 61 FR 64576, Dec. 5, 1996; 64 FR 20195, Apr. 26, 1999; 66 FR 6934, Jan. 22, 2001]

40 CFR 63.152 - General reporting and continuous records

(a) The owner or operator of a source subject to this Subpart shall submit the reports listed in paragraphs (a)(1) through (a)(5) of this section and keep continuous records of monitored parameters as specified in paragraph (f) of this section. Owners or operators requesting an extension of compliance shall also submit the report described in 40 CFR 63.151(a)(6) of this Subpart.

(1) An Initial Notification described in 40 CFR 63.151(b) of this Subpart.

(2) An Implementation Plan described in 40 CFR 63.151(c), (d), and (e) of this Subpart for existing sources with emission points that are included in an emissions average or for new sources.

(3) A Notification of Compliance Status described in paragraph (b) of this section.

(4) Periodic Reports described in paragraph (c) of this section.

(5) Other reports described in paragraphs (d) and (e) of this section.

(b) Each owner or operator of a source subject to this Subpart shall submit a Notification of Compliance Status within 150 calendar days after the compliance dates specified in 40 CFR 63.100 of Subpart F of this part.

(1) The notification shall include the results of any emission point group determinations, performance tests, inspections, continuous monitoring system performance evaluations, values of monitored parameters established during performance tests, and any other information used to demonstrate compliance or required to be included in the Notification of Compliance Status under 40 CFR 63.110 (h) for regulatory overlaps, under 40 CFR 63.117 for process vents, 40 CFR 63.122 for storage vessels, 40 CFR 63.129 for transfer operations, 40 CFR 63.146 for process wastewater, and 40 CFR 63.150 for emission points included in an emissions average.

(i) For performance tests and group determinations that are based on measurements, the Notification of Compliance Status shall include one complete test report for each test method used for a particular kind of emission point. For additional tests performed for the same kind of emission point using the same method, the results and any other information required in 40 CFR 63.117 for process vents, 40 CFR 63.129 for transfer, and 40 CFR 63.146 for process wastewater shall be submitted, but a complete test report is not required.

(ii) A complete test report shall include a brief process description, sampling site description, description of sampling and analysis procedures and any modifications to standard procedures, quality assurance procedures, record of operating conditions during the test, record of preparation of standards, record of calibrations, raw data sheets for field sampling, raw data sheets for field and laboratory analyses, documentation of calculations, and any other information required by the test method.

(2) For each monitored parameter for which a range is required to be established under 40 CFR 63.114 for process vents, 40 CFR 63.127 for transfer, 40 CFR 63.143 for process wastewater, 40 CFR 63.150(m) for emission points in emissions averages, or 40 CFR 63.151(f), or 40 CFR 63.152(e), the Notification of Compliance Status shall include the information in paragraphs (b)(2)(i), (b)(2)(ii), and (b)(2)(iii) of this section, unless the range and the operating day definition have been established in the operating permit. The recordkeeping and reporting requirements applicable to storage vessels are located in 40 CFR 63.122 and 63.123.

(i) The specific range of the monitored parameter(s) for each emission point;

(ii) The rationale for the specific range for each parameter for each emission point, including any data and calculations used to develop the range and a description of why the range indicates proper operation of the control device.

(A) If a performance test is required by this Subpart for a control device, the range shall be based on the parameter values measured during the performance test and may be supplemented by engineering assessments and/or manufacturer's recommendations. Performance testing is not required to be conducted over the entire range of permitted parameter values.

(B) If a performance test is not required by this Subpart for a control device, the range may be based solely on engineering assessments and/or manufacturer's recommendations.

(iii) A definition of the source's operating day for purposes of determining daily average values of monitored parameters. The definition shall specify the times at which an operating day begins and ends.

(3) For emission points included in an emissions average, the Notification of Compliance Status shall include the values of all parameters needed for input to the emission credit and debit equations in 40 CFR 63.150 (g) and (h), calculated or measured according to the procedures in 40 CFR 63.150 (g) and (h) of this Subpart, and the resulting calculation of credits and debits for the first quarter of the year. The first quarter begins on the compliance date specified in 40 CFR 63.100 of Subpart F.

(4) If any emission point is subject to this Subpart and to other standards as specified in 40 CFR 63.110 of this Subpart and if the provisions of 40 CFR 63.110 of this Subpart allow the owner or operator to choose which testing, monitoring, reporting, and recordkeeping provisions will be followed, then the Notification of Compliance Status shall indicate which rule's requirements will be followed for testing, monitoring, reporting, and recordkeeping.

(5) An owner or operator who transfers a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream for treatment pursuant to 40 CFR 63.132(g) shall include in the Notification of Compliance Status the name and location of the transferee and a description of the Group 1 wastewater stream or residual sent to the treatment facility.

(6) An owner or operator complying with 40 CFR 63.113(i) shall include in the Notification of Compliance Status, or where applicable, a supplement to the Notification of Compliance Status, the name and location of the transferee, and the identification of the Group 1 process vent.

(c) The owner or operator of a source subject to this Subpart shall submit Periodic Reports.

(1) Except as specified under paragraphs (c)(5) and (c)(6) of this section, a report containing the information in paragraphs (c)(2), (c)(3), and (c)(4) of this section shall be submitted semiannually no later than 60 calendar days after the end of each 6-month period. The first report shall be submitted no later than 8 months after the date the Notification of Compliance Status is due and shall cover the 6-month period beginning on the date the Notification of Compliance Status is due.

(2) Except as provided in paragraph (c)(2)(iv) of this section, for an owner or operator of a source complying with the provisions of 40 CFR 63.113 through 63.147 for any emission points, Periodic Reports shall include all information specified in 40 CFR 63.117 and 63.118 for process vents, 40 CFR 63.122 for storage vessels, 40 CFR 63.129 and 63.130 for transfer operations, and 40 CFR 63.146 for process wastewater, including reports of periods when monitored parameters are outside their established ranges.

(i) For each parameter or parameters required to be monitored for a control device, the owner or operator shall establish a range of parameter values to ensure that the device is being applied, operated and maintained properly. As specified in paragraph (b)(2) of this section, these parameter values and the definition of an operating day shall be approved as part of and incorporated into the source's Notification of Compliance Status or operating permit, as appropriate.

(ii) The parameter monitoring data for Group 1 emission points and emission points included in emissions averages that are required to perform continuous monitoring shall be used to determine compliance with the required operating conditions for the monitored control devices or recovery devices. For each excursion, except for excused excursions, the owner or operator shall be deemed to have failed to have applied the control in a manner that achieves the required operating conditions.

(A) An excursion means any of the three cases listed in paragraph (c)(2)(ii)(A)(*1*), (c)(2)(ii)(A)(*2*), or (c)(2)(ii)(A)(*3*) of this section. For a control device or recovery device where multiple parameters are monitored, if one or more of the parameters meets the excursion criteria in paragraph (c)(2)(ii)(A)(*1*), (c)(2)(ii)(A)(*2*), or (c)(2)(ii)(A)(*3*) of this section, this is considered a single excursion for the control device or recovery device.

(*1*) When the daily average value of one or more monitored parameters is outside the permitted range.

(*2*) When the period of control device or recovery device operation is 4 hours or greater in an operating day and monitoring data are insufficient to constitute a valid hour of data for at least 75 percent of the operating hours.

(*3*) When the period of control device or recovery device operation is less than 4 hours in an operating day and more than one of the hours during the period of operation does not constitute a valid hour of data due to insufficient monitoring data.

(*4*) Monitoring data are insufficient to constitute a valid hour of data, as used in paragraphs (c)(2)(ii)(A)(*2*) and (c)(2)(ii)(A)(*3*) of this section, if measured values are unavailable for any of the 15-minute periods within the hour. For data compression systems approved under 40 CFR 63.151(g)(4), monitoring data are insufficient to calculate a valid hour of data if there are less than 4 data values recorded during the hour.

(B) The number of excused excursions for each control device or recovery device for each semiannual period is specified in paragraphs (c)(2)(ii)(B)(*1*) through (c)(2)(ii)(B)(*6*) of this section. This paragraph applies to sources required to submit Periodic Reports semiannually or quarterly. The first semiannual period is the 6-month period starting the date the Notification of Compliance Status is due.

(*1*) For the first semiannual period—six excused excursions.

(*2*) For the second semiannual period—five excused excursions.

(*3*) For the third semiannual period—four excused excursions.

(*4*) For the fourth semiannual period—three excused excursions.

(*5*) For the fifth semiannual period—two excused excursions.

(*6*) For the sixth and all subsequent semiannual periods—one excused excursion.

(C) A monitored parameter that is outside its established range or monitoring data that are not collected are excursions. However, if the conditions in paragraph (c)(2)(ii)(C)(*1*) or (c)(2)(ii)(C)(*2*) of this section are met, these excursions are not violations and do not count toward the number of excused excursions for determining compliance.

(*1*) *Periods of startup, shutdown, or malfunction.* During periods of startup, shutdown, or malfunction when the source is operated during such periods in accordance with 40 CFR 63.102(a)(4).

(*2*) *Periods of nonoperation.* During periods of nonoperation of the chemical manufacturing process unit, or portion thereof, that results in cessation of the emissions to which the monitoring applies.

(D) Nothing in paragraph (c)(2)(ii) of this section shall be construed to allow or excuse a monitoring parameter excursion caused by any activity that violates other applicable provisions of Subpart A, F, or G of this part.

(E) Paragraph (c)(2)(ii) of this section, except paragraph (c)(2)(ii)(C) of this section, shall apply only to emission points and control devices or recovery devices for which continuous monitoring is required by 40 CFR 63.113 through 63.150.

(iii) Periodic Reports shall include the daily average values of monitored parameters for both excused and unexcused excursions, as defined in paragraph (c)(2)(ii)(A) of this section. For excursions caused by lack of monitoring data, the duration of periods when monitoring data were not collected shall be specified.

(iv) The provisions of paragraphs (c)(2), (c)(2)(i), (c)(2)(ii), and (c)(2)(iii) of this section do not apply to any storage vessel for which the owner or operator is not required, by the applicable monitoring plan established under 40 CFR 63.120(d)(2), to keep continuous records. If continuous records are required, the owner or operator shall specify, in the monitoring plan, whether the provisions of paragraphs (c)(2), (c)(2)(i), (c)(2)(ii), and (c)(2)(iii) of this section apply.

(3) If any performance tests are reported in a Periodic Report, the following information shall be included:

(i) One complete test report shall be submitted for each test method used for a particular kind of emission point tested. A complete test report shall contain the information specified in paragraph (b)(1)(ii) of this section.

(ii) For additional tests performed for the same kind of emission point using the same method, results and any other information required in 40 CFR 63.117 for process vents, 40 CFR 63.129 for transfer, and 40 CFR 63.146 for process wastewater shall be submitted, but a complete test report is not required.

(4) Periodic Reports shall include the information in paragraphs (c)(4)(i) through (c)(4)(iv) of this section, as applicable:

(i) For process vents, reports of process changes as required under 40 CFR 63.118 (g), (h), (i), and (j) of this Subpart,

(ii) Any supplements required under 40 CFR 63.151(i) and (j) of this Subpart,

(iii) Notification if any Group 2 emission point becomes a Group 1 emission point, including a compliance schedule as required in 40 CFR 63.100 of Subpart F of this part, and

(iv) For gas streams sent for disposal pursuant to 40 CFR 63.113(i) or for process wastewater streams sent for treatment pursuant to 40 CFR 63.132(g), reports of changes in the identity of the transferee.

(5) The owner or operator of a source shall submit quarterly reports for all emission points included in an emissions average.

(i) The quarterly reports shall be submitted no later than 60 calendar days after the end of each quarter. The first report shall be submitted with the Notification of Compliance Status no later than 5 months after the compliance date specified in 40 CFR 63.100 of Subpart F.

(ii) The quarterly reports shall include the information specified in this paragraph for all emission points included in an emissions average.

(A) The credits and debits calculated each month during the quarter;

(B) A demonstration that debits calculated for the quarter are not more than 1.30 times the credits calculated for the quarter, as required under 40 CFR 63.150(e)(4) of this Subpart.

(C) The values of any inputs to the credit and debit equations in 40 CFR 63.150 (g) and (h) of this Subpart that change from month to month during the quarter or that have changed since the previous quarter;

(D) Results of any performance tests conducted during the reporting period including one complete report for each test method used for a particular kind of emission point as described in paragraph (c)(3) of this section;

(E) Reports of daily average values of monitored parameters for both excused and unexcused excursions as defined in paragraph (c)(2)(ii)(A) of this section. For excursions caused by lack of monitoring data, the duration of periods when monitoring data were not collected shall be specified.

(iii) Paragraphs (c)(2)(i) through (c)(2)(iii) of this section shall govern the use of monitoring data to determine compliance for Group 1 and Group 2 points included in emissions averages. For storage vessels to which the provisions of paragraphs (c)(2)(i) through (c)(2)(iii) of this section do not apply (as specified in paragraph (c)(2)(iv) of this section), the owner or operator is required to comply with the provisions of the applicable monitoring plan, and monitoring records may be used to determine compliance.

(iv) Every fourth quarterly report shall include the following:

(A) A demonstration that annual credits are greater than or equal to annual debits as required by 40 CFR 63.150(e)(3) of this Subpart; and

(B) A certification of compliance with all the emissions averaging provisions in 40 CFR 63.150 of this Subpart.

(6) The owner or operator of a source shall submit reports quarterly for particular emission points not included in an emissions average under the circumstances described in paragraphs (c)(6)(i) through (c)(6)(v) of this section.

(i) The owner or operator of a source subject to this Subpart shall submit quarterly reports for a period of one year for an emission point that is not included in an emissions average if:

(A) The emission point has more excursions, as defined in paragraph (c)(2)(ii) of this section, than the number of excused excursions allowed under paragraph (c)(2)(ii)(B) of this section for a semiannual reporting period; and

(B) The Administrator requests the owner or operator to submit quarterly reports for the emission point.

(ii) The quarterly reports shall include all information in paragraphs (c)(2), (c)(3), and (c)(4) of this section applicable to the emission point(s) for which quarterly reporting is required under paragraph (c)(6)(i) of this section. Information applicable to other emission points within the source shall be submitted in the semiannual reports required under paragraph (c)(1) of this section.

(iii) Quarterly reports shall be submitted no later than 60 calendar days after the end of each quarter.

(iv) After quarterly reports have been submitted for an emission point for one year, the owner or operator may return to semiannual reporting for the emission point unless the Administrator requests the owner or operator to continue to submit quarterly reports.

(v) Paragraphs (c)(2)(i) through (c)(2)(iii) of this section shall govern the use of monitoring data to determine compliance for Group 1 emission points. For storage vessels to which the provisions of paragraphs (c)(2)(i) through (c)(2)(iii) of this section do not apply (as specified in paragraph (c)(2)(iv) of this section), the owner or operator is required to comply with the provisions of the applicable monitoring plan, and monitoring records may be used to determine compliance.

(d) Other reports shall be submitted as specified in Subpart A of this part or in 40 CFR 63.113 through 63.151 of this Subpart. These reports are:

(1) Reports of start-up, shutdown, and malfunction required by 40 CFR 63.10(d)(5) of Subpart A. The start-up, shutdown and malfunction reports may be submitted on the same schedule as the Periodic Reports required under paragraph (c) of this section instead of the schedule specified in 40 CFR 63.10(d)(5) of Subpart A.

(2) For storage vessels, the notifications of inspections required by 40 CFR 63.122 (h)(1) and (h)(2) of this Subpart.

(3) For owners or operators of sources required to request approval for a nominal control efficiency for use in calculating credits for an emissions average, the information specified in 40 CFR 63.150(i) of this Subpart.

(4) If an owner or operator transfers for disposal a gas stream that has the characteristics specified in 40 CFR 63.107(b) through (h) or meets the criteria specified in 40 CFR 63.107(i) to an off-site location or an on-site location not owned or operated by the owner or operator of the source and the vent stream was not included in the information submitted with the Notification of Compliance Status or a previous periodic report, the owner or operator shall submit a supplemental report. The supplemental report shall be submitted no later than July 23, 2001 or with the next periodic report, whichever is later. The report shall provide the information listed in paragraphs (d)(4)(i) through (iv) of this section.

(i) The chemical manufacturing process unit(s) that is the origin of all or part of the vent stream that exits the process vent.

(ii) The type(s) of unit operations (*i.e.*, an air oxidation reactor, distillation unit, or reactor) that creates the vent stream that exits the process vent.

(iii) For a Group 2 process vent, the last recovery device, if any.

(iv) For a Group 1 process vent, the identity of the transferee.

(e) An owner or operator subject to this Subpart shall submit the information specified in paragraphs (e)(1) through (e)(4) of this section with the operating permit application or as otherwise specified by the permitting authority. The owner or operator shall submit written updates as amendments to the operating permit application on the schedule and under the circumstances described in 40 CFR 63.151(j) of this Subpart. Notwithstanding, if the owner or operator has an operating permit under 40 CFR 70 or 71, the owner or operator shall follow the schedule and format required by the permitting authority.

(1) The information specified in 40 CFR 63.151 (f) or (g) of this Subpart for any emission points for which the owner or operator requests approval to monitor a unique parameter or use an alternative monitoring and recording system, and

(2) The information specified in 40 CFR 63.151(d) of this Subpart for points included in an emissions average.

(3) The information specified in 40 CFR 63.151(e) of this Subpart for points not included in an emissions average.

(4) The information specified in 40 CFR 63.151(h) as applicable.

(f) Owners or operators required to keep continuous records by 40 CFR 63.118, 63.130, 63.147, 63.150, or other sections of this Subpart shall keep records as specified in paragraphs (f)(1) through (f)(7) of this section, unless an alternative recordkeeping system has been requested and approved under 40 CFR 63.151(f) or (g) or 40 CFR 63.152(e) or under 40 CFR 63.8(f) of Subpart A of this part, and except as provided in paragraph (c)(2)(ii)(C) of this section or in paragraph (g) of this section. If a monitoring plan for storage vessels pursuant to 40 CFR 63.120(d)(2)(i) requires continuous records, the monitoring plan shall specify which provisions, if any, of paragraphs (f)(1) through (f)(7) of this section apply.

(1) The monitoring system shall measure data values at least once every 15 minutes.

(2) The owner or operator shall record either:

(i) Each measured data value; or

(ii) Block average values for 15-minute or shorter periods calculated from all measured data values during each period or at least one measured data value per minute if measured more frequently than once per minute.

(3) If the daily average value of a monitored parameter for a given operating day is within the range established in the Notification of Compliance Status or operating permit, the owner or operator shall either:

(i) Retain block hourly average values for that operating day for 5 years and discard, at or after the end of that operating day, the 15-minute or more frequent average values and readings recorded under paragraph (f)(2) of this section; or

(ii) Retain the data recorded in paragraph (f)(2) of this section for 5 years.

(4) If the daily average value of a monitored parameter for a given operating day is outside the range established in the Notification of Compliance Status or operating permit, the owner or operator shall retain the data recorded that operating day under paragraph (f)(2) of this section for 5 years.

(5) Daily average values of each continuously monitored parameter shall be calculated for each operating day, and retained for 5 years, except as specified in paragraphs (f)(6) and (f)(7) of this section.

(i) The daily average shall be calculated as the average of all values for a monitored parameter recorded during the operating day. The average shall cover a 24-hour period if operation is continuous, or the number of hours of operation per operating day if operation is not continuous.

(ii) The operating day shall be the period defined in the operating permit or the Notification of Compliance Status. It may be from midnight to midnight or another daily period.

(6) If all recorded values for a monitored parameter during an operating day are within the range established in the Notification of Compliance Status or operating permit, the owner or operator may record that all values were within the range and retain this record for 5 years rather than calculating and recording a daily average for that operating day. For these operating days, the records required in paragraph (f)(3) of this section shall also be retained for 5 years.

(7) Monitoring data recorded during periods identified in paragraphs (f)(7)(i) through (f)(7)(v) of this section shall not be included in any average computed under this Subpart. Records shall be kept of the times and durations of all such periods and any other periods during process or control device operation when monitors are not operating.

(i) Monitoring system breakdowns, repairs, calibration checks, and zero (low-level) and high-level adjustments;

(ii) Start-ups;

(iii) Shutdowns;

(iv) Malfunctions;

(v) Periods of non-operation of the chemical manufacturing process unit (or portion thereof), resulting in cessation of the emissions to which the monitoring applies.

(g) For any parameter with respect to any item of equipment, the owner or operator may implement the recordkeeping requirements in paragraph (g)(1) or (g)(2) of this section as alternatives to the continuous operating parameter monitoring and recordkeeping provisions listed in 40 CFR 63.114, 63.117, and 63.118 for process vents, 40 CFR 63.127, 63.129, and 63.130 for transfer operations, 40 CFR 63.143, 63.146, and 63.147 for wastewater, and/or 40 CFR 63.152(f), except that 40 CFR 63.152(f)(7) shall apply. The owner or operator shall retain each record required by paragraph (g)(1) or (g)(2) of this section as provided in 40 CFR 63.103(c) of Subpart F of this part, except as provided otherwise in paragraph (g)(1) or (g)(2) of this section.

(1) The owner or operator may retain only the daily average value, and is not required to retain more frequent monitored operating parameter values, for a monitored parameter with respect to an item of equipment, if the requirements of paragraphs (g)(1)(i) through (g)(1)(vi) of this section are met. An owner or operator electing to comply with the requirements of paragraph (g)(1) of this section shall notify the Administrator in the Notification of Compliance Status or, if the Notification of Compliance Status has already been submitted, in the periodic report immediately preceding implementation of the requirements of paragraph (g)(1) of this section.

(i) The monitoring system is capable of detecting unrealistic or impossible data during periods of operation other than startups, shutdowns, or malfunctions (e.g., a temperature reading of −200 °C on a boiler), and will alert the operator by alarm or other means. The owner or operator shall record the occurrence. All instances of the alarm or other alert in an operating day constitute a single occurrence.

(ii) The monitoring system generates, updated at least hourly throughout each operating day, a running average of the monitoring values that have been obtained during that operating day, and the capability to observe this average is readily available to the Administrator on-site during the operating day. The owner or operator shall record the occurrence of any period meeting the criteria in paragraphs (g)(1)(ii)(A) through (g)(1)(iii)(C) of this section. All instances in an operating day constitute a single occurrence.

(A) The running average is above the maximum or below the minimum established limits;

(B) The running average is based on at least 6 1-hour average values; and

(C) The running average reflects a period of operation other than a startup, shutdown, or malfunction.

(iii) The monitoring system is capable of detecting unchanging data during periods of operation other than startups, shutdowns, or malfunctions, except in circumstances where the presence of unchanging data is the expected operating condition based on past experience (e.g., pH in some scrubbers), and will alert the operator by alarm or other means. The owner or operator shall record the occurrence. All instances of the alarm or other alert in an operating day constitute a single occurrence.

(iv) The monitoring system will alert the owner or operator by an alarm or other means, if the running average parameter value calculated under paragraph (g)(1)(ii) of this section reaches a set point that is appropriately related to the established limit for the parameter that is being monitored.

(v) The owner or operator shall verify the proper functioning of the monitoring system, including its ability to comply with the requirements of paragraph (g)(1) of this section, at the times specified in paragraphs (g)(1)(v)(A) through (g)(1)(v)(C) of this section. The owner or operator shall document that the required verifications occurred.

(A) Upon initial installation.

(B) Annually after initial installation.

(C) After any change to the programming or equipment constituting the monitoring system, which might reasonably be expected to alter the monitoring system's ability to comply with the requirements of this section.

(vi) The owner or operator shall retain the records identified in paragraphs (g)(1)(vi) (A) through (C) of this section.

(A) Identification of each parameter, for each item of equipment, for which the owner or operator has elected to comply with the requirements of paragraph (g) of this section.

(B) A description of the applicable monitoring system(s), and of how compliance will be achieved with each requirement of paragraph (g)(1)(i) through (g)(1)(v) of this section. The description shall identify the location and format (e.g., on-line storage; log entries) for each required record. If the description changes, the owner or operator shall retain both the current and the most recent superseded description. The description, and the most recent superseded description, shall be retained as provided in 40 CFR 63.103(c) of Subpart F of this part, except as provided in paragraph (g)(1)(vi)(D) of this section.

(C) A description, and the date, of any change to the monitoring system that would reasonably be expected to affect its ability to comply with the requirements of paragraph (g)(1) of this section.

(D) Owners and operators subject to paragraph (g)(1)(vi)(B) of this section shall retain the current description of the monitoring system as long as the description is current, but not less than 5 years from the date of its creation. The current description shall, at all times, be retained on-site or be accessible from a central location by computer or other means that provides access within 2 hours after a request. The owner or operator shall retain the most recent superseded description at least until 5 years from the date of its creation. The superseded description shall be retained on-site (or accessible from a central location by computer that provides access within 2 hours after a request) at least 6 months after its creation. Thereafter, the superseded description may be stored off-site.

(2) If an owner or operator has elected to implement the requirements of paragraph (g)(1) of this section, and a period of 6 consecutive months has passed without an excursion as defined in paragraph (g)(2)(iv) of this section, the owner or operator is no longer required to record the daily average value for that parameter for that unit of equipment, for any operating day when the daily average value is less than the maximum, or greater than the minimum established limit. With approval by the Administrator, monitoring data generated prior to the compliance date of this Subpart shall be credited toward the period of 6 consecutive months, if the parameter limit and the monitoring was required and/or approved by the Administrator.

(i) If the owner or operator elects not to retain the daily average values, the owner or operator shall notify the Administrator in the next periodic report. The notification shall identify the parameter and unit of equipment.

(ii) If, on any operating day after the owner or operator has ceased recording daily averages as provided in paragraph (g)(2) of this section, there is an excursion as defined in paragraph (g)(2)(iv) of this section, the owner or operator shall immediately resume retaining the daily average value for each day, and shall notify the Administrator in the next periodic report. The owner or operator shall continue to retain each daily average value until another period of 6 consecutive months has passed without an excursion as defined in paragraph (g)(2)(iv) of this section.

(iii) The owner or operator shall retain the records specified in paragraphs (g)(1) (i), (ii), (iii), (iv), (v), and (vi) of this section. For any calendar week, if compliance with paragraphs (g)(1) (i), (ii), (iii), and (iv) of this section does not result in retention of a record of at least one occurrence or measured parameter value, the owner or operator shall record and retain at least one parameter value during a period of operation other than a startup, shutdown, or malfunction.

(iv) For purposes of paragraph (g) of this section, an excursion means that the daily average value of monitoring data for a parameter is greater than the maximum, or less than the minimum established value, except as provided in paragraphs (g)(2)(iv)(A) and (g)(2)(iv)(B) of this section.

(A) The daily average value during any startup, shutdown, or malfunction shall not be considered an excursion for purposes of this paragraph (g)(2), if the owner or operator operates the source during such periods in accordance with 40 CFR 63.102(a)(4).

(B) An excused excursion, as described in 40 CFR 63.152(c)(2)(ii) (B) and (C), shall not be considered an excursion for purposes of this paragraph (g)(2).

[59 FR 19468, Apr. 22, 1994, as amended at 60 FR 63629, Dec. 12, 1995; 61 FR 64577, Dec. 5, 1996; 62 FR 2776, Jan. 17, 1997; 64 FR 20195, Apr. 26, 1999; 66 FR 6934, Jan. 22, 2001; 71 FR 20456, Apr. 20, 2006]

40 CFR 63.153 - 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 40 CFR 63.110, 63.112 through 63.113, 63.119, 63.126, 63.132 through 63.140, 63.148 through 63.149, and 63.150(i)(1) through (4). Follow the requirements in 40 CFR 63.121 to request permission to use an alternative means of emission limitation for storage vessels. Where these standards reference another Subpart, the cited provisions will be delegated according to the delegation provisions of the referenced Subpart. Where these standards reference another Subpart and modify the requirements, the requirements shall be modified as described in this Subpart. Delegation of the modified requirements will also occur according to the delegation provisions of the referenced Subpart.

(2) Approval of major alternatives to test methods under 40 CFR 63.7(e)(2)(ii) and (f), as defined in 40 CFR 63.90, and as required in this Subpart.

(3) Approval of major alternatives to monitoring under 40 CFR 63.8(f), as defined in 40 CFR 63.90, and as required in this Subpart.

(4) Approval of major alternatives to recordkeeping and reporting under 40 CFR 63.10(f), as defined in 40 CFR 63.90, and as required in this Subpart.

[68 FR 37344, June 23, 2003]

Table 1 to Subpart G of Part 63 - Process Vents - Coefficients for Total Resource Effectiveness for Existing Source Nonhalogenated and Halogenated Vent Streams

Type of Stream	Control Device Basis	Values of Coefficients			
		a	b	c	d
Nonhalogenated	Flare	1.935	3.660×10^{-1}	-7.687×10^{-3}	-7.333×10^{-4}
	Thermal Incinerator 0 Percent Heat Recovery	1.492	6.267×10^{-2}	3.177×10^{-2}	-1.159×10^{-3}
	Thermal Incinerator 70 Percent Heat Recovery	2.519	1.183×10^{-2}	1.300×10^{-2}	4.790×10^{-2}
Halogenated	Thermal Incinerator and Scrubber	3.995	5.200×10^{-2}	-1.769×10^{-3}	9.700×10^{-4}

Table 1A to Subpart G of Part 63 - Applicable 40 CFR 63 General Provisions

40 CFR 63 Subpart A - provisions applicable to Subpart G
40 CFR 63.1(a)(1), (a)(2), (a)(3), (a)(13), (a)(14), (b)(2) and (c)(4)
40 CFR 63.2
40 CFR 63.5(a)(1), (a)(2), (b), (d)(1)(ii), (d)(3)(i), (d)(3)(iii) through (d)(3)(vi), (d)(4), (e), (f)(1), and (f)(2)
40 CFR 63.6(a), (b)(3), (c)(5), (i)(1), (i)(2), (i)(4)(i)(A), (i)(5) through (i)(14), (i)(16) and (j)
40 CFR 63.9(a)(2), (b)(4)(i)[a], (b)(4)(ii), (b)(4)(iii), (b)(5)[a], (c), (d)
40 CFR 63.10(d)(4)
40 CFR 63.11(c), (d), and (e)
40 CFR 63.12(b)

[a]The notifications specified in 40 CFR 63.9(b)(4)(i) and (b)(5) shall be submitted at the times specified in 40 CFR 65.

[59 FR 19468, Apr. 22, 1994, as amended at 73 FR 78213, Dec. 22, 2008]

Table 2 to Subpart G of Part 63 - Process Vents - Coefficients for Total Resource Effectiveness for New Source Nonhalogenated and Halogenated Vent Streams

Type of stream	Control device basis	Values of Coefficients			
		a	b	c	d
Nonhalogenated	Flare	0.5276	0.0998	$^{-}2.096\times10^{-3}$	-2.000×10^{-4}
	Thermal Incinerator 0 Percent Heat Recovery	0.4068	0.0171	8.664×10^{-3}	-3.162×10^{-4}
	Thermal Incinerator 70 Percent Heat Recovery	0.6868	3.209×10^{-3}	3.546×10^{-3}	1.306×10^{-2}
Halogenated	Thermal Incinerator and Scrubber	1.0895	1.417×10^{-2}	-4.822×10^{-4}	2.645×10^{-4}

Table 3 to Subpart G of Part 63 - Process Vents - Monitoring, Recordkeeping, and Reporting Requirements for Complying With 98 Weight-Percent Reduction of Total Organic Hazardous Air Pollutants Emissions or a Limit of 20 Parts Per Million by Volume

Control device	Parameters to be monitored[a]	Recordkeeping and reporting requirements for monitored parameters
Thermal incinerator	Firebox temperature[b][63.114(a)(1)(i)]	1. Continuous records.[c] 2. Record and report the firebox temperature averaged over the full period of the performance test—NCS.[d] 3. Record the daily average firebox temperature for each operating day.[e] 4. Report all daily average temperatures that are outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected[f]—PR.[g]
Catalytic incinerator	Temperature upstream and downstream of the catalyst bed [63.114(a)(1)(ii)]	1. Continuous records. 2. Record and report the upstream and downstream temperatures and the temperature difference across the catalyst bed averaged over the full period of the performance test—NCS. 3. Record the daily average upstream temperature and temperature difference across the catalyst bed for each operating day.[e] 4. Report all daily average upstream temperatures that are outside the range established in the NCS or operating permit—PR. 5. Report all daily average temperature differences across the catalyst bed that are outside the range established in the

Control device	Parameters to be monitored[a]	Recordkeeping and reporting requirements for monitored parameters
		NCS or operating permit—PR. 6. Report all operating days when insufficient monitoring data are collected.[f]
Boiler or process heater with a design heat input capacity less than 44 megawatts and vent stream is *not* introduced with or as the primary fuel	Firebox temperature[b][63.114(a)(3)]	1. Continuous records. 2. Record and report the firebox temperature averaged over the full period of the performance test—NCS. 3. Record the daily average firebox temperature for each operating day.[e] 4. Report all daily average firebox temperatures that are outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected[f]—PR.
Flare	Presence of a flame at the pilot light [63.114(a)(2)]	1. Hourly records of whether the monitor was continuously operating and whether the pilot flame was continuously present during each hour. 2. Record and report the presence of a flame at the pilot light over the full period of the compliance determination—NCS. 3. Record the times and durations of all periods when all pilot flames are absent or the monitor is not operating. 4. Report the times and durations of all periods when all pilot flames of a flare are absent—PR.
Recapture devices	The appropriate monitoring device identified in table 4 when, in the table, the term "recapture" is substituted for "recovery." [63.114(a)(5)]	1. The recordkeeping and reporting requirements for monitored parameters identified for the appropriate monitoring device in table 4 of this Subpart.
Scrubber for halogenated vent streams (Note: Controlled by a combustion device other than a flare)	pH of scrubber effluent [63.114(a)(4)(i)], and	1. Continuous records. 2. Record and report the pH of the scrubber effluent averaged over the full period of the performance test—NCS. 3. Record the daily average pH of the scrubber effluent for each operating day.[e] 4. Report all daily average pH values of the scrubber effluent that are outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected[f]—PR.

Control device	Parameters to be monitored[a]	Recordkeeping and reporting requirements for monitored parameters
Scrubber for halogenated vent streams (Note: Controlled by a combustion device other than a flare) (Continued)	Scrubber liquid and gas flow rates [63.114(a)(4)(ii)]	1. Continuous records of scrubber liquid flow rate. 2. Record and report the scrubber liquid/gas ratio averaged over the full period of the performance test—NCS. 3. Record the daily average scrubber liquid/gas ratio for each operating day.[e] 4. Report all daily average scrubber liquid/gas ratios that are outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected[f]—PR.
All control devices	Presence of flow diverted to the atmosphere from the control device [63.114(d)(1)] *or*	1. Hourly records of whether the flow indicator was operating and whether diversion was detected at any time during each hour. 2. Record and report the times and durations of all periods when the vent stream is diverted through a bypass line or the monitor is not operating—PR.
	Monthly inspections of sealed valves [63.114(d)(2)]	1. Records that monthly inspections were performed. 2. Record and report all monthly inspections that show the valves are moved to the diverting position or the seal has been changed—PR.

[a]Regulatory citations are listed in brackets.

[b]Monitor may be installed in the firebox or in the ductwork immediately downstream of the firebox before any substantial heat exchange is encountered.

[c]"Continuous records" is defined in 40 CFR 63.111 of this Subpart.

[d]NCS=Notification of Compliance Status described in 40 CFR 63.152 of this Subpart.

[e]The daily average is the average of all recorded parameter values for the operating day. If all recorded values during an operating day are within the range established in the NCS or operating permit, a statement to this effect can be recorded instead of the daily average.

[f]The periodic reports shall include the duration of periods when monitoring data is not collected for each excursion as defined in 40 CFR 63.152(c)(2)(ii)(A) of this Subpart.

[g]PR=Periodic Reports described in 40 CFR 63.152 of this Subpart.

Table 4 to Subpart G of Part 63 - Process Vents - Monitoring, Recordkeeping, and Reporting Requirements For Maintaining a TRE Index Value >1.0 and. ≤4.0

Final recovery device	Parameters to be monitored[a]	Recordkeeping and reporting requirements for monitored parameters
Absorber[b]	Exit temperature of the absorbing liquid [63.114(b)(1)], and	1. Continuous records[c]. 2. Record and report the exit temperature of the absorbing liquid averaged over the full period of the TRE determination—NCS[d].
		3. Record the daily average exit temperature of the absorbing liquid for each operating day[e].
		4. Report all the daily average exit temperatures of the absorbing liquid that are outside the range established in the NCS or operating permit—PR[f].
	Exit specific gravity [63.114(b)(1)]	1. Continuous records. 2. Record and report the exit specific gravity averaged over the full period of the TRE determination—NCS.
		3. Record the daily average exit specific gravity for each operating day[e].
		4. Report all daily average exit specific gravity values that are outside the range established in the NCS or operating permit—PR.
Condenser[d]	Exit (product side) temperature [63.114(b)(2)]	1. Continuous records. 2. Record and report the exit temperature averaged over the full period of the TRE determination—NCS.
		3. Record the daily average exit temperature for each operating day[e].
		4. Report all daily average exit temperatures that are outside the range established in the NCS or operating permit—PR.
Carbon adsorber[d]	Total regeneration stream mass or volumetric flow during carbon bed regeneration cycle(s) [63.114(b)(3)], and	1. Record of total regeneration stream mass or volumetric flow for each carbon bed regeneration cycle. 2. Record and report the total regeneration stream mass or volumetric flow during each carbon bed regeneration cycle during the period of the TRE determination—NCS.
		3. Report all carbon bed regeneration cycles when the total regeneration stream mass or volumetric flow is outside the range established in the NCS or operating permit—PR.
	Temperature of the carbon bed after regeneration [and within 15 minutes of completing any cooling cycle(s)] [63.114(b)(3)]	1. Records of the temperature of the carbon bed after each regeneration. 2. Record and report the temperature of the carbon bed after each regeneration during the period of the TRE determination—NCS.

Final recovery device	Parameters to be monitored[a]	Recordkeeping and reporting requirements for monitored parameters
		3. Report all carbon bed regeneration cycles during which temperature of the carbon bed after regeneration is outside the range established in the NCS or operating permit—PR.
All recovery devices (as an alternative to the above)	Concentration level or reading indicated by an organic monitoring device at the outlet of the recovery device [63.114 (b)]	1. Continuous records. 2. Record and report the concentration level or reading averaged over the full period of the TRE determination—NCS.
		3. Record the daily average concentration level or reading for each operating day[e].
		4. Report all daily average concentration levels or readings that are outside the range established in the NCS or operating permit—PR.

[a]Regulatory citations are listed in brackets.

[b]Alternatively, these devices may comply with the organic monitoring device provisions listed at the end of this table under "All Recovery Devices."

[c]"Continuous records" is defined in 40 CFR 63.111 of this Subpart.

[d]NCS = Notification of Compliance Status described in 40 CFR 63.152 of this Subpart.

[e]The daily average is the average of all values recorded during the operating day. If all recorded values during an operating day are within the range established in the NCS or operating permit, a statement to this effect can be recorded instead of the daily average.

[f]PR= Periodic Reports described in 40 CFR 63.152 of this Subpart.

Table 5 to Subpart G of Part 63 - Group 1 Storage Vessels at Existing Sources

Vessel capacity (cubic meters)	Vapor Pressure[1](kilopascals)
75 ≤ capacity <151	≥13.1
151 ≤ capacity	≥5.2

[1]Maximum true vapor pressure of total organic HAP at storage temperature.

Table 6 to Subpart G of Part 63 - Group 1 Storage Vessels at New Sources

Vessel capacity (cubic meters)	Vapor pressure[a] (kilopascals)
38 ≤ capacity<151	≥13.1
151 ≤ capacity	≥0.7

[a]Maximum true vapor pressure of total organic HAP at storage temperature.

Table 7 to Subpart G of Part 63 - Transfer Operations - Monitoring, Recordkeeping, and Reporting Requirements for Complying With 98 Weight-Percent Reduction of Total Organic Hazardous Air Pollutants Emissions or a Limit of 20 Parts Per Million by Volume

Control device	Parameters to be monitored[a]	Recordkeeping and reporting requirements for monitored parameters
Thermal incinerator	Firebox temperature[b][63.127(a)(1)(i)]	1. Continuous records[c]during loading. 2. Record and report the firebox temperature averaged over the full period of the performance test—NCS.[d]
		3. Record the daily average firebox temperature for each operating day[e]
		4. Report daily average temperatures that are outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected[f]—PR[g]
Catalytic incinerator	Temperature upstream and downstream of the catalyst bed [63.127(a)(1)(ii)]	1. Continuous records during loading. 2. Record and report the upstream and downstream temperatures and the temperature difference across the catalyst bed averaged over the full period of the performance test—NCS.
		3. Record the daily average upstream temperature and temperature difference across catalyst bed for each operating day.[e]
		4. Report all daily average upstream temperatures that are outside the range established in the NCS or operating permit—PR.
		5. Report all daily average temperature differences across the catalyst bed that are outside the range established in the NCS or operating permit—PR.
		6. Report all operating days when insufficient monitoring data are collected.[f]
Boiler or process heater with a design heat input capacity less than 44 megawatts and vent stream is not introduced with or as the primary fuel	Firebox temperature[b][63.127(a)(3)]	1. Continuous records during loading. 2. Record and report the firebox temperature averaged over the full period of the performance test—NCS.
		3. Record the daily average firebox temperature for each operating day.[e]
		4. Report all daily average firebox temperatures that are outside the range established in the NCS or operating permit

Control device	Parameters to be monitored[a]	Recordkeeping and reporting requirements for monitored parameters
		and all operating days when insufficient data are collectedf—PR.
Flare	Presence of a flame at the pilot light [63.127(a)(2)]	1. Hourly records of whether the monitor was continuously operating and whether the pilot flame was continuously present during each hour.
		2. Record and report the presence of a flame at the pilot light over the full period of the compliance determination—NCS.
		3. Record the times and durations of all periods when all pilot flames are absent or the monitor is not operating.
		4. Report the duration of all periods when all pilot flames of a flare are absent—PR.
Scrubber for halogenated vent streams (Note: Controlled by a combustion device other than a flare)	pH of scrubber effluent [63.127(a)(4)(i)], and	1. Continuous records during loading. 2. Record and report the pH of the scrubber effluent averaged over the full period of the performance test—NCS.
		3. Record the daily average pH of the scrubber effluent for each operating day.[e]
		4. Report all daily average pH values of the scrubber effluent that are outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected[f]—PR.
	Scrubber liquid and gas flow rates [63.127(a)(4)(ii)]	1. Continuous records during loading of scrubber liquid flow rate. 2. Record and report the scrubber liquid/gas ratio averaged over the full period of the performance test—NCS.
		3. Record the daily average scrubber liquid/gas ratio for each operating day.[e]
		4. Report all daily average scrubber liquid/gas ratios that are outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected[f]—PR.
Absorber[h]	Exit temperature of the absorbing liquid [63.127(b)(1)], and	1. Continuous records during loading. 2. Record and report the exit temperature of the absorbing liquid averaged over the full period of the performance test—NCS.
		3. Record the daily average exit temperature of the absorbing liquid for

Control device	Parameters to be monitored[a]	Recordkeeping and reporting requirements for monitored parameters
		each operating day.[e]
		4. Report all daily average exit temperatures of the absorbing liquid that are outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected[f]—PR.
	Exit specific gravity [63.127(b)(1)]	1. Continuous records during loading. 2. Record and report the exit specific gravity averaged over the full period of the performance test—NCS.
		3. Record the daily average exit specific gravity for each operating day.[e]
		4. Report all daily average exit specific gravity values that are outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected[f]—PR.
Condenser[h]	Exit (product side) temperature [63.127(b)(2)]	1. Continuous records during loading. 2. Record and report the exit temperature averaged over the full period of the performance test—NCS.
		3. Record the daily average exit temperature for each operating day.[e]
		4. Report all daily average exit temperatures that are outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected[f]—PR.
Carbon adsorber[h]	Total regeneration stream mass or volumetric or volumetric flow during carbon bed regeneration cycle(s) [63.127(b)(3)], and	1. Record of total regeneration stream mass or volumetric flow for each carbon bed regeneration cycle. 2. Record and report the total regeneration stream mass or volumetric flow during each carbon bed regeneration cycle during the period of the performance test—NCS.
		3. Report all carbon bed regeneration cycles when the total regeneration stream mass or volumetric flow is outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected[f]—PR.
	Temperature of the carbon bed after regeneration [and within 15 minutes of completing any cooling cycle(s)]	1. Records of the temperature of the carbon bed after each regeneration. 2. Record and report the temperature of the

Control device	Parameters to be monitored[a]	Recordkeeping and reporting requirements for monitored parameters
	[63.127(b)(3)]	carbon bed after each regeneration during the period of the performance test—NCS.
		3. Report all the carbon bed regeneration cycles during which the temperature of the carbon bed after regeneration is outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected[f]—PR.
All recovery devices (as an alternative to the above)	Concentration level or reading indicated by an organic monitoring device at the outlet of the recovery device [63.127(b)]	1. Continuous records during loading. 2. Record and report the concentration level or reading averaged over the full period of the performance test—NCS.
		3. Record the daily average concentration level or reading for each operating day.[d]
		4. Report all daily average concentration levels or readings that are outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected[f]—PR.
All control devices and vapor balancing systems	Presence of flow diverted to the atmosphere from the control device [63.127(d)(1)] or	1. Hourly records of whether the flow indicator was operating and whether a diversion was detected at any time during each hour.
		2. Record and report the duration of all periods when the vent stream is diverted through a bypass line or the monitor is not operating—PR.
	Monthly inspections of sealed valves [63.127(d)(2)]	1. Records that monthly inspections were performed. 2. Record and report all monthly inspections that show the valves are moved to the diverting position or the seal has been changed.

[a]Regulatory citations are listed in brackets.

[b]Monitor may be installed in the firebox or in the ductwork immediately downstream of the firebox before any substantial heat exchange is encountered.

[c]"Continuous records" is defined in 40 CFR 63.111 of this Subpart.

[d]NCS = Notification of Compliance Status described in 40 CFR 63.152 of this Subpart.

[e]The daily average is the average of all recorded parameter values for the operating day. If all recorded values during an operating day are within the range established in the NCS or operating permit, a statement to this effect can be recorded instead of the daily average.

[f]The periodic reports shall include the duration of periods when monitoring data are not collected for each excursion as defined in 40 CFR 63.152(c)(2)(ii)(A) of this Subpart.

[g]PR = Periodic Reports described in 40 CFR 63.152 of this Subpart.

[h]Alternatively, these devices may comply with the organic monitoring device provisions listed at the end of this table under "All Recovery Devices."

Table 8 to Subpart G of Part 63 - Organic HAP's Subject to the Wastewater Provisions for Process Units at New Sources

Chemical name	CAS No.[a]
Allyl chloride	107051
Benzene	71432
Butadiene (1,3-)	106990
Carbon disulfide	75150
Carbon tetrachloride	56235
Cumene	98828
Ethylbenzene	100414
Ethyl chloride (Chloroethane)	75003
Ethylidene dichloride	75343
(1,1-Dichloroethane).	
Hexachlorobutadiene	87683
Hexachloroethane	67721
Hexane	100543
Methyl bromide (Bromomethane)	74839
Methyl chloride (Chloromethane)	74873
Phosgene	75445
Tetrachloroethylene (Perchloroethylene)	127184
Toluene	108883
Trichloroethane (1,1,1-) (Methyl chloroform)	71556
Trichloroethylene	79016
Trimethylpentane (2,2,4-)	540841
Vinyl chloride (chloroethylene)	75014
Vinylidene chloride	75354
(1,1-Dichloroethylene).	
Xylene (m-)	108383
Xylene (p-)	106423

[a]CAS numbers refer to the Chemical Abstracts Service registry number assigned to specific compounds, isomers, or mixtures of compounds.

Note. The list of organic HAP's on table 8 is a subset of the list of organic HAP's on table 9 of this Subpart.

Table 9 to Subpart G of Part 63 - Organic HAP's Subject to the Wastewater Provisions for Process Units at New and Existing Sources and Corresponding Fraction Removed (Fr) Values

Chemical name	CAS No.[a]	Fr
Acetaldehyde	75070	0.95
Acetonitrile	75058	0.62
Acetophenone	98862	0.72
Acrolein	107028	0.96
Acrylonitrile	107131	0.96
Allyl chloride	107051	0.99
Benzene	71432	0.99
Benzyl chloride	100447	0.99
Biphenyl	92524	0.99
Bromoform	75252	0.99
Butadiene (1,3-)	106990	0.99
Carbon disulfide	75150	0.99
Carbon tetrachloride	56235	0.99
Chlorobenzene	108907	0.99
Chloroform	67663	0.99
Chloroprene (2-Chloro-1,3-butadiene)	126998	0.99
Cumene	98828	0.99
Dichlorobenzene (p-)	106467	0.99
Dichloroethane (1,2-) (Ethylene dichloride)	107062	0.99
Dichloroethyl ether (Bis(2-chloroethyl)ether)	111444	0.87
Dichloropropene (1,3-)	542756	0.99
Diethyl sulfate	64675	0.90
Dimethyl sulfate	77781	0.53
Dimethylaniline (N,N-)	121697	0.99
Dimethylhydrazine (1,1-)	57147	0.57
Dinitrophenol (2,4-)	51285	0.99
Dinitrotoluene (2,4-)	121142	0.38
Dioxane (1,4-) (1,4-Diethyleneoxide)	123911	0.37
Epichlorohydrin(1-Chloro-2,3-epoxypropane)	106898	0.91
Ethyl acrylate	140885	0.99
Ethylbenzene	100414	0.99
Ethyl chloride (Chloroethane)	75003	0.99
Ethylene dibromide (Dibromomethane)	106934	0.99
Ethylene glycol dimethyl ether	110714	0.90
Ethylene glycol monobutyl ether acetate	112072	0.76

Chemical name	CAS No.[a]	Fr
Ethylene glycol monomethyl ether acetate	110496	0.28
Ethylene oxide	75218	0.98
Ethylidene dichloride (1,1-Dichloroethane)	75343	0.99
Hexachlorobenzene	118741	0.99
Hexachlorobutadiene	87683	0.99
Hexachloroethane	67721	0.99
Hexane	110543	0.99
Isophorone	78591	0.60
Methanol	67561	0.31
Methyl bromide (Bromomethane)	74839	0.99
Methyl chloride (Chloromethane)	74873	0.99
Methyl isobutyl ketone (Hexone)	108101	0.99
Methyl methacrylate	80626	0.98
Methyl tert-butyl ether	1634044	0.99
Methylene chloride (Dichloromethane)	75092	0.99
Naphthalene	91203	0.99
Nitrobenzene	98953	0.80
Nitropropane (2-)	79469	0.98
Phosgene	75445	0.99
Propionaldehyde	123386	0.99
Propylene dichloride (1,2-Dichloropropane)	78875	0.99
Propylene oxide	75569	0.99
Styrene	100425	0.99
Tetrachloroethane (1,1,2,2-)	79345	0.99
Tetrachloroethylene (Perchloroethylene)	127184	0.99
Toluene	108883	0.99
Toluidine (o-)	95534	0.44
Trichlorobenzene (1,2,4-)	120821	0.99
Trichloroethane (1,1,1-) (Methyl chloroform)	71556	0.99
Trichloroethane (1,1,2-) (Vinyl trichloride)	79005	0.99
Trichloroethylene	79016	0.99
Trichlorophenol (2,4,5-)	95954	0.96
Triethylamine	121448	0.99
Trimethylpentane (2,2,4-)	540841	0.99
Vinyl acetate	108054	0.99
Vinyl chloride (Chloroethylene)	75014	0.99

Chemical name	CAS No.[a]	Fr
Vinylidene chloride (1,1-Dichloroethylene)	75354	0.99
Xylene (m-)	108383	0.99
Xylene (o-)	95476	0.99
Xylene (p-)	106423	0.99

[a]CAS numbers refer to the Chemical Abstracts Service registry number assigned to specific compounds, isomers, or mixtures of compounds.

[59 FR 19468, Apr. 22, 1994, as amended at 71 FR 76615, Dec. 21, 2006]

Table 10 to Subpart G of Part 63 – Wastewater - Compliance Options for Wastewater Tanks

Capacity (m^3)	Maximum true vapor pressure (kPa)	Control requirements
<75		40 CFR 63.133(a)(1)
“75 and <151	<13.1 ”13.1	40 CFR 63.133(a)(1) 40 CFR 63.133(a)(2)
“151	<5.2 ”5.2	40 CFR 63.133(a)(1) 40 CFR 63.133(a)(2)

Table 11 to Subpart G of Part 63 – Wastewater - Inspection and Monitoring Requirements for Waste Management Units

To comply with	Inspection or monitoring requirement	Frequency of inspection or monitoring	Method
Tanks:			
63.133(b)(1)	Inspect fixed roof and all openings for leaks	Initially Semi-annually	Visual.
63.133(c)	Inspect floating roof in accordance with 40 CFR 63.120 (a)(2) and (a)(3)	See 40 CFR 63.120 (a)(2) and (a)(3)	Visual.
63.133(d)	Measure floating roof seal gaps in accordance with 40 CFR 63.120 (b)(2)(i) through (b)(4)		See 40 CFR 63.120 (b)(2)(i) through (b)(4).
	—Primary seal gaps	Once every 5 years Initially Annually	
	—Secondary seal gaps		
63.133(f) 63.133(g)	Inspect wastewater tank for control equipment failures and improper work practices	Initially Semi-annually	Visual.
Surface impoundments:			
63.134(b)(1)	Inspect cover and all openings for leaks	Initially Semi-annually	Visual.

To comply with	Inspection or monitoring requirement	Frequency of inspection or monitoring	Method
63.134(c)	Inspect surface impoundment for control equipment failures and improper work practices	Initially Semi-annually	Visual.
Containers:			
63.135(b)(1), 63.135(b)(2) (ii)	Inspect cover and all openings for leaks	Initially Semi-annually	Visual.
63.135(d)(1)	Inspect enclosure and all openings for leaks	Initially Semi-annually	Visual.
63.135(e)	Inspect container for control equipment failures and improper work practices	Initially Semi-annually	Visual.
Individual Drain Systems[a]:			
63.136(b)(1)	Inspect cover and all openings to ensure there are no gaps, cracks, or holes	Initially Semi-annually	Visual.
63.136(c)	Inspect individual drain system for control equipment failures and improper work practices	Initially Semi-annually	Visual.
63.136(e)(1)	Verify that sufficient water is present to properly maintain integrity of water seals	Initially Semi-annually	Visual.
63.136(e)(2), 63.136(f)(1)	Inspect all drains using tightly-fitted caps or plugs to ensure caps and plugs are in place and properly installed	Initially Semi-annually	Visual.
63.136(f)(2)	Inspect all junction boxes to ensure covers are in place and have no visible gaps, cracks, or holes	Initially Semi-annually	Visual or smoke test or other means as specified.
63.136(f)(3)	Inspect unburied portion of all sewer lines for cracks and gaps	Initially Semi-annually	Visual.
Oil-water separators:			
63.137(b)(1)	Inspect fixed roof and all openings for leaks	Initially Semi-annually	Visual.
63.137(c)	Measure floating roof seal gaps in accordance with 40 CFR 60.696(d)(1)	Initially[b]	See 40 CFR 60.696(d)(1).
	—Primary seal gaps	Once every 5 years	
63.137(c)	—Secondary seal gaps	Initially[b]Annually	

To comply with	Inspection or monitoring requirement	Frequency of inspection or monitoring	Method
63.137(d)	Inspect oil-water separator for control equipment failures and improper work practices	Initially Semi-annually	Visual.

[a]As specified in 40 CFR 63.136(a), the owner or operator shall comply with either the requirements of 40 CFR 63.136 (b) and (c) or 40 CFR 63.136 (e) and (f).

[b]Within 60 days of installation as specified in 40 CFR 63.137(c).

Table 12 to Subpart G of Part 63 - Monitoring Requirements for Treatment Processes

To comply with	Parameters to be monitored	Frequency	Methods
1. Required mass removal of Table 8 and/or Table 9 compound(s) from wastewater treated in a properly operated biological treatment unit, 40 CFR 63.138(f), and 40 CFR 63.138(g)	Appropriate parameters as specified in 40 CFR 63.143(c) and approved by permitting authority	Appropriate frequency as specified in 40 CFR 63.143 and approved by permitting authority	Appropriate methods as specified in 40 CFR 63.143 and as approved by permitting authority.
2. Steam stripper	(i) Steam flow rate; and	Continuously	Integrating steam flow monitoring device equipped with a continuous recorder.
	(ii) Wastewater feed mass flow rate; and	Continuously	Liquid flow meter installed at stripper influent and equipped with a continuous recorder.
	(iii) Wastewater feed temperature; or (iv) Column operating temperature	Continuously	(A) Liquid temperature monitoring device installed at stripper influent and equipped with a continuous or recorder; or (B) Liquid temperature monitoring device installed in the column top tray liquid phase (*i.e.,* at the downcomer) and equipped with a continuous recorder.
3. Other treatment processes or alternative monitoring parameters to those listed in item 2 of this table	Other parameters may be monitored upon approval from the Administrator with the requirements specified in 40 CFR 63.151(f)		

Table 13 to Subpart G of Part 63 – Wastewater - Monitoring Requirements for Control Devices

Control Device	Monitoring equipment required	Parameters to be monitored	Frequency
All control devices	1. Flow indicator installed at all bypass lines to the atmosphere and equipped with continuous recorder[b] *or*	1. Presence of flow diverted from the control device to the atmosphere *or*	Hourly records of whether the flow indicator was operating and whether a diversion was detected at any time during each hour
	2. Valves sealed closed with car-seal or lock-and-key configuration	2. Monthly inspections of sealed valves	Monthly.
Thermal Incinerator	Temperature monitoring device installed in firebox or in ductwork immediately downstream of firebox[a]and equipped with a continuous recorder[b]	Firebox temperature	Continuous.
Catalytic Incinerator	Temperature monitoring device installed in gas stream immediately before and after catalyst bed and equipped with a continuous recorder[b]	1. Temperature upstream of catalyst bed *or* 2. Temperature difference across catalyst bed	Continuous.
Flare	Heat sensing device installed at the pilot light and equipped with a continuous recorder[a]	Presence of a flame at the pilot light	Hourly records of whether the monitor was continuously operating and whether the pilot flame was continuously present during each hour.
Boiler or process heater <44 megawatts and vent stream is not mixed with the primary fuel	Temperature monitoring device installed in firebox[a]and equipped with continuous recorder[b]	Combustion temperature	Continuous.
Condenser	Temperature monitoring device installed at condenser exit and equipped with continuous recorder[b]	Condenser exit (product side) temperature	Continuous.
Carbon adsorber (regenerative)	Integrating regeneration stream flow monitoring device having an accuracy of ±10 percent, *and*	Total regeneration stream mass or volumetric flow during carbon bed regeneration cycle(s)	For each regeneration cycle, record the total regeneration stream mass or volumetric flow.
	Carbon bed temperature monitoring device	Temperature of carbon bed after regeneration [and within 15 minutes of completing any cooling cycle(s)]	For each regeneration cycle and within 15 minutes of completing any cooling cycle, record the carbon bed temperature.

Control Device	Monitoring equipment required	Parameters to be monitored	Frequency
Carbon adsorber (Non-regenerative)	Organic compound concentration monitoring device.[c]	Organic compound concentration of adsorber exhaust	Daily or at intervals no greater than 20 percent of the design carbon replacement interval, whichever is greater.
Alternative monitoring parameters	Other parameters may be monitored upon approval from the Administrator in accordance with the requirements in 40 CFR 63.143(e)(3)		

[a]Monitor may be installed in the firebox or in the ductwork immediately downstream of the firebox before any substantial heat exchange is encountered.

[b]"Continuous recorder" is defined in 40 CFR 63.111 of this Subpart.

[c]As an alternative to conducting this monitoring, an owner or operator may replace the carbon in the carbon adsorption system with fresh carbon at a regular predetermined time interval that is less than the carbon replacement interval that is determined by the maximum design flow rate and organic concentration in the gas stream vented to the carbon adsorption system.

Tables 14–14b to Subpart G of Part 63 [Reserved]

Table 15 to Subpart G of Part 63 – Wastewater - Information on Table 8 and/or Table 9 Compounds To Be Submitted With Notification of Compliance Status for Process Units at New and/or Existing Sources[a,b]

Process unit identification code[c]	Stream identification code	Concentration of table 8 and/or table 9 compound(s) (ppmw)[d,e]	Flow rate (lpm)[e,f]	Group 1 or Group 2[g]	Compliance approach[h]	Treatment process(es) identification[i]	Waste management unit(s) identification	Intended control device

[a]The information specified in this table must be submitted; however, it may be submitted in any format. This table presents an example format.

[b]Other requirements for the NCS are specified in 40 CFR 63.152(b) of this Subpart.

[c]Also include a description of the process unit (e.g., benzene process unit).

[d]Except when 40 CFR 63.132(e) is used, annual average concentration as specified in 40 CFR 63.132 (c) or (d) and 40 CFR 63.144.

[e]When 40 CFR 63.132(e) is used, indicate the wastewater stream is a designated Group 1 wastewater stream.

[f]Except when 40 CFR 63.132(e) is used, annual average flow rate as specified in 40 CFR 63.132 (c) or (d) and in 40 CFR 63.144.

[g]Indicate whether stream is Group 1 or Group 2. If Group 1, indicate whether it is Group 1 for Table 8 or Table 9 compounds or for both Table 8 and Table 9 compounds.

[h]Cite 40 CFR 63.138 compliance option used.

Table 16 to Subpart G of Part 63 [Reserved]

Table 17 to Subpart G of Part 63 - Information for Treatment Processes To Be Submitted With Notification of Compliance Status[a,b]

Treatment process identification[c]	Description[d]	Wastewater stream(s) treated[e]	Monitoring parameters[f]

[a]The information specified in this table must be submitted; however, it may be submitted in any format. This table presents an example format.

[b]Other requirements for the Notification of Compliance Status are specified in 40 CFR 63.152(b) of this Subpart.

[c]Identification codes should correspond to those listed in Table 15.

[d]Description of treatment process.

[e]Stream identification code for each wastewater stream treated by each treatment unit. Identification codes should correspond to entries listed in Table 15.

[f]Parameter(s) to be monitored or measured in accordance with Table 12 and 40 CFR 63.143.

Table 18 to Subpart G of Part 63 - Information for Waste Management Units To Be Submitted With Notification of Compliance Status[a,b]

Waste management unit identification[c]	Description[d]	Wastewater stream(s) received or managed[e]

[a]The information specified in this table must be submitted; however, it may be submitted in any format. This table presents an example format.

[b]Other requirements for the Notification of Compliance Status are specified in 40 CFR 63.152(b) of this Subpart.

[c]Identification codes should correspond to those listed in Table 15.

[d]Description of waste management unit.

[e]Stream identification code for each wastewater stream received or managed by each waste management unit. Identification codes should correspond to entries listed in Table 15.

Table 19 to Subpart G of Part 63 – Wastewater - Information on Residuals To Be Submitted With Notification of Compliance Status[a,b]

Residual identification[c]	Residual description[d]	Wastewater stream identification[e]	Treatment process[f]	Fate[g]	Control device identification code	Control device description[h]	Control device efficiency[i]

[a]The information specified in this table must be submitted; however, it may be submitted in any format. This table presents an example format.

[b]Other requirements for the Notification of Compliance Status are specified in 40 CFR 63.152(b) of this Subpart.

[c]Name or identification code of residual removed from Group 1 wastewater stream.

[d]Description of residual (e.g., steam stripper A–13 overhead condensates).

[e]Identification of stream from which residual is removed.

[f]Treatment process from which residual originates.

[g]Indicate whether residual is sold, returned to production process, or returned to waste management unit or treatment process; or whether HAP mass of residual is destroyed by 99 percent.

[h]If the fate of the residual is such that the HAP mass is destroyed by 99 percent, give description of device used for HAP destruction.

[i]If the fate of the residual is such that the HAP mass is destroyed by 99 percent, provide an estimate of control device efficiency and attach substantiation in accordance with 40 CFR 63.146(b)(9) of this Subpart.

Table 20 to Subpart G of Part 63 – Wastewater - Periodic Reporting Requirements for Control Devices Subject to 40 CFR 63.139 Used To Comply With 40 CFR 63.13 Through 63.139

Control device	Reporting requirements
(1) Thermal Incinerator	Report all daily average[a]temperatures that are outside the range established in the NCS[b]or operating permit and all operating days when insufficient monitoring data are collected.[c]
(2) Catalytic Incinerator	(i) Report all daily average[a]upstream temperatures that are outside the range established in the NCS[b]or operating permit.
	(ii) Report all daily average[a]temperature differences across the catalyst bed that are outside the range established in the NCS[b]or operating permit.
	(iii) Report all operating days when insufficient monitoring data are collected.[c]
(3) Boiler or Process Heater with a design heat input capacity less than 44 megawatts and vent stream is not mixed with the primary fuel	Report all daily average[a]firebox temperatures that are outside the range established in the NCS[b]or operating permit and all operating days when insufficient monitoring data are collected.[c]
(4) Flare	Report the duration of all periods when all pilot flames are absent.
(5) Condenser	Report all daily average[a]exit temperatures that are outside the range established in the NCS[b]or operating permit and all operating days when insufficient monitoring data are collected[c].
(6) Carbon Adsorber (Regenerative)	(i) Report all carbon bed regeneration cycles when the total regeneration stream mass or volumetric flow is outside the range established in the NCS[b]or operating permit.
	(ii) Report all carbon bed regeneration cycles during which the temperature of the carbon bed after regeneration is outside the range established in the NCS[b]or operating permit.
	(iii) Report all operating days when insufficient monitoring data

	are collected[c].
(7) Carbon Adsorber (Non-Regenerative)	(i) Report all operating days when inspections not done according to the schedule developed as specified in table 13 of this Subpart.
	(ii) Report all operating days when carbon has not been replaced at the frequency specified in table 13 of this Subpart.
(8) All Control Devices	(i) Report the times and durations of all periods when the vent stream is diverted through a bypass line or the monitor is not operating, or
	(ii) Report all monthly inspections that show the valves are moved to the diverting position or the seal has been changed.

[a]The daily average is the average of all values recorded during the operating day, as specified in 40 CFR 63.147(d).

[b]NCS = Notification of Compliance Status described in 40 CFR 63.152.

[c]The periodic reports shall include the duration of periods when monitoring data are not collected for each excursion as defined in 40 CFR 63.152(c)(2)(ii)(A).

Table 21 to Subpart G of Part 63 - Average Storage Temperature (T_s) as a Function of Tank Paint Color

Tank Color	Average Storage Temperature (T_s)
White	T_Aa = 0
Aluminum	T_A= 2.5
Gray	T_A= 3.5
Black	T_A= 5.0

[a]$T_A$is the average annual ambient temperature in degrees Fahrenheit.

Table 22 to Subpart G of Part 63 - Paint Factors for Fixed Roof Tanks

Tank color		Paint factors (F_p) Paint Condition	
Roof	Shell	Good	Poor
White	White	1.00	1.15
Aluminum (specular)	White	1.04	1.18
White	Aluminum (specular)	1.16	1.24
Aluminum (specular)	Aluminum (specular)	1.20	1.29
White	Aluminum (diffuse)	1.30	1.38
Aluminum (diffuse)	Aluminum (diffuse)	1.39	1.46
White	Gray	1.30	1.38
Light gray	Light gray	1.33	1.44
Medium gray	Medium gray	1.40	1.58

Table 23 to Subpart G of Part 63 - Average Clingage Factors (c)[a]

Liquid	Shell condition		
	Light rust[b]	Dense rust	Gunite lined
Gasoline	0.0015	0.0075	0.15
Single component stocks	0.0015	0.0075	0.15
Crude oil	0.0060	0.030	0.60

[a]Units for average clingage factors are barrels per 1,000 square feet.

[b]If no specific information is available, these values can be assumed to represent the most common condition of tanks currently in use.

Table 24 to Subpart G of Part 63 - Typical Number of Columns as a Function of Tank Diameter for Internal Floating Roof Tanks With Column Supported Fixed Roofs[a]

Tank diameter range (D in feet)	Typical number of columns, (N_C)
$0 < D \leq 85$	1
$85 < D \leq 100$	6
$100 < D \leq 120$	7
$120 < D \leq 135$	8
$135 < D \leq 150$	9
$150 < D \leq 170$	16
$170 < D \leq 190$	19
$190 < D \leq 220$	22
$220 < D \leq 235$	31
$235 < D \leq 270$	37
$270 < D \leq 275$	43
$275 < D \leq 290$	49
$290 < D \leq 330$	61
$330 < D \leq 360$	71
$360 < D \leq 400$	81

[a]Data in this table should not supersede information on actual tanks.

Table 25 to Subpart G of Part 63 - Effective Column Diameter (F_c)

Column type	F_c(feet)
9-inch by 7-inch built-up columns	1.1
8-inch-diameter pipe columns	0.7
No construction details known	1.0

Table 26 to Subpart G of Part 63 - Seal Related Factors for Internal Floating Roof Vessels

Seal type	K_S	n
Liquid mounted resilient seal:		
Primary seal only	3.0	0
With rim-mounted secondary seal[a]	1.6	0
Vapor mounted resilient seal:		
Primary seal only	6.7	0
With rim-mounted secondary seal[a]	2.5	0

[a]If vessel-specific information is not available about the secondary seal, assume only a primary seal is present.

Table 27 to Subpart G of Part 63 - Summary of Internal Floating Deck Fitting Loss Factors (K_F) and Typical Number of Fittings (N_F)

Deck fitting type	Deck fitting loss factor (K_F)[a]	Typical number of fittings (N_F)
Access hatch		1.
Bolted cover, gasketed	1.6	
Unbolted cover, gasketed	11	
Unbolted cover, ungasketed	[b]25	
Automatic gauge float well		1.
Bolted cover, gasketed	5.1	
Unbolted cover, gasketed	15	
Unbolted cover, ungasketed	[b]28	
Column well		(see Table 24).
Builtup column-sliding cover, gasketed	33	
Builtup column-sliding cover, ungasketed	[b]47 10	
Pipe column-flexible fabric sleeve seal	19	
Pipe column-sliding cover, gasketed	32	
Pipe column-sliding cover, ungasketed		
Ladder well		1.
Sliding cover, gasketed	56	
Sliding cover, ungasketed	[b]76	
Roof leg or hanger well		$(5+D/10+D^2/600)$[c].
Adjustable	[b]7.9	

Deck fitting type	Deck fitting loss factor (K_F)[a]	Typical number of fittings (N_F)
Fixed	0	
Sample pipe or well		1.
Slotted pipe-sliding cover, gasketed	44	
Slotted pipe-sliding cover, ungasketed	57	
Sample well-slit fabric seal, 10 percent open area	[b]12	
Stub drain, 1-in diameter[d]	1.2	(D^2/125)[c].
Vacuum breaker		1.
Weighted mechanical actuation, gasketed	[b]0.7	
Weighted mechanical actuation, ungasketed	0.9	

[a]Units for $K_F$are pound-moles per year.

[b]If no specific information is available, this value can be assumed to represent the most common/typical deck fittings currently used.

[c]D=Tank diameter (feet).

[d]Not used on welded contact internal floating decks.

Table 28 to Subpart G of Part 63 -Deck Seam Length Factors[a] (S_D) for Internal Floating Roof Tanks

Deck construction	Typical deck seam length factor
Continuous sheet construction[b]:	
5-feet wide sheets	0.2[c]
6-feet wide sheets	0.17
7-feet wide sheets	0.14
Panel construction[d]:	
5 × 7.5 feet rectangular	0.33
5 × 12 feet rectangular	0.28

[a]Deck seam loss applies to bolted decks only. Units for $S^D$are feet per square feet.

[b]S_D=1/W, where W = sheet width (feet).

[c]If no specific information is available, these factors can be assumed to represent the most common bolted decks currently in use.

[d]S_D=(L+W)/LW, where W = panel width (feet), and L = panel length (feet).

Table 29 to Subpart G of Part 63 - Seal Related Factors for External Floating Roof Vessels

Seal type	Welded vessels		Riveted vessels	
	K_S	N	K_S	N
Metallic shoe seal:				
Primary seal only	1.2	1.5	1.3	1.5
With shoe-mounted secondary seal	0.8	1.2	1.4	1.2
With rim-mounted secondary seal	0.2	1.0	0.2	1.6
Liquid mounted resilient seal:				
Primary seal only	1.1	1.0	[a]NA	NA
With weather shield	0.8	0.9	NA	NA
With rim-mounted secondary seal	0.7	0.4	NA	NA
Vapor mounted resilient seal:				
Primary seal only	1.2	2.3	NA	NA
With weather shield	0.9	2.2	NA	NA
With rim-mounted secondary seal	0.2	2.6	NA	NA

[a]NA=Not applicable.

Table 30 to Subpart G of Part 63 - Roof Fitting Loss Factors, K_{Fa}, K_{Fb}, and m,[a] and Typical Number of Fittings, N_T

Fitting type and construction details	Loss factors[b]			Typical number of fittings, N_T
	K_{Fa}(lb-mole/yr)	K_{Fb}(lb-mole/[mi/hr]^m-yr)	m (dimensionless)	
Access hatch (24-in-diameter well)				1.
Bolted cover, gasketed	0	0	[c]0	
Unbolted cover, ungasketed	2.7	7.1	1.0	
Unbolted cover, gasketed	2.9	0.41	1.0	
Unslotted guide-pole well (8-in-diameter unslotted pole, 21-in-diameter well)				1.
Ungasketed sliding cover	0	67	[c]0.98	
Gasketed sliding cover	0	3.0	1.4	
Slotted guide-pole/sample well (8-in-diameter unslotted pole, 21-in-diameter well)				([d]).
Ungasketed sliding cover, without float	0	310	1.2	
Ungasketed sliding cover, with	0	29	2.0	

Fitting type and construction details	Loss factors[b]			Typical number of fittings, N_T
	K_{Fa}(lb-mole/yr)	K_{Fb}(lb-mole/[mi/hr]^m-yr)	m (dimensionless)	
float				
Gasketed sliding cover, without float	0	260	1.2	
Gasketed sliding cover, with float	0	8.5	1.4	
Gauge-float well (20-inch diameter)				1.
Unbolted cover, ungasketed	2.3	5.9	[c]1.0	
Unbolted cover, gasketed	2.4	0.34	1.0	
Bolted cover, gasketed	0	0	0	
Gauge-hatch/sample well (8-inch diameter)				1.
Weighted mechanical actuation, gasketed	0.95	0.14	[c]1.0	
Weighted mechanical actuation, ungasketed	0.91	2.4	1.0	
Vacuum breaker (10-in-diameter well)				N_{F6}(Table 31).
Weighted mechanical actuation, gasketed	1.2	0.17	[c]1.0	
Weighted mechanical actuation, ungasketed	1.2	3.0	1.0	
Roof drain (3-in-diameter)				N_{F7}(Table 31).
Open	0	7.0	[e]1.4	N_{F8}(Table 32[f]).
90 percent closed	0.51	0.81	1.0	
Roof leg (3-in-diameter)				N_{F8}(Table 32[f]).
Adjustable, pontoon area	1.5	0.20	[c]1.0	
Adjustable, center area	0.25	0.067	[c]1.0	
Adjustable, double-deck roofs	0.25	0.067	1.0	
Fixed	0	0	0	
Roof leg (2 1/2-in-diameter)				N_{F8}(Table 32[f]).
Adjustable, pontoon area	1.7	0	0	
Adjustable, center area	0.41	0	0	
Adjustable, double-deck roofs	0.41	0	0	
Fixed	0	0	0	

Fitting type and construction details	Loss factors[b]			Typical number of fittings, N_T
	K_{Fa}(lb-mole/yr)	K_{Fb}(lb-mole/[mi/hr]^m-yr)	m (dimensionless)	
Rim vent (6-in-diameter)				1[g].
Weighted mechanical actuation, gasketed	0.71	0.10	[c]1.0	
Weighted mechanical actuation, ungasketed	0.68	1.8	1.0	

[a]The roof fitting loss factors, K_{Fa}, K_{Fb}, and m, may only be used for wind speeds from 2 to 15 miles per hour.

[b]Unit abbreviations are as follows: lb = pound; mi = miles; hr = hour; yr = year.

[c]If no specific information is available, this value can be assumed to represent the most common or typical roof fittings currently in use.

[d]A slotted guide-pole/sample well is an optional fitting and is not typically used.

[e]Roof drains that drain excess rainwater into the product are not used on pontoon floating roofs. They are, however, used on double-deck floating roofs and are typically left open.

[f]The most common roof leg diameter is 3 inches. The loss factors for 2 1/2-inch diameter roof legs are provided for use if this smaller size roof is used on a particular floating roof.

[g]Rim vents are used only with mechanical-shoe primary seals.

Table 31 to Subpart G of Part 63 - Typical Number of Vacuum Breakers, $N_{F6}$and Roof Drains,[a] N_{F7}

Tank diameter D (feet)[b]	No. of vacuum breakers, N_{F6}		No. of roof drains, N_{F7}double-deck roof[c]
	Pontoon roof	Double-deck roof	
50	1	1	1
100	1	1	1
150	2	2	2
200	3	2	3
250	4	3	5
300	5	3	7
350	6	4	[d]
400	7	4	[d]

[a]This table should not supersede information based on actual tank data.

[b]If the actual diameter is between the diameters listed, the closest diameter listed should be used. If the actual diameter is midway between the diameters listed, the next larger diameter should be used.

[c]Roof drains that drain excess rainwater into the product are not used on pontoon floating roofs. They are, however, used on double-deck floating roofs, and are typically left open.

[d]For tanks more than 300 feet in diameter, actual tank data or the manufacturer's recommendations may be needed for the number of roof drains.

Table 32 to Subpart G of Part 63 - Typical Number of Roof Legs,[a] N_{F8}

Tank diameter D (feet)[b]	Pontoon roof		No. of legs on double-deck roof
	No. of pontoon legs	No. of center legs	
30	4	2	6
40	4	4	7
50	6	6	8
60	9	7	10
70	13	9	13
80	15	10	16
90	16	12	20
100	17	16	25
110	18	20	29
120	19	24	34
130	20	28	40
140	21	33	46
150	23	38	52
160	26	42	58
170	27	49	66
180	28	56	74
190	29	62	82
200	30	69	90
210	31	77	98
220	32	83	107
230	33	92	115
240	34	101	127
250	34	109	138
260	36	118	149
270	36	128	162
280	37	138	173
290	38	148	186
300	38	156	200
310	39	168	213
320	39	179	226
330	40	190	240
340	41	202	255
350	42	213	270
360	44	226	285

Tank diameter D (feet)[b]	Pontoon roof		No. of legs on double-deck roof
	No. of pontoon legs	No. of center legs	
370	45	238	300
380	46	252	315
390	47	266	330
400	48	281	345

[a]This table should not supersede information based on actual tank data.

[b]If the actual diameter is between the diameters listed, the closest diameter listed should be used. If the actual diameter is midway between the diameters listed, the next larger diameter should be used.

Table 33 to Subpart G of Part 63 - Saturation Factors

Cargo carrier	Mode of operation	S factor
Tank trucks and rail tank cars	Submerged loading of a clean cargo tank	0.50
	Submerged loading: dedicated normal service	0.60
	Submerged loading: dedicated vapor balance service	1.00
	Splash loading of a clean cargo tank	1.45
	Splash loading: dedicated normal service	1.45
	Splash loading: dedicated vapor balance service	1.00

Table 34 to Subpart G of Part 63 - Fraction Measured (F_m) and Fraction Emitted (F_e) For HAP Compounds in Wastewater Streams

Chemical name	CAS Number[a]	F_m	F_e
Acetaldehyde	75070	1.00	0.48
Acetonitrile	75058	0.99	0.36
Acetophenone	98862	0.31	0.14
Acrolein	107028	1.00	0.43
Acrylonitrile	107131	1.00	0.43
Allyl chloride	107051	1.00	0.89
Benzene	71432	1.00	0.80
Benzyl chloride	100447	1.00	0.47
Biphenyl	92524	0.86	0.45
Bromoform	75252	1.00	0.49
Butadiene (1,3-)	106990	1.00	0.98
Carbon disulfide	75150	1.00	0.92
Carbon tetrachloride	56235	1.00	0.94
Chlorobenzene	108907	1.00	0.73
Chloroform	67663	1.00	0.78

Chemical name	CAS Number[a]	F_m	F_e
Chloroprene (2-Chloro-1,3-butadiene)	126998	1.00	0.68
Cumene	98828	1.00	0.88
Dichlorobenzene (p-)	106467	1.00	0.72
Dichloroethane (1,2-) (Ethylene dichloride)	107062	1.00	0.64
Dichloroethyl ether (Bis(2-Chloroethyl ether))	111444	0.76	0.21
Dichloropropene (1,3-)	542756	1.00	0.76
Diethyl sulfate	64675	0.0025	0.11
Dimethyl sulfate	77781	0.086	0.079
Dimethylaniline (N,N-)	121697	0.00080	0.34
Dimethylhydrazine (1,1-)	57147	0.38	0.054
Dinitrophenol (2,4-)	51285	0.0077	0.060
Dinitrotoluene (2,4-)	121142	0.085	0.18
Dioxane (1,4-) (1,4-Diethyleneoxide)	123911	0.87	0.18
Epichlorohydrin(1-Chloro-2,3-epoxypropane)	106898	0.94	0.35
Ethyl acrylate	140885	1.00	0.48
Ethylbenzene	100414	1.00	0.83
Ethyl chloride (Chloroethane)	75003	1.00	0.90
Ethylene dibromide (Dibromomethane)	106934	1.00	0.57
Ethylene glycol dimethyl ether	110714	0.86	0.32
Ethylene glycol monobutyl ether acetate	112072	0.043	0.067
Ethylene glycol monomethyl ether acetate	110496	0.093	0.048
Ethylene oxide	75218	1.00	0.50
Ethylidene dichloride (1,1-Dichloroethane)	75343	1.00	0.79
Hexachlorobenzene	118741	0.97	0.64
Hexachlorobutadiene	87683	0.88	0.86
Hexachloroethane	67721	0.50	0.85
Hexane	110543	1.00	1.00
Isophorone	78591	0.51	0.11
Methanol	67561	0.85	0.17
Methyl bromide (Bromomethane)	74839	1.00	0.85
Methyl chloride (Chloromethane)	74873	1.00	0.84
Methyl isobutyl ketone (Hexone)	108101	0.98	0.53
Methyl methacrylate	80626	1.00	0.37
Methyl tert-butyl ether	1634044	1.00	0.57
Methylene chloride (Dichloromethane)	75092	1.00	0.77
Naphthalene	91203	0.99	0.51

Chemical name	CAS Number[a]	F_m	F_e
Nitrobenzene	98953	0.39	0.23
Nitropropane (2-)	79469	0.99	0.44
Phosgene	75445	1.00	0.87
Propionaldehyde	123386	1.00	0.41
Propylene dichloride (1,2-Dichloropropane)	78875	1.00	0.72
Propylene oxide	75569	1.00	0.60
Styrene	100425	1.00	0.80
Tetrachloroethane (1,1,2,2-)	79345	1.00	0.46
Tetrachloroethylene (Perchloroethylene)	127184	1.00	0.92
Toluene	108883	1.00	0.80
Toluidine (o-)	95534	0.15	0.052
Trichlorobenzene (1,2,4-)	120821	1.00	0.64
Trichloroethane (1,1,1-) (Methyl chloroform)	71556	1.00	0.91
Trichloroethane (1,1,2-) (Vinyl Trichloride)	79005	1.00	0.60
Trichloroethylene	79016	1.00	0.87
Trichlorophenol (2,4,5-)	95954	0.11	0.086
Triethylamine	121448	1.00	0.38
Trimethylpentane (2,2,4-)	540841	1.00	1.00
Vinyl acetate	108054	1.00	0.59
Vinyl chloride (Chloroethylene)	75014	1.00	0.97
Vinylidene chloride (1,1-Dichloroethylene)	75354	1.00	0.94
Xylene (m-)	108383	1.00	0.82
Xylene (o-)	95476	1.00	0.79
Xylene (p-)	106423	1.00	0.82

[a]CAS numbers refer to the Chemical Abstracts Service registry number assigned to specific compounds, isomers, or mixtures of compounds.

[59 FR 19468, Apr. 22, 1994, as amended at 71 FR 76615, Dec. 21, 2006]

Table 35 to Subpart G of Part 63 - Control Requirements for Items of Equipment That Meet the Criteria of 40 CFR 63.149 of Subpart G

Item of equipment	Control requirement[a]
Drain or drain hub	(a) Tightly fitting solid cover (TFSC); or (b) TFSC with a vent to either a process, or to a fuel gas system, or to a control device meeting the requirements of 40 CFR 63.139(c); or (c) Water seal with submerged discharge or barrier to protect discharge from wind.

Manhole[b]	(a) TFSC; or (b) TSFC with a vent to either a process, or to a fuel gas system, or to a control device meeting the requirements of 40 CFR 63.139(c); or (c) If the item is vented to the atmosphere, use a TFSC with a properly operating water seal at the entrance or exit to the item to restrict ventilation in the collection system. The vent pipe shall be at least 90 cm in length and not exceeding 10.2 cm in nominal inside diameter.
Lift station	(a) TFSC; or (b) TFSC with a vent to either a process, or to a fuel gas system, or to a control device meeting the requirements of 40 CFR 63.139(c); or (c) If the lift station is vented to the atmosphere, use a TFSC with a properly operating water seal at the entrance or exit to the item to restrict ventilation in the collection system. The vent pipe shall be at least 90 cm in length and not exceeding 10.2 cm in nominal inside diameter. The lift station shall be level controlled to minimize changes in the liquid level.
Trench	(a) TFSC; or (b) TFSC with a vent to either a process, or to a fuel gas system, or to a control device meeting the requirements of 40 CFR 63.139(c); or (c) If the item is vented to the atmosphere, use a TFSC with a properly operating water seal at the entrance or exit to the item to restrict ventilation in the collection system. The vent pipe shall be at least 90 cm in length and not exceeding 10.2 cm in nominal inside diameter.
Pipe	Each pipe shall have no visible gaps in joints, seals, or other emission interfaces.
Oil/Water separator	(a) Equip with a fixed roof and route vapors to a process or to a fuel gas system, or equip with a closed vent system that routes vapors to a control device meeting the requirements of 40 CFR 63.139(c); or (b) Equip with a floating roof that meets the equipment specifications of 40 CFR 60.693 (a)(1)(i), (a)(1)(ii), (a)(2), (a)(3), and (a)(4).
Tank[c]	Maintain a fixed roof.[d]If the tank is sparged[e]or used for heating or treating by means of an exothermic reaction, a fixed roof and a system shall be maintained that routes the organic hazardous air pollutants vapors to other process equipment or a fuel gas system, or a closed vent system that routes vapors to a control device that meets the requirements of 40 CFR 40 CFR 63.119 (e)(1) or (e)(2).

[a]Where a tightly fitting solid cover is required, it shall be maintained with no visible gaps or openings, except during periods of sampling, inspection, or maintenance.

[b]Manhole includes sumps and other points of access to a conveyance system.

[c]Applies to tanks with capacities of 38 m^3or greater.

[d]A fixed roof may have openings necessary for proper venting of the tank, such as pressure/vacuum vent, j-pipe vent.

[e]The liquid in the tank is agitated by injecting compressed air or gas.

Table 36 to Subpart G of Part 63 - Compound Lists Used for Compliance Demonstrations for Enhanced Biological Treatment Processes (See 40 CFR 63.145(h))

List 1	List 2
Acetonitrile	Acetaldehyde.
Acetophenone	Acrolein.
Acrylonitrile	Allyl Chloride.
Biphenyl	Benzene.
Chlorobenzene	Benzyl Chloride,

List 1	List 2
Dichloroethyl Ether	Bromoform.
Diethyl Sulfate	Bromomethane.
Dimethyl Sulfate	Butadiene 1,3.
Dimethyl Hydrazine 1,1	Carbon Disulfide.
Dinitrophenol 2,4	Carbon Tetrachloride
Dinitrotoluene 2,4	Chloroethane (ethyl chloride).
Dioxane 1,4	Chloroform.
Ethylene Glycol Monobutyl Ether Acetate	Chloroprene.
Ethylene Glycol Monomethyl Ether Acetate	Cumene (isopropylbenzene).
Ethylene Glycol Dimethyl Ether	Dibromoethane 1,2.
Hexachlorobenzene	Dichlorobenzene 1,4.
Isophorone	Dichloroethane 1,2.
Methanol	Dichloroethane 1,1 (ethylidene dichloride).
Methyl Methacrylate	Dichloroethene 1,1 (vinylidene chloride).
Nitrobenzene	Dichloropropane 1,2.
Toluidine	Dichloropropene 1,3.
Trichlorobenzene 1,2,4.	Dimethylaniline N,N.
Trichlorophenol 2,4,6	Epichlorohydrin.
Triethylamine	Ethyl Acrylate.
	Ethylbenzene.
	Ethylene Oxide.
	Ethylene Dibromide.
	Hexachlorobutadiene.
	Hexachloroethane.
	Hexane-n.
	Methyl Isobutyl Ketone.
	Methyl Tertiary Butyl Ether.
	Methyl Chloride.
	Methylene Chloride (dichloromethane).
	Naphthalene.
	Nitropropane 2
	Phosgene.
	Propionaldehyde.
	Propylene Oxide.
	Styrene.

List 1	List 2
	Tetrachloroethane 1,1,2,2.
	ToluneTrichloroethane 1,1,1 (methyl chloroform).
	Trichloroethane 1,1,2.
	Trichloroethylene.
	Trimethylpentane 2,2,4.
	Vinyl Chloride.
	Vinyl Acetate.
	Xylene-m.
	Xylene-o.
	Xylene-p.

[59 FR 19468, Apr. 22, 1994, as amended at 71 FR 76615, Dec. 21, 2006]

Table 37 to Subpart G of Part 63 - Default Biorates for List 1 Compounds

Compound name	Biorate, K1 L/g MLVSS-hr
Acetonitrile	0.100
Acetophenone	0.538
Acrylonitrile	0.750
Biphenyl	5.643
Chlorobenzene	10.000
Dichloroethyl ether	0.246
Diethyl sulfate	0.105
Dimethyl hydrazine(1,1)	0.227
DIMethyl sulfate	0.178
Dinitrophenol 2,4	0.620
Dinitrotoluene(2,4)	0.784
Dioxane(1,4)	0.393
Ethylene glycol dimethyl ether	0.364
Ethylene glycol monomethyl ether acetate	0.159
Ethylene glycol monobutyl ether acetate	0.496
Hexachlorobenzene	16.179
ISophorone	0.598
Methanol	0.200
Methyl methacrylate	4.300
Nitrobenzene	2.300
Toluidine (-0)	0.859

Compound name	Biorate, K1 L/g MLVSS-hr
Trichlorobenzene 1,2,4	4.393
Trichlorophenol 2,4,5	4.477
Triethylamine	1.064

Figure 1 to Subpart G of Part 63 - Definitions of Terms Used in Wastewater Equations

Main Terms

AMR = Actual mass removal of Table 8 and/or Table 9 compounds achieved by treatment process or a series of treatment processes, kg/hr.

C = Concentration of Table 8 and/or Table 9 compounds in wastewater, ppmw.

CG = Concentration of TOC (minus methane and ethane) or total organic hazardous air pollutants, in vented gas stream, dry basis, ppmv.

CG_c = Concentration of TOC or organic hazardous air pollutants corrected to 3-percent oxygen, in vented gas stream, dry basis, ppmv.

CGS = Concentration of sample compounds in vented gas stream, dry basis, ppmv.

E = Removal or destruction efficiency, percent.

F_{bio} = Site-specific fraction of Table 8 and/or Table 9 compounds biodegraded, unitless.

f^{bio} = Site-specific fraction of an individual Table 8 or Table 9 compound biodegraded, unitless.

Fm = Compound-specific fraction measured factor, unitless (listed in table 34).

Fr = Fraction removal value for Table 8 and/or Table 9 compounds, unitless (listed in Table 9).

Fr_{avg} = Flow-weighted average of the Fr values.

i = Identifier for a compound.

j = Identifier for a sample.

k = Identifier for a run.

K_2 = Constant, $41.57 * 10^{-9}$, $(ppm)^{-1}$(gram-mole per standard m^3) (kg/g), where standard temperature (gram-mole per standard m^3) is 20 °C.

m = Number of samples.

M = Mass, kg.

MW = Molecular weight, kg/kg-mole.

n = Number of compounds.

p = Number of runs.

$\%O_{2d}$ = Concentration of oxygen, dry basis, percent by volume.

Q = Volumetric flowrate of wastewater, m^3 /hr.

QG = Volumetric flow rate of vented gas stream, dry standard, m^3 /min.

QMG = Mass flowrate of TOC (minus methane and ethane) or organic hazardous air pollutants, in vented gas stream, kg/hr.

QMW = Mass flowrate of Table 8 and/or Table 9 compounds in wastewater, kg/hr.

ρ = Density, kg/m^3 .

RMR = Required mass removal achieved by treatment process or a series of treatment processes, kg/hr.

t_T = Total time of all runs, hr.

Subscripts

a = Entering.

b = Exiting.

i = Identifier for a compound.

j = Identifier for a sample.

k = Identifier for a run.

m = Number of samples.

n = Number of compounds.

p = Number of runs.

T = Total; sum of individual.

[59 FR 19468, Apr. 22, 1994, as amended at 59 FR 29201, June 6, 1994; 61 FR 63629–63630, Dec. 12, 1995; 62 FR 2779, Jan. 17, 1997; 63 FR 67793, Dec. 9, 1998; 64 FR 20195, Apr. 26, 1999; 65 FR 78284, Dec. 14, 2000; 66 FR 6935, Jan. 22, 2001]

Federal Regulations Adopted by Reference

In accordance with Rule 62-204.800, F.A.C., the following federal regulation in Title 40 of the Code of Federal Regulations (CFR) was adopted by reference. The original federal rule numbering has been retained.

Federal Revision Date: December 22, 2008

State Rule Effective Date: November 18, 2009

Standardized Conditions Revision Date: February 23, 2010

40 CFR 63 Subpart H - National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks

Source: 59 FR 19568, Apr. 22, 1994, unless otherwise noted.

40 CFR 63.160 - Applicability and designation of source

(a) The provisions of this Subpart apply to pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, surge control vessels, bottoms receivers, instrumentation systems, and control devices or closed vent systems required by this Subpart that are intended to operate in organic hazardous air pollutant service 300 hours or more during the calendar year within a source subject to the provisions of a specific Subpart in 40 CFR 63 that references this Subpart.

(b) After the compliance date for a process unit, equipment to which this Subpart applies that are also subject to the provisions of:

(1) 40 CFR 60 will be required to comply only with the provisions of this Subpart.

(2) 40 CFR 61 will be required to comply only with the provisions of this Subpart.

(c) If a process unit subject to the provisions of this Subpart has equipment to which this Subpart does not apply, but which is subject to a standard identified in paragraph (c)(1), (c)(2), or (c)(3) of this section, the owner or operator may elect to apply this Subpart to all such equipment in the process unit. If the owner or operator elects this method of compliance, all VOC in such equipment shall be considered, for purposes of applicability and compliance with this Subpart, as if it were organic hazardous air pollutant (HAP). Compliance with the provisions of this Subpart, in the manner described in this paragraph, shall be deemed to constitute compliance with the standard identified in paragraph (c)(1), (c)(2), or (c)(3) of this section.

(1) 40 CFR 60 Subpart VV, GGG, or KKK; (2) 40 CFR 61 Subpart F or J; or (3) 40 CFR 264 Subpart BB or 40 CFR 265 Subpart BB.

(2) [Reserved]

(d) The provisions in 40 CFR 63.1(a)(3) of Subpart A of this Part do not alter the provisions in paragraph (b) of this section.

(e) Except as provided in any Subpart that references this Subpart, lines and equipment not containing process fluids are not subject to the provisions of this Subpart. Utilities, and other non-process lines, such as heating and cooling systems which do not combine their materials with those in the processes they serve, are not considered to be Part of a process unit.

(f) The provisions of this Subpart do not apply to research and development facilities or to bench-scale batch processes, regardless of whether the facilities or processes are located at the same plant site as a process subject to the provisions of this Subpart.

(g) *Alternative means of compliance*

(1) *Option to comply with Part 65.* Owners or operators of CMPU that are subject to 40 CFR 63.100 may choose to comply with the provisions of 40 CFR 65 for all Group 1 and Group 2 process vents, Group 1 storage vessels, Group 1 transfer operations, and equipment that are subject to 40 CFR 63.100, that are Part of the CMPU. Other provisions applying to an owner or operator who chooses to comply with 40 CFR 65 are provided in 40 CFR 65.1.

(i) For equipment, 40 CFR 65 satisfies the requirements of 40 CFR 63.102, 63.103, and 63.162 through 63.182. When choosing to comply with 40 CFR 65, the requirements of 40 CFR 63.180(d) continue to apply.

(ii) For Group 1 and Group 2 process vents, Group 1 storage vessels, and Group 1 transfer operations, comply with 40 CFR 63.110(i)(1).

(2) *Part 65, Subpart C or F.* For owners or operators choosing to comply with 40 CFR 65, each surge control vessel and bottoms receiver subject to 40 CFR 63.100 that meets the conditions specified in table 2 or table 3 of this Subpart shall meet the requirements for storage vessels in 40 CFR 65 Subpart C; all other equipment subject to 40 CFR 63.100 shall meet the requirements in 40 CFR 65 Subpart F.

(3) *Part 63, Subpart A.* Owners or operators who choose to comply with 40 CFR 65 Subpart C or F, for equipment subject to 40 CFR 63.100 must also comply with the applicable general provisions of this Part 63 listed in table 4 of this Subpart. All sections and paragraphs of Subpart A of this Part that are not mentioned in table 4 of this Subpart do not apply to owners or operators of equipment subject to 40 CFR 63.100 of Subpart F complying with 40 CFR 65 Subpart C or F, except that provisions required to be met prior to implementing 40 CFR 65 still apply. Owners and operators who choose to comply with 40 CFR 65 Subpart C or F, must comply with 40 CFR 65 Subpart A.

[59 FR 19568, Apr. 22, 1994, as amended at 59 FR 48176, Sept. 20, 1994; 59 FR 53360, Oct. 24, 1994; 60 FR 18029, Apr. 10, 1995; 61 FR 31439, June 20, 1996; 64 FR 20198, Apr. 26, 1999; 65 FR 78285, Dec. 14, 2000]

40 CFR 63.161 - Definitions

All terms used in this Subpart shall have the meaning given them in the Act and in this section as follows, except as provided in any Subpart that references this Subpart.

Batch process means a process in which the equipment is fed intermittently or discontinuously. Processing then occurs in this equipment after which the equipment is generally emptied. Examples of industries that use batch processes include pharmaceutical production and pesticide production.

Batch product-process equipment train means the collection of equipment (e.g., connectors, reactors, valves, pumps, etc.) configured to produce a specific product or intermediate by a batch process.

Bench-scale batch process means a batch process (other than a research and development facility) that is operated on a small scale, such as one capable of being located on a laboratory bench top. This bench-scale equipment will typically include reagent feed vessels, a small reactor and associated product separator, recovery and holding equipment. These processes are only capable of producing small quantities of product.

Bottoms receiver means a tank that collects distillation bottoms before the stream is sent for storage or for further downstream processing.

Closed-loop system means an enclosed system that returns process fluid to the process and is not vented to the atmosphere except through a closed-vent system.

Closed-purge system means a system or combination of system and portable containers, to capture purged liquids. Containers must be covered or closed when not being filled or emptied.

Closed-vent system means a system that is not open to the atmosphere and that is composed of hard-piping, ductwork, connections and, if necessary, flow-inducing devices that transport gas or vapor from a piece or pieces of equipment to a control device or back into a process.

Combustion device means an individual unit of equipment, such as a flare, incinerator, process heater, or boiler, used for the combustion of organic hazardous air pollutant emissions.

Compliance date means the dates specified in 40 CFR 63.100(k) or 40 CFR 63.100(l)(3) of Subpart F of this Part for process units subject to Subpart F of this Part; the dates specified in 40 CFR 63.190(e) of Subpart I of this Part for process units subject to Subpart I of this Part. For sources subject to other Subparts in 40 CFR 63 that reference this Subpart, compliance date will be defined in those Subparts. However, the compliance date for 40 CFR 63.170 shall be no later than 3 years after the effective date of those Subparts unless otherwise specified in such other Subparts.

Connector means flanged, screwed, or other joined fittings used to connect two pipe lines or a pipe line and a piece of equipment. A common connector is a flange. Joined fittings welded completely around the circumference of the interface are not considered connectors for the purpose of this regulation. For the purpose of reporting and recordkeeping, connector means joined fittings that are not inaccessible, glass, or glass-lined as described in 40 CFR 63.174(h) of this Subpart.

Control device means any equipment used for recovering, recapturing, or oxidizing organic hazardous air pollutant vapors. Such equipment includes, but is not limited to, absorbers, carbon adsorbers, condensers, flares, boilers, and process heaters.

Double block and bleed system means two block valves connected in series with a bleed valve or line that can vent the line between the two block valves.

Duct work means a conveyance system such as those commonly used for heating and ventilation systems. It is often made of sheet metal and often has sections connected by screws or crimping. Hard-piping is not ductwork.

Equipment means each pump, compressor, agitator, pressure relief device, sampling connection system, open-ended valve or line, valve, connector, surge control vessel, bottoms receiver, and instrumentation system in organic hazardous air pollutant service; and any control devices or systems required by this Subpart.

First attempt at repair means to take action for the purpose of stopping or reducing leakage of organic material to the atmosphere, followed by monitoring as specified in 40 CFR 63.180 (b) and (c), as appropriate, to verify whether the leak is repaired, unless the owner or operator determines by other means that the leak is not repaired.

Flow indicator means a device which indicates whether gas flow is, or whether the valve position would allow gas flow to be, present in a line.

Fuel gas means gases that are combusted to derive useful work or heat.

Fuel gas system means the offsite and onsite piping and control system that gathers gaseous stream(s) generated by onsite operations, may blend them with other sources of gas, and transports the gaseous stream for use as fuel gas in combustion devices or in in-process combustion equipment such as furnaces and gas turbines, either singly or in combination.

Hard-piping means pipe or tubing that is manufactured and properly installed using good engineering judgment and standards, such as ANSI B31–3.

In food/medical service means that a piece of equipment in organic hazardous air pollutant service contacts a process stream used to manufacture a Food and Drug Administration regulated product where leakage of a barrier fluid into the process stream would cause any of the following:

(1) A dilution of product quality so that the product would not meet written specifications,

(2) An exothermic reaction which is a safety hazard,

(3) The intended reaction to be slowed down or stopped, or

(4) An undesired side reaction to occur.

In gas/vapor service means that a piece of equipment in organic hazardous air pollutant service contains a gas or vapor at operating conditions.

In heavy liquid service means that a piece of equipment in organic hazardous air pollutant service is not in gas/vapor service or in light liquid service.

In light liquid service means that a piece of equipment in organic hazardous air pollutant service contains a liquid that meets the following conditions:

(1) The vapor pressure of one or more of the organic compounds is greater than 0.3 kilopascals at 20 °C,

(2) The total concentration of the pure organic compounds constituents having a vapor pressure greater than 0.3 kilopascals at 20 °C is equal to or greater than 20 percent by weight of the total process stream, and

(3) The fluid is a liquid at operating conditions.

Note: Vapor pressures may be determined by the methods described in 40 CFR 60.485(e)(1).

In liquid service means that a piece of equipment in organic hazardous air pollutant service is not in gas/vapor service.

In organic hazardous air pollutant or *in organic HAP service* means that a piece of equipment either contains or contacts a fluid (liquid or gas) that is at least 5 percent by weight of total organic HAP's as determined according to the provisions of 40 CFR 63.180(d) of this Subpart. The provisions of 40 CFR 63.180(d) of this Subpart also specify how to determine that a piece of equipment is not in organic HAP service.

In vacuum service means that equipment is operating at an internal pressure which is at least 5 kilopascals below ambient pressure.

In volatile organic compound or *in VOC service* means, for the purposes of this Subpart, that:

(1) The piece of equipment contains or contacts a process fluid that is at least 10 percent VOC by weight (see 40 CFR 60.2 for the definition of VOC, and 40 CFR 60.485(d) to determine whether a piece of equipment is not in VOC service); and

(2) The piece of equipment is not in heavy liquid service as defined in 40 CFR 60.481.

In-situ sampling systems means nonextractive samplers or in-line samplers.

Initial start-up means the first time a new or reconstructed source begins production. Initial start-up does not include operation solely for testing equipment. Initial start-up does not include subsequent start-ups (as defined in this section) of process units following malfunctions or process unit shutdowns.

Instrumentation system means a group of equipment components used to condition and convey a sample of the process fluid to analyzers and instruments for the purpose of determining process operating conditions (e.g., composition, pressure, flow, etc.). Valves and connectors are the predominant type of equipment used in instrumentation systems; however, other types of equipment may also be included in these systems. Only valves nominally 0.5 inches and smaller, and connectors nominally 0.75 inches and smaller in diameter are considered instrumentation systems for the purposes of this Subpart. Valves greater than nominally 0.5 inches and connectors greater than nominally 0.75 inches associated with instrumentation systems are not considered Part of instrumentation systems and must be monitored individually.

Liquids dripping means any visible leakage from the seal including dripping, spraying, misting, clouding, and ice formation. Indications of liquid dripping include puddling or new stains that are indicative of an existing evaporated drip.

Nonrepairable means that it is technically infeasible to repair a piece of equipment from which a leak has been detected without a process unit shutdown.

On-site or *On site* means, with respect to records required to be maintained by this Subpart, that the records are stored at a location within a major source which encompasses the affected source. On-site includes, but is not limited to, storage at the chemical manufacturing process unit to which the records pertain, or storage in central files elsewhere at the major source.

Open-ended valve or line means any valve, except pressure relief valves, having one side of the valve seat in contact with process fluid and one side open to atmosphere, either directly or through open piping.

Plant site means all contiguous or adjoining property that is under common control, including properties that are separated only by a road or other public right-of-way. Common control includes properties that are owned, leased, or operated by the same entity, parent entity, subsidiary, or any combination thereof.

Polymerizing monomer means a molecule or compound usually containing carbon and of relatively low molecular weight and simple structure (e.g., hydrogen cyanide, acrylonitrile, styrene), which is capable of conversion to polymers, synthetic resins, or elastomers by combination with itself due to heat generation caused by a pump mechanical seal surface, contamination by a seal fluid (e.g., organic peroxides or chemicals that will form organic peroxides), or a combination of both with the resultant polymer buildup causing rapid mechanical seal failure.

Pressure release means the emission of materials resulting from the system pressure being greater than the set pressure of the pressure relief device. This release can be one release or a series of releases over a short time period due to a malfunction in the process.

Pressure relief device or valve means a safety device used to prevent operating pressures from exceeding the maximum allowable working pressure of the process equipment. A common pressure relief device is a spring-loaded pressure relief valve. Devices that are actuated either by a pressure of less than or equal to 2.5 psig or by a vacuum are not pressure relief devices.

Process unit means a chemical manufacturing process unit as defined in Subpart F of this Part, a process subject to the provisions of Subpart I of this Part, or a process subject to another Subpart in 40 CFR 63 that references this Subpart.

Process unit shutdown means a work practice or operational procedure that stops production from a process unit or Part of a process unit during which it is technically feasible to clear process material from a process unit or Part of a process unit consistent with safety constraints and during which repairs can be effected. An unscheduled work practice or operational procedure that stops production from a process unit or Part of a process unit for less than 24 hours is not a process unit shutdown. An unscheduled work practice or operational procedure that would stop production from a process unit or Part of a process unit for a shorter period of time than would be required to clear the process unit or Part of the process unit of materials and start up the unit, and would result in greater emissions than delay of repair of leaking components until the next scheduled process unit shutdown, is not a process unit shutdown. The use of spare equipment and technically feasible bypassing of equipment without stopping production are not process unit shutdowns.

Recapture device means an individual unit of equipment capable of and used for the purpose of recovering chemicals, but not normally for use, reuse, or sale. Recapture devices include, but are not limited to, absorbers, carbon absorbers, and condensers.

Recovery device means an individual unit of equipment capable of and normally used for the purpose of recovering chemicals for fuel value (i.e., net positive heating value), use, reuse, or for sale for fuel value, use or reuse. Recovery devices include, but are not limited to, absorbers, carbon absorbers, and condensers. For purposes of the monitoring, recordkeeping, and reporting requirements of this Subpart, recapture devices are considered recovery devices.

Repaired means that equipment:

(1) Is adjusted, or otherwise altered, to eliminate a leak as defined in the applicable sections of this Subpart, and

(2) Unless otherwise specified in applicable provisions of this Subpart, is monitored as specified in 40 CFR 63.180 (b) and (c), as appropriate, to verify that emissions from the equipment are below the applicable leak definition.

Routed to a process or route to a process means the emissions are conveyed by hard-piping or a closed vent system to any enclosed portion of a process unit where the emissions are predominately recycled and/or consumed in the same manner as a material that fulfills the same function in the process; and/or transformed by chemical reaction into materials that are not organic hazardous air pollutants; and/or incorporated into a product; and/or recovered.

Sampling connection system means an assembly of equipment within a process unit used during periods of representative operation to take samples of the process fluid. Equipment used to take non-routine grab samples is not considered a sampling connection system.

Screwed connector means a threaded pipe fitting where the threads are cut on the pipe wall and the fitting requires only two pieces to make the connection (i.e., the pipe and the fitting).

Sensor means a device that measures a physical quantity or the change in a physical quantity, such as temperature, pressure, flow rate, pH, or liquid level.

Set pressure means the pressure at which a properly operating pressure relief device begins to open to relieve atypical process system operating pressure.

Start-up means the setting in operation of a piece of equipment or a control device that is subject to this Subpart.

Surge control vessel means feed drums, recycle drums, and intermediate vessels. Surge control vessels are used within a process unit (as defined in the specific Subpart that references this Subpart) when in-process storage, mixing, or management of flow rates or volumes is needed to assist in production of a product.

[59 FR 19568, Apr. 22, 1994, as amended at 59 FR 48176, Sept. 20, 1994; 60 FR 18024, 18029, Apr. 10, 1995; 61 FR 31439, June 20, 1996; 62 FR 2788, Jan. 17, 1997]

40 CFR 63.162 - Standards: General

(a) Compliance with this Subpart will be determined by review of the records required by 40 CFR 63.181 of this Subpart and the reports required by 40 CFR 63.182 of this Subpart, review of performance test results, and by inspections.

(b)

(1) An owner or operator may request a determination of alternative means of emission limitation to the requirements of 40 CFR 63.163 through 63.170, and 40 CFR 63.172 through 63.174 of this Subpart as provided in 40 CFR 63.177.

(2) If the Administrator makes a determination that a means of emission limitation is a permissible alternative to the requirements of 40 CFR 63.163 through 63.170, and 40 CFR 63.172 through 63.174 of this Subpart, the owner or operator shall comply with the alternative.

(c) Each piece of equipment in a process unit to which this Subpart applies shall be identified such that it can be distinguished readily from equipment that is not subject to this Subpart. Identification of the equipment does not require physical tagging of the equipment. For example, the equipment may be identified on a plant site plan, in log entries, or by designation of process unit boundaries by some form of weatherproof identification.

(d) Equipment that is in vacuum service is excluded from the requirements of this Subpart.

(e) Equipment that is in organic HAP service less than 300 hours per calendar year is excluded from the requirements of 40 CFR 63.163 through 63.174 of this Subpart and 40 CFR 63.178 of this Subpart if it is identified as required in 40 CFR 63.181(j) of this Subpart.

(f) When each leak is detected as specified in 40 CFR 63.163 and 63.164; 40 CFR 63.168 and 63.169; and 40 CFR 63.172 through 63.174 of this Subpart, the following requirements apply:

(1) Clearly identify the leaking equipment.

(2) The identification on a valve may be removed after it has been monitored as specified in 40 CFR 63.168(f)(3), and 63.175(e)(7)(i)(D) of this Subpart, and no leak has been detected during the follow-up monitoring. If the owner or operator elects to comply using the provisions of 40 CFR 63.174(c)(1)(i) of this Subpart, the identification on a connector may be removed after it is monitored as specified in 40 CFR 63.174(c)(1)(i) and no leak is detected during that monitoring.

(3) The identification which has been placed on equipment determined to have a leak, except for a valve or for a connector that is subject to the provisions of 40 CFR 63.174(c)(1)(i), may be removed after it is repaired.

(g) Except as provided in paragraph (g)(1) of this section, all terms in this Subpart that define a period of time for completion of required tasks (e.g., weekly, monthly, quarterly, annual), refer to the standard calendar periods unless specified otherwise in the section or subsection that imposes the requirement.

(1) If the initial compliance date does not coincide with the beginning of the standard calendar period, an owner or operator may elect to utilize a period beginning on the compliance date, or may elect to comply in accordance with the provisions of paragraphs (g)(2) or (g)(3) of this section.

(2) Time periods specified in this Subpart for completion of required tasks may be changed by mutual agreement between the owner or operator and the Administrator, as specified in Subpart A of this Part. For each time period that is changed by agreement, the revised period shall remain in effect until it is changed. A new request is not necessary for each recurring period.

(3) Except as provided in paragraph (g)(1) or (g)(2) of this section, where the period specified for compliance is a standard calendar period, if the initial compliance date does not coincide with the beginning of the calendar period, compliance shall be required according to the schedule specified in paragraphs (g)(3)(i) or (g)(3)(ii) of this section, as appropriate.

(i) Compliance shall be required before the end of the standard calendar period within which the compliance deadline occurs, if there remain at least 3 days for tasks that must be performed weekly, at least 2 weeks for tasks that must be performed monthly, at least 1 month for tasks that must be performed each quarter, or at least 3 months for tasks that must be performed annually; or

(ii) In all other cases, compliance shall be required before the end of the first full standard calendar period after the period within which the initial compliance deadline occurs.

(4) In all instances where a provision of this Subpart requires completion of a task during each of multiple successive periods, an owner or operator may perform the required task at any time during each period, provided the task is conducted at a reasonable interval after completion of the task during the previous period.

(h) In all cases where the provisions of this Subpart require an owner or operator to repair leaks by a specified time after the leak is detected, it is a violation of this Subpart to fail to take action to repair the leaks within the specified time. If action is taken to repair the leaks within the specified time, failure of that action to successfully repair the leak is not a violation of this Subpart. However, if the repairs are unsuccessful, a leak is detected and the owner or operator shall take further action as required by applicable provisions of this Subpart.

[59 FR 19568, Apr. 22, 1994, as amended at 59 FR 48176, Sept. 20, 1994; 62 FR 2789, Jan. 17, 1997; 68 FR 37345, June 23, 2003]

40 CFR 63.163 - Standards: Pumps in light liquid service

(a) The provisions of this section apply to each pump that is in light liquid service.

(1) The provisions are to be implemented on the dates specified in the specific Subpart in 40 CFR 63 that references this Subpart in the phases specified below:

(i) For each group of existing process units at existing sources subject to the provisions of Subparts F or I of this Part, the phases of the standard are:

(A) Phase I, beginning on the compliance date;

(B) Phase II, beginning no later than 1 year after the compliance date; and

(C) Phase III, beginning no later than 2 1/2 years after the compliance date.

(ii) For new sources subject to the provisions of Subparts F or I of this Part, the applicable phases of the standard are:

(A) After initial start-up, comply with the Phase II requirements; and

(B) Beginning no later than 1 year after initial start-up, comply with the Phase III requirements.

(2) The owner or operator of a source subject to the provisions of Subparts F or I of this Part may elect to meet the requirements of a later phase during the time period specified for an earlier phase.

(3) Sources subject to other Subparts in 40 CFR 63 that reference this Subpart shall comply on the dates specified in the applicable Subpart.

(b)

(1) The owner or operator of a process unit subject to this Subpart shall monitor each pump monthly to detect leaks by the method specified in 40 CFR 63.180(b) of this Subpart and shall comply with the requirements of paragraphs (a) through (d) of this section, except as provided in 40 CFR 63.162(b) of this Subpart and paragraphs (e) through (j) of this section.

(2) The instrument reading, as determined by the method as specified in 40 CFR 63.180(b) of this Subpart, that defines a leak in each phase of the standard is:

(i) For Phase I, an instrument reading of 10,000 Parts per million or greater.

(ii) For Phase II, an instrument reading of 5,000 Parts per million or greater.

(iii) For Phase III, an instrument reading of:

(A) 5,000 Parts per million or greater for pumps handling polymerizing monomers;

(B) 2,000 Parts per million or greater for pumps in food/medical service; and

(C) 1,000 Parts per million or greater for all other pumps.

(3) Each pump shall be checked by visual inspection each calendar week for indications of liquids dripping from the pump seal. If there are indications of liquids dripping from the pump seal, a leak is detected.

(c)

(1) When a leak is detected, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in paragraph (c)(3) of this section or 40 CFR 63.171 of this Subpart.

(2) A first attempt at repair shall be made no later than 5 calendar days after the leak is detected. First attempts at repair include, but are not limited to, the following practices where practicable:

(i) Tightening of packing gland nuts.

(ii) Ensuring that the seal flush is operating at design pressure and temperature.

(3) For pumps in Phase III to which a 1,000 Parts per million leak definition applies, repair is not required unless an instrument reading of 2,000 Parts per million or greater is detected.

(d)

(1) The owner or operator shall decide no later than the first monitoring period whether to calculate percent leaking pumps on a process unit basis or on a source-wide basis. Once the owner or operator has decided, all subsequent percent calculations shall be made on the same basis.

(2) If, in Phase III, calculated on a 6-month rolling average, the greater of either 10 percent of the pumps in a process unit or three pumps in a process unit leak, the owner or operator shall implement a quality improvement program for pumps that complies with the requirements of 40 CFR 63.176 of this Subpart.

(3) The number of pumps at a process unit shall be the sum of all the pumps in organic HAP service, except that pumps found leaking in a continuous process unit within 1 month after start-up of the pump shall not count in the percent leaking pumps calculation for that one monitoring period only.

(4) Percent leaking pumps shall be determined by the following equation:

$$\%P_L=((P_L-P_S)/(P_T-P_S))\times 100$$

where:

$\%P_L$ = Percent leaking pumps

P_L = Number of pumps found leaking as determined through monthly monitoring as required in paragraphs (b)(1) and (b)(2) of this section.

P_T = Total pumps in organic HAP service, including those meeting the criteria in paragraphs (e) and (f) of this section.

P_S = Number of pumps leaking within 1 month of start-up during the current monitoring period.

(e) Each pump equipped with a dual mechanical seal system that includes a barrier fluid system is exempt from the requirements of paragraphs (a) through (d) of this section, provided the following requirements are met:

(1) Each dual mechanical seal system is:

(i) Operated with the barrier fluid at a pressure that is at all times greater than the pump stuffing box pressure; or

(ii) Equipped with a barrier fluid degassing reservoir that is routed to a process or fuel gas system or connected by a closed-vent system to a control device that complies with the requirements of 40 CFR 63.172 of this Subpart; or

(iii) Equipped with a closed-loop system that purges the barrier fluid into a process stream.

(2) The barrier fluid is not in light liquid service.

(3) Each barrier fluid system is equipped with a sensor that will detect failure of the seal system, the barrier fluid system, or both.

(4) Each pump is checked by visual inspection each calendar week for indications of liquids dripping from the pump seal.

(i) If there are indications of liquids dripping from the pump seal at the time of the weekly inspection, the pump shall be monitored as specified in 40 CFR 63.180(b) of this Subpart to determine if there is a leak of organic HAP in the barrier fluid.

(ii) If an instrument reading of 1,000 Parts per million or greater is measured, a leak is detected.

(5) Each sensor as described in paragraph (e)(3) of this section is observed daily or is equipped with an alarm unless the pump is located within the boundary of an unmanned plant site.

(6)

(i) The owner or operator determines, based on design considerations and operating experience, criteria applicable to the presence and frequency of drips and to the sensor that indicates failure of the seal system, the barrier fluid system, or both.

(ii) If indications of liquids dripping from the pump seal exceed the criteria established in paragraph (e)(6)(i) of this section, or if, based on the criteria established in paragraph (e)(6)(i) of this section, the sensor indicates failure of the seal system, the barrier fluid system, or both, a leak is detected.

(iii) When a leak is detected, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in 40 CFR 63.171 of this Subpart.

(iv) A first attempt at repair shall be made no later than 5 calendar days after each leak is detected.

(f) Any pump that is designed with no externally actuated shaft penetrating the pump housing is exempt from the requirements of paragraphs (a) through (c) of this section.

(g) Any pump equipped with a closed-vent system capable of capturing and transporting any leakage from the seal or seals to a process or to a fuel gas system or to a control device that complies with the requirements of 40 CFR 63.172 of this Subpart is exempt from the requirements of paragraphs (b) through (e) of this section.

(h) Any pump that is located within the boundary of an unmanned plant site is exempt from the weekly visual inspection requirement of paragraphs (b)(3) and (e)(4) of this section, and the daily requirements of paragraph (e)(5) of this section, provided that each pump is visually inspected as often as practicable and at least monthly.

(i) If more than 90 percent of the pumps at a process unit meet the criteria in either paragraph (e) or (f) of this section, the process unit is exempt from the requirements of paragraph (d) of this section.

(j) Any pump that is designated, as described in 40 CFR 63.181(b)(7)(i) of this Subpart, as an unsafe-to-monitor pump is exempt from the requirements of paragraphs (b) through (e) of this section if:

(1) The owner or operator of the pump determines that the pump is unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with paragraphs (b) through (d) of this section; and

(2) The owner or operator of the pump has a written plan that requires monitoring of the pump as frequently as practical during safe-to-monitor times, but not more frequently than the periodic monitoring schedule otherwise applicable.

[59 FR 19568, Apr. 22, 1994, as amended at 59 FR 48176, Sept. 20, 1994; 61 FR 31439, June 20, 1996; 62 FR 2789, Jan. 17, 1997; 64 FR 20198, Apr. 26, 1999]

40 CFR 63.164 - Standards: Compressors

(a) Each compressor shall be equipped with a seal system that includes a barrier fluid system and that prevents leakage of process fluid to the atmosphere, except as provided in 40 CFR 63.162(b) of this Subpart and paragraphs (h) and (i) of this section.

(b) Each compressor seal system as required in paragraph (a) of this section shall be:

(1) Operated with the barrier fluid at a pressure that is greater than the compressor stuffing box pressure; or

(2) Equipped with a barrier fluid system degassing reservoir that is routed to a process or fuel gas system or connected by a closed-vent system to a control device that complies with the requirements of 40 CFR 63.172 of this Subpart; or

(3) Equipped with a closed-loop system that purges the barrier fluid directly into a process stream.

(c) The barrier fluid shall not be in light liquid service.

(d) Each barrier fluid system as described in paragraphs (a) through (c) of this section shall be equipped with a sensor that will detect failure of the seal system, barrier fluid system, or both.

(e)

(1) Each sensor as required in paragraph (d) of this section shall be observed daily or shall be equipped with an alarm unless the compressor is located within the boundary of an unmanned plant site.

(2) The owner or operator shall determine, based on design considerations and operating experience, a criterion that indicates failure of the seal system, the barrier fluid system, or both.

(f) If the sensor indicates failure of the seal system, the barrier fluid system, or both based on the criterion determined under paragraph (e)(2) of this section, a leak is detected.

(g)

(1) When a leak is detected, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in 40 CFR 63.171 of this Subpart.

(2) A first attempt at repair shall be made no later than 5 calendar days after each leak is detected.

(h) A compressor is exempt from the requirements of paragraphs (a) through (g) of this section if it is equipped with a closed-vent system to capture and transport leakage from the compressor drive shaft seal back to a process or a fuel gas system or to a control device that complies with the requirements of 40 CFR 63.172 of this Subpart.

(i) Any compressor that is designated, as described in 40 CFR 63.181(b)(2)(ii) of this Subpart, to operate with an instrument reading of less than 500 Parts per million above background, is exempt from the requirements of paragraphs (a) through (h) of this section if the compressor:

(1) Is demonstrated to be operating with an instrument reading of less than 500 Parts per million above background, as measured by the method specified in 40 CFR 63.180(c) of this Subpart; and

(2) Is tested for compliance with paragraph (i)(1) of this section initially upon designation, annually, and at other times requested by the Administrator.

[59 FR 19568, Apr. 22, 1994, as amended at 59 FR 48176, Sept. 20, 1994; 62 FR 2790, Jan. 17, 1997; 64 FR 20198, Apr. 26, 1999]

40 CFR 63.165 - Standards: Pressure relief devices in gas/vapor service

(a) Except during pressure releases, each pressure relief device in gas/vapor service shall be operated with an instrument reading of less than 500 Parts per million above background except as provided in paragraph (b) of this section, as measured by the method specified in 40 CFR 63.180(c) of this Subpart.

(b)

(1) After each pressure release, the pressure relief device shall be returned to a condition indicated by an instrument reading of less than 500 Parts per million above background, as soon as practicable, but no later than 5 calendar days after each pressure release, except as provided in 40 CFR 63.171 of this Subpart.

(2) No later than 5 calendar days after the pressure release and being returned to organic HAP service, the pressure relief device shall be monitored to confirm the condition indicated by an instrument reading of less than 500 Parts per million above background, as measured by the method specified in 40 CFR 63.180(c) of this Subpart.

(c) Any pressure relief device that is routed to a process or fuel gas system or equipped with a closed-vent system capable of capturing and transporting leakage from the pressure relief device to a control device as described in 40 CFR 63.172 of this Subpart is exempt from the requirements of paragraphs (a) and (b) of this section.

(d)

(1) Any pressure relief device that is equipped with a rupture disk upstream of the pressure relief device is exempt from the requirements of paragraphs (a) and (b) of this section, provided the owner or operator complies with the requirements in paragraph (d)(2) of this section.

(2) After each pressure release, a rupture disk shall be installed upstream of the pressure relief device as soon as practicable, but no later than 5 calendar days after each pressure release, except as provided in 40 CFR 63.171 of this Subpart.

[59 FR 19568, Apr. 22, 1994, as amended at 59 FR 48176, Sept. 20, 1994; 62 FR 2790, Jan. 17, 1997]

40 CFR 63.166 - Standards: Sampling connection systems

(a) Each sampling connection system shall be equipped with a closed-purge, closed-loop, or closed-vent system, except as provided in 40 CFR 63.162(b) of this Subpart. Gases displaced during filling of the sample container are not required to be collected or captured.

(b) Each closed-purge, closed-loop, or closed-vent system as required in paragraph (a) of this section shall:

(1) Return the purged process fluid directly to the process line; or

(2) Collect and recycle the purged process fluid to a process; or

(3) Be designed and operated to capture and transport the purged process fluid to a control device that complies with the requirements of 40 CFR 63.172 of this Subpart; or

(4) Collect, store, and transport the purged process fluid to a system or facility identified in paragraph (b)(4)(i), (ii), or (iii) of this section.

(i) A waste management unit as defined in 40 CFR 63.111 of Subpart G of this Part, if the waste management unit is subject to, and operated in compliance with the provisions of Subpart G of this Part applicable to group 1 wastewater streams. If the purged process fluid does not contain any organic HAP listed in Table 9 of Subpart G of Part 63, the waste management unit need not be subject to, and operated in compliance with the requirements of 40 CFR 63 Subpart G applicable to group 1 wastewater streams provided the facility has an NPDES permit or sends the wastewater to an NPDES permitted facility.

(ii) A treatment, storage, or disposal facility subject to regulation under 40 CFR 262, 264, 265, or 266; or

(iii) A facility permitted, licensed, or registered by a State to manage municipal or industrial solid waste, if the process fluids are not hazardous waste as defined in 40 CFR 261.

(c) *In-situ* sampling systems and sampling systems without purges are exempt from the requirements of paragraphs (a) and (b) of this section.

[59 FR 19568, Apr. 22, 1994, as amended at 61 FR 31439, June 20, 1996]

40 CFR 63.167 - Standards: Open-ended valves or lines

(a)

(1) Each open-ended valve or line shall be equipped with a cap, blind flange, plug, or a second valve, except as provided in 40 CFR 63.162(b) of this Subpart and paragraphs (d) and (e) of this section.

(2) The cap, blind flange, plug, or second valve shall seal the open end at all times except during operations requiring process fluid flow through the open-ended valve or line, or during maintenance or repair.

(b) Each open-ended valve or line equipped with a second valve shall be operated in a manner such that the valve on the process fluid end is closed before the second valve is closed.

(c) When a double block and bleed system is being used, the bleed valve or line may remain open during operations that require venting the line between the block valves but shall comply with paragraph (a) of this section at all other times.

(d) Open-ended valves or lines in an emergency shutdown system which are designed to open automatically in the event of a process upset are exempt from the requirements of paragraphs (a), (b) and (c) of this section.

(e) Open-ended valves or lines containing materials which would autocatalytically polymerize or, would present an explosion, serious overpressure, or other safety hazard if capped or equipped with a double block and bleed system as specified in paragraphs (a) through (c) of this section are exempt from the requirements of paragraph (a) through (c) of this section.

[59 FR 19568, Apr. 22, 1994, as amended at 61 FR 31440, June 20, 1996]

40 CFR 63.168 - Standards: Valves in gas/vapor service and in light liquid service

(a) The provisions of this section apply to valves that are either in gas service or in light liquid service.

(1) The provisions are to be implemented on the dates set forth in the specific Subpart in 40 CFR 63 that references this Subpart as specified in paragraph (a)(1)(i), (a)(1)(ii), or (a)(1)(iii) of this section.

(i) For each group of existing process units at existing sources subject to the provisions of Subpart F or I of this Part, the phases of the standard are:

(A) Phase I, beginning on the compliance date;

(B) Phase II, beginning no later than 1 year after the compliance date; and

(C) Phase III, beginning no later than 2 ½ years after the compliance date.

(ii) For new sources subject to the provisions of Subpart F or I of this Part, the applicable phases of the standard are:

(A) After initial start-up, comply with the Phase II requirements; and

(B) Beginning no later than 1 year after initial start-up, comply with the Phase III requirements.

(iii) Sources subject to other Subparts in 40 CFR 63 that reference this Subpart shall comply on the dates specified in the applicable Subpart.

(2) The owner or operator of a source subject to this Subpart may elect to meet the requirements of a later phase during the time period specified for an earlier phase.

(3) The use of monitoring data generated before April 22, 1994 to qualify for less frequent monitoring is governed by the provisions of 40 CFR 63.180(b)(6) of this Subpart.

(b) The owner or operator of a source subject to this Subpart shall monitor all valves, except as provided in 40 CFR 63.162(b) of this Subpart and paragraphs (h) and (i) of this section, at the intervals specified in paragraphs (c) and (d) of this section and shall comply with all other provisions of this section, except as provided in 40 CFR 63.171, 40 CFR 63.177, 40 CFR 63.178, and 40 CFR 63.179 of this Subpart.

(1) The valves shall be monitored to detect leaks by the method specified in 40 CFR 63.180(b) of this Subpart.

(2) The instrument reading that defines a leak in each phase of the standard is:

(i) For Phase I, an instrument reading of 10,000 Parts per million or greater.

(ii) For Phase II, an instrument reading of 500 Parts per million or greater.

(iii) For Phase III, an instrument reading of 500 Parts per million or greater.

(c) In Phases I and II, each valve shall be monitored quarterly.

(d) In Phase III, the owner or operator shall monitor valves for leaks at the intervals specified below:

(1) At process units with 2 percent or greater leaking valves, calculated according to paragraph (e) of this section, the owner or operator shall either:

(i) Monitor each valve once per month; or

(ii) Within the first year after the onset of Phase III, implement a quality improvement program for valves that complies with the requirements of 40 CFR 63.175 (d) or (e) of this Subpart and monitor quarterly.

(2) At process units with less than 2 percent leaking valves, the owner or operator shall monitor each valve once each quarter, except as provided in paragraphs (d)(3) and (d)(4) of this section.

(3) At process units with less than 1 percent leaking valves, the owner or operator may elect to monitor each valve once every 2 quarters.

(4) At process units with less than 0.5 percent leaking valves, the owner or operator may elect to monitor each valve once every 4 quarters.

(e)

(1) Percent leaking valves at a process unit shall be determined by the following equation:

$$\%V_L=(V_L/(V_T+V_C))\times 100$$

where:

$\%V_L$ = Percent leaking valves as determined through periodic monitoring required in paragraphs (b) through (d) of this section.

V_L = Number of valves found leaking excluding nonrepairables as provided in paragraph (e)(3)(i) of this section.

V_T = Total valves monitored, in a monitoring period excluding valves monitored as required by (f)(3) of this section.

V_C = Optional credit for removed valves=0.67 × net number (i.e., total removed−total added) of valves in organic HAP service removed from process unit after the date set forth in 40 CFR 63.100(k) of Subpart F for existing process units, and after the date of initial start-up for new sources. If credits are not taken, then V_C=0.

(2) For use in determining monitoring frequency, as specified in paragraph (d) of this section, the percent leaking valves shall be calculated as a rolling average of two consecutive monitoring periods for monthly, quarterly, or semiannual monitoring programs; and as an average of any three out of four consecutive monitoring periods for annual monitoring programs.

(3)

(i) Nonrepairable valves shall be included in the calculation of percent leaking valves the first time the valve is identified as leaking and nonrepairable and as required to comply with paragraph (e)(3)(ii) of this section. Otherwise, a number of nonrepairable valves (identified and included in the percent leaking calculation in a previous period) up to a maximum of 1 percent of the total number of valves in organic HAP service at a process unit may be excluded from calculation of percent leaking valves for subsequent monitoring periods.

(ii) If the number of nonrepairable valves exceeds 1 percent of the total number of valves in organic HAP service at a process unit, the number of nonrepairable valves exceeding 1 percent of the total number of valves in organic HAP service shall be included in the calculation of percent leaking valves.

(f)

(1) When a leak is detected, it shall be repaired as soon as practicable, but no later than 15 calendar days after the leak is detected, except as provided in 40 CFR 63.171 of this Subpart.

(2) A first attempt at repair shall be made no later than 5 calendar days after each leak is detected.

(3) When a leak has been repaired, the valve shall be monitored at least once within the first 3 months after its repair.

(i) The monitoring shall be conducted as specified in 40 CFR 63.180 (b) and (c), as appropriate, to determine whether the valve has resumed leaking.

(ii) Periodic monitoring required by paragraphs (b) through (d) of this section may be used to satisfy the requirements of this paragraph (f)(3), if the timing of the monitoring period coincides with the time specified in this paragraph (f)(3). Alternatively, other monitoring may be performed to satisfy the requirements of this paragraph (f)(3), regardless of whether the timing of the monitoring period for periodic monitoring coincides with the time specified in this paragraph (f)(3).

(iii) If a leak is detected by monitoring that is conducted pursuant to paragraph (f)(3) of this section, the owner or operator shall follow the provisions of paragraphs (f)(3)(iii)(A) and (f)(3)(iii)(B) of this section, to determine whether that valve must be counted as a leaking valve for purposes of 40 CFR 63.168(e) of this Subpart.

(A) If the owner or operator elected to use periodic monitoring required by paragraphs (b) through (d) of this section to satisfy the requirements of paragraph (f)(3) of this section, then the valve shall be counted as a leaking valve.

(B) If the owner or operator elected to use other monitoring, prior to the periodic monitoring required by paragraphs (b) through (d) of this section, to satisfy the requirements of paragraph (f)(3) of this section, then the valve shall be counted as a leaking valve unless it is repaired and shown by periodic monitoring not to be leaking.

(g) First attempts at repair include, but are not limited to, the following practices where practicable:

(1) Tightening of bonnet bolts,

(2) Replacement of bonnet bolts,

(3) Tightening of packing gland nuts, and

(4) Injection of lubricant into lubricated packing.

(h) Any valve that is designated, as described in 40 CFR 63.181(b)(7)(i) of this Subpart, as an unsafe-to-monitor valve is exempt from the requirements of paragraphs (b) through (f) of this section if:

(1) The owner or operator of the valve determines that the valve is unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with paragraphs (b) through (d) of this section; and

(2) The owner or operator of the valve has a written plan that requires monitoring of the valve as frequently as practicable during safe-to-monitor times, but not more frequently than the periodic monitoring schedule otherwise applicable.

(i) Any valve that is designated, as described in 40 CFR 63.181(b)(7)(ii) of this Subpart, as a difficult-to-monitor valve is exempt from the requirements of paragraphs (b) through (d) of this section if:

(1) The owner or operator of the valve determines that the valve cannot be monitored without elevating the monitoring personnel more than 2 meters above a support surface or it is not accessible at anytime in a safe manner;

(2) The process unit within which the valve is located is an existing source or the owner or operator designates less than 3 percent of the total number of valves in a new source as difficult-to-monitor; and

(3) The owner or operator of the valve follows a written plan that requires monitoring of the valve at least once per calendar year.

(j) Any equipment located at a plant site with fewer than 250 valves in organic HAP service is exempt from the requirements for monthly monitoring and a quality improvement program specified in paragraph (d)(1) of this section. Instead, the owner or operator shall monitor each valve in organic HAP service for leaks once each quarter, or comply with paragraph (d)(3) or (d)(4) of this section except as provided in paragraphs (h) and (i) of this section.

[59 FR 19568, Apr. 22, 1994, as amended at 59 FR 48176, Sept. 20, 1994; 61 FR 31440, June 20, 1996; 62 FR 2790, Jan. 17, 1997]

40 CFR 63.169 - Standards: Pumps, valves, connectors, and agitators in heavy liquid service; instrumentation systems; and pressure relief devices in liquid service

(a) Pumps, valves, connectors, and agitators in heavy liquid service, pressure relief devices in light liquid or heavy liquid service, and instrumentation systems shall be monitored within 5 calendar days by the method specified in 40 CFR 63.180(b) of this Subpart if evidence of a potential leak to the atmosphere is found by visual, audible, olfactory, or any other detection method. If such a potential leak is repaired as required in paragraphs (c) and (d) of this section, it is not necessary to monitor the system for leaks by the method specified in 40 CFR 63.180(b) of this Subpart.

(b) If an instrument reading of 10,000 Parts per million or greater for agitators, 5,000 Parts per million or greater for pumps handling polymerizing monomers, 2,000 Parts per million or greater for all other pumps (including pumps in food/medical service), or 500 Parts per million or greater for valves, connectors, instrumentation systems, and pressure relief devices is measured, a leak is detected.

(c)

(1) When a leak is detected, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in 40 CFR 63.171 of this Subpart.

(2) The first attempt at repair shall be made no later than 5 calendar days after each leak is detected.

(3) For equipment identified in paragraph (a) of this section that is not monitored by the method specified in 40 CFR 63.180(b), repaired shall mean that the visual, audible, olfactory, or other indications of a leak to the atmosphere have been eliminated; that no bubbles are observed at potential leak sites during a leak check using soap solution; or that the system will hold a test pressure.

(d) First attempts at repair include, but are not limited to, the practices described under 40 CFR 63.163(c)(2) and 63.168(g) of this Subpart, for pumps and valves, respectively.

[59 FR 19568, Apr. 22, 1994, as amended at 59 FR 48177, Sept. 20, 1994; 60 FR 18029, Apr. 10, 1995; 62 FR 2790, Jan. 17, 1997; 65 FR 78285, Dec. 14, 2000]

40 CFR 63.170 - Standards: Surge control vessels and bottoms receivers

Each surge control vessel or bottoms receiver that is not routed back to the process and that meets the conditions specified in table 2 or table 3 of this Subpart shall be equipped with a closed-vent system that routes the organic vapors vented from the surge control vessel or bottoms receiver back to the process or to a control device that complies with the requirements in 40 CFR 63.172 of this Subpart, except as provided in 40 CFR 63.162(b) of this Subpart, or comply with the requirements of 40 CFR 63.119(b) or (c) of Subpart G of this Part.

[60 FR 18024, Apr. 10, 1995]

40 CFR 63.171 - Standards: Delay of repair

(a) Delay of repair of equipment for which leaks have been detected is allowed if repair within 15 days is technically infeasible without a process unit shutdown. Repair of this equipment shall occur by the end of the next process unit shutdown.

(b) Delay of repair of equipment for which leaks have been detected is allowed for equipment that is isolated from the process and that does not remain in organic HAP service.

(c) Delay of repair for valves, connectors, and agitators is also allowed if:

(1) The owner or operator determines that emissions of purged material resulting from immediate repair would be greater than the fugitive emissions likely to result from delay of repair, and

(2) When repair procedures are effected, the purged material is collected and destroyed or recovered in a control device complying with 40 CFR 63.172 of this Subpart.

(d) Delay of repair for pumps is also allowed if:

(1) Repair requires replacing the existing seal design with a new system that the owner or operator has determined under the provisions of 40 CFR 63.176(d) of this Subpart will provide better performance or:

(i) A dual mechanical seal system that meets the requirements of 40 CFR 63.163(e) of this Subpart,

(ii) A pump that meets the requirements of 40 CFR 63.163(f) of this Subpart, or

(iii) A closed-vent system and control device that meets the requirements of 40 CFR 63.163(g) of this Subpart; and

(2) Repair is completed as soon as practicable, but not later than 6 months after the leak was detected.

(e) Delay of repair beyond a process unit shutdown will be allowed for a valve if valve assembly replacement is necessary during the process unit shutdown, valve assembly supplies have been depleted, and valve assembly supplies had been sufficiently stocked before the supplies were depleted. Delay of repair beyond the second process unit shutdown will not be allowed unless the third process unit shutdown occurs sooner than 6 months after the first process unit shutdown.

[59 FR 19568, Apr. 22, 1994, as amended at 59 FR 48177, Sept. 20, 1994; 65 FR 78285, Dec. 14, 2000]

40 CFR 63.172 - Standards: Closed-vent systems and control devices

(a) Owners or operators of closed-vent systems and control devices used to comply with provisions of this Subpart shall comply with the provisions of this section, except as provided in 40 CFR 63.162(b) of this Subpart.

(b) Recovery or recapture devices (e.g., condensers and absorbers) shall be designed and operated to recover the organic hazardous air pollutant emissions or volatile organic compounds emissions vented to them with an efficiency of 95 percent or greater, or to an exit concentration of 20 Parts per million by volume, whichever is less stringent. The 20 Parts per million by volume performance standard is not applicable to the provisions of 40 CFR 63.179.

(c) Enclosed combustion devices shall be designed and operated to reduce the organic hazardous air pollutant emissions or volatile organic compounds emissions vented to them with an efficiency of 95 percent or greater, or to an exit concentration of 20 Parts per million by volume, on a dry basis, corrected to 3 percent oxygen, whichever is less stringent, or to provide a minimum residence time of 0.50 seconds at a minimum temperature of 760 °C.

(d) Flares used to comply with this Subpart shall comply with the requirements of 40 CFR 63.11(b) of Subpart A of this Part.

(e) Owners or operators of control devices that are used to comply with the provisions of this Subpart shall monitor these control devices to ensure that they are operated and maintained in conformance with their design.

Note: The intent of this provision is to ensure proper operation and maintenance of the control device.

(f) Except as provided in paragraphs (k) and (l) of this section, each closed-vent system shall be inspected according to the procedures and schedule specified in paragraphs (f)(1) and (f)(2) of this section.

(1) If the closed-vent system is constructed of hard-piping, the owner or operator shall:

(i) Conduct an initial inspection according to the procedures in paragraph (g) of this section, and

(ii) Conduct annual visual inspections for visible, audible, or olfactory indications of leaks.

(2) If the vapor collection system or closed-vent system is constructed of duct work, the owner or operator shall:

(i) Conduct an initial inspection according to the procedures in paragraph (g) of this section, and

(ii) Conduct annual inspections according to the procedures in paragraph (g) of this section.

(g) Each closed-vent system shall be inspected according to the procedures in 40 CFR 63.180(b) of this Subpart.

(h) Leaks, as indicated by an instrument reading greater than 500 Parts per million above background or by visual inspections, shall be repaired as soon as practicable, except as provided in paragraph (i) of this section.

(1) A first attempt at repair shall be made no later than 5 calendar days after the leak is detected.

(2) Repair shall be completed no later than 15 calendar days after the leak is detected, except as provided in paragraph (i) of this section.

(i) Delay of repair of a closed-vent system for which leaks have been detected is allowed if the repair is technically infeasible without a process unit shutdown or if the owner or operator determines that emissions resulting from immediate repair would be greater than the fugitive emissions likely to result from delay of repair. Repair of such equipment shall be complete by the end of the next process unit shutdown.

(j) For each closed-vent system that contains bypass lines that could divert a vent stream away from the control device and to the atmosphere, the owner or operator shall comply with the provisions of either paragraph (j)(1) or (j)(2) of this section, except as provided in paragraph (j)(3) of this section.

(1) Install, set or adjust, maintain, and operate a flow indicator that takes a reading at least once every 15 minutes. Records shall be generated as specified in 40 CFR 63.118(a)(3) of Subpart G of this Part. The flow indicator shall be installed at the entrance to any bypass line; or

(2) Secure the bypass line valve in the non-diverting position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure the valve is maintained in the non-diverting position and the vent stream is not diverted through the bypass line.

(3) Equipment such as low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, and pressure relief valves needed for safety purposes are not subject to this paragraph.

(k) Any Parts of the closed-vent system that are designated, as described in paragraph 63.181(b)(7)(i), as unsafe to inspect are exempt from the inspection requirements of paragraphs (f)(1) and (f)(2) of this section if:

(1) The owner or operator determines that the equipment is unsafe to inspect because inspecting personnel would be exposed to an imminent or potential danger as a consequence of complying with paragraph (f)(1) or (f)(2) of this section; and

(2) The owner or operator has a written plan that requires inspection of the equipment as frequently as practicable during safe-to-inspect times, but not more frequently than annually.

(l) Any Parts of the closed-vent system that are designated, as described in 40 CFR 63.181 (b)(7)(i) of this Subpart, as difficult to inspect are exempt from the inspection requirements of paragraphs (f)(1) and (f)(2) of this section if:

(1) The owner or operator determines that the equipment cannot be inspected without elevating the inspecting personnel more than 2 meters above a support surface; and

(2) The owner or operator has a written plan that requires inspection of the equipment at least once every 5 years.

(m) Whenever organic HAP emissions are vented to a closed-vent system or control device used to comply with the provisions of this Subpart, such system or control device shall be operating.

(n) After the compliance dates specified in 40 CFR 63.100 of Subpart F of this Part, the owner or operator of any control device subject to this Subpart that is also subject to monitoring, recordkeeping, and reporting requirements in 40 CFR 264 Subpart BB, or is subject to monitoring and recordkeeping requirements in 40 CFR 265 Subpart BB, may elect to comply either with the monitoring, recordkeeping, and reporting requirements of this Subpart, or with the monitoring, recordkeeping, and reporting requirements in 40 CFR 264 and/or 265, as described in this paragraph, which shall constitute compliance with the monitoring, recordkeeping and reporting requirements of this Subpart. The owner or operator shall identify which option has been chosen, in the next periodic report required by 40 CFR 63.182(d).

[59 FR 19568, Apr. 22, 1994, as amended at 59 FR 48177, Sept. 20, 1994; 61 FR 31440, June 20, 1996; 62 FR 2790, Jan. 17, 1997]

40 CFR 63.173 - Standards: Agitators in gas/vapor service and in light liquid service

(a)

(1) Each agitator shall be monitored monthly to detect leaks by the methods specified in 40 CFR 63.180(b) of this Subpart, except as provided in 40 CFR 63.162(b) of this Subpart.

(2) If an instrument reading of 10,000 Parts per million or greater is measured, a leak is detected.

(b)

(1) Each agitator shall be checked by visual inspection each calendar week for indications of liquids dripping from the agitator.

(2) If there are indications of liquids dripping from the agitator, a leak is detected.

(c)

(1) When a leak is detected, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in 40 CFR 63.171 of this Subpart.

(2) A first attempt at repair shall be made no later than 5 calendar days after each leak is detected.

(d) Each agitator equipped with a dual mechanical seal system that includes a barrier fluid system is exempt from the requirements of paragraph (a) of this section, provided the requirements specified in paragraphs (d)(1) through (d)(6) of this section are met:

(1) Each dual mechanical seal system is:

(i) Operated with the barrier fluid at a pressure that is at all times greater than the agitator stuffing box pressure; or

(ii) Equipped with a barrier fluid degassing reservoir that is routed to a process or fuel gas system or connected by a closed-vent system to a control device that complies with the requirements of 40 CFR 63.172 of this Subpart; or

(iii) Equipped with a closed-loop system that purges the barrier fluid into a process stream.

(2) The barrier fluid is not in light liquid organic HAP service.

(3) Each barrier fluid system is equipped with a sensor that will detect failure of the seal system, the barrier fluid system, or both.

(4) Each agitator is checked by visual inspection each calendar week for indications of liquids dripping from the agitator seal.

(i) If there are indications of liquids dripping from the agitator seal at the time of the weekly inspection, the agitator shall be monitored as specified in 40 CFR 63.180(b) of this Subpart to determine the presence of organic HAP in the barrier fluid.

(ii) If an instrument reading of 10,000 Parts per million or greater is measured, a leak is detected.

(5) Each sensor as described in paragraph (d)(3) of this section is observed daily or is equipped with an alarm unless the agitator is located within the boundary of an unmanned plant site.

(6)

(i) The owner or operator determines, based on design considerations and operating experience, criteria applicable to the presence and frequency of drips and to the sensor that indicates failure of the seal system, the barrier fluid system, or both.

(ii) If indications of liquids dripping from the agitator seal exceed the criteria established in paragraph (d)(6)(i) of this section, or if, based on the criteria established in paragraph (d)(6)(i) of this section, the sensor indicates failure of the seal system, the barrier fluid system, or both, a leak is detected.

(iii) When a leak is detected, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in 40 CFR 63.171 of this Subpart.

(iv) A first attempt at repair shall be made no later than 5 calendar days after each leak is detected.

(e) Any agitator that is designed with no externally actuated shaft penetrating the agitator housing is exempt from paragraphs (a) through (c) of this section.

(f) Any agitator equipped with a closed-vent system capable of capturing and transporting any leakage from the seal or seals to a process or fuel gas system or to a control device that complies with the requirements of 40 CFR 63.172 of this Subpart is exempt from the requirements of paragraphs (a) through (c) of the section.

(g) Any agitator that is located within the boundary of an unmanned plant site is exempt from the weekly visual inspection requirement of paragraphs (b)(1) and (d)(4) of this section, and the daily requirements of paragraph (d)(5) of this section, provided that each agitator is visually inspected as often as practical and at least monthly.

(h) Any agitator that is difficult-to-monitor is exempt from the requirements of paragraphs (a) through (d) of this section if:

(1) The owner or operator determines that the agitator cannot be monitored without elevating the monitoring personnel more than two meters above a support surface or it is not accessible at anytime in a safe manner;

(2) The process unit within which the agitator is located is an existing source or the owner or operator designates less than three percent of the total number of agitators in a new source as difficult-to-monitor; and

(3) The owner or operator follows a written plan that requires monitoring of the agitator at least once per calendar year.

(i) Any agitator that is obstructed by equipment or piping that prevents access to the agitator by a monitor probe is exempt from the monitoring requirements of paragraphs (a) through (d) of this section.

(j) Any agitator that is designated, as described in 40 CFR 63.181(b)(7)(i) of this Subpart, as an unsafe-to-monitor agitator is exempt from the requirements of paragraphs (a) through (d) of this section if:

(1) The owner or operator of the agitator determines that the agitator is unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with paragraphs (a) through (d) of this section; and

(2) The owner or operator of the agitator has a written plan that requires monitoring of the agitator as frequently as practical during safe-to-monitor times, but not more frequently than the periodic monitoring schedule otherwise applicable.

[59 FR 19568, Apr. 22, 1994, as amended at 61 FR 31440, June 20, 1996; 62 FR 2791, Jan. 17, 1997; 64 FR 20198, Apr. 26, 1999]

40 CFR 63.174 - Standards: Connectors in gas/vapor service and in light liquid service

(a) The owner or operator of a process unit subject to this Subpart shall monitor all connectors in gas/vapor and light liquid service, except as provided in 40 CFR 63.162(b) of this Subpart, and in paragraphs (f) through (h) of this section, at the intervals specified in paragraph (b) of this section.

(1) The connectors shall be monitored to detect leaks by the method specified in 40 CFR 63.180(b) of this Subpart.

(2) If an instrument reading greater than or equal to 500 Parts per million is measured, a leak is detected.

(b) The owner or operator shall monitor for leaks at the intervals specified in either paragraph (b)(1) or (b)(2) of this section and in paragraph (b)(3) of this section.

(1) For each group of existing process units within an existing source, by no later than 12 months after the compliance date, the owner or operator shall monitor all connectors, except as provided in paragraphs (f) through (h) of this section.

(2) For new sources, within the first 12 months after initial start-up or by no later than 12 months after the date of promulgation of a specific Subpart that references this Subpart, whichever is later, the owner or operator shall monitor all connectors, except as provided in paragraphs (f) through (h) of this section.

(3) After conducting the initial survey required in paragraph (b)(1) or (b)(2) of this section, the owner or operator shall perform all subsequent monitoring of connectors at the frequencies specified in paragraphs (b)(3)(i) through (b)(3)(v) of this section, except as provided in paragraph (c)(2) of this section:

(i) Once per year (i.e., 12-month period), if the percent leaking connectors in the process unit was 0.5 percent or greater during the last required annual or biennial monitoring period.

(ii) Once every 2 years, if the percent leaking connectors was less than 0.5 percent during the last required monitoring period. An owner or operator may comply with this paragraph by monitoring at least 40 percent of the connectors in the first year and the remainder of the connectors in the second year. The percent leaking connectors will be calculated for the total of all monitoring performed during the 2-year period.

(iii) If the owner or operator of a process unit in a biennial leak detection and repair program calculates less than 0.5 percent leaking connectors from the 2-year monitoring period, the owner or operator may monitor the connectors one time every 4 years. An owner or operator may comply with the requirements of this paragraph by monitoring at least 20 percent of the connectors each year until all connectors have been monitored within 4 years.

(iv) If a process unit complying with the requirements of paragraph (b) of this section using a 4-year monitoring interval program has greater than or equal to 0.5 percent but less than 1 percent leaking connectors, the owner or operator shall increase the monitoring frequency to one time every 2 years. An owner or operator may comply with the requirements of this paragraph by monitoring at least 40 percent of the connectors in the first year and the remainder of the connectors in the second year. The owner or operator may again elect to use the provisions of paragraph (b)(3)(iii) of this section when the percent leaking connectors decreases to less than 0.5 percent.

(v) If a process unit complying with requirements of paragraph (b)(3)(iii) of this section using a 4-year monitoring interval program has 1 percent or greater leaking connectors, the owner or operator shall increase the monitoring frequency to one time per year. The owner or operator may again elect to use the provisions of paragraph (b)(3)(iii) of this section when the percent leaking connectors decreases to less than 0.5 percent.

(4) The use of monitoring data generated before April 22, 1994 to qualify for less frequent monitoring is governed by the provisions of 40 CFR 63.180(b)(6).

(c)

(1)

(i) Except as provided in paragraph (c)(1)(ii) of this section, each connector that has been opened or has otherwise had the seal broken shall be monitored for leaks when it is reconnected or within the first 3 months after being returned to organic hazardous air pollutants service. If the monitoring detects a leak, it shall be repaired according to the provisions of paragraph (d) of this section, unless it is determined to be nonrepairable, in which case it is counted as a nonrepairable connector for the purposes of paragraph (i)(2) of this section.

(ii) As an alternative to the requirements in paragraph (c)(1)(i) of this section, an owner or operator may choose not to monitor connectors that have been opened or otherwise had the seal broken. In this case, the owner or operator may not count nonrepairable connectors for the purposes of paragraph (i)(2) of this section. The owner or operator shall calculate the percent leaking connectors for the monitoring periods described in paragraph (b) of this section, by setting the nonrepairable component, C_{AN}, in the equation in paragraph (i)(2) of this section to zero for all monitoring periods.

(iii) An owner or operator may switch alternatives described in paragraphs (c)(1) (i) and (ii) of this section at the end of the current monitoring period he is in, provided that it is reported as required in 40 CFR 63.182 of this Subpart and begin the new alternative in annual monitoring. The initial monitoring in the new alternative shall be completed no later than 12 months after reporting the switch.

(2) As an alternative to the requirements of paragraph (b)(3) of this section, each screwed connector 2 inches or less in nominal inside diameter installed in a process unit before the dates specified in paragraph (c)(2)(iii) or (c)(2)(iv) of this section may:

(i) Comply with the requirements of 40 CFR 63.169 of this Subpart, and

(ii) Be monitored for leaks within the first 3 months after being returned to organic hazardous air pollutants service after having been opened or otherwise had the seal broken. If that monitoring detects a leak, it shall be repaired according to the provisions of paragraph (d) of this section.

(iii) For sources subject to Subparts F and I of this Part, the provisions of paragraph (c)(2) of this section apply to screwed connectors installed before December 31, 1992.

(iv) For sources not identified in paragraph (c)(2)(iii) of this section, the provisions of paragraph (c)(2) of this section apply to screwed connectors installed before the date of proposal of the applicable Subpart of this Part that references this Subpart.

(d) When a leak is detected, it shall be repaired as soon as practicable, but no later than 15 calendar days after the leak is detected, except as provided in paragraph (g) of this section and in 40 CFR 63.171 of this Subpart. A first attempt at repair shall be made no later than 5 calendar days after the leak is detected.

(e) [Reserved]

(f) Any connector that is designated, as described in 40 CFR 63.181(b)(7)(i) of this Subpart, as an unsafe-to-monitor connector is exempt from the requirements of paragraph (a) of this section if:

(1) The owner or operator determines that the connector is unsafe to monitor because personnel would be exposed to an immediate danger as a result of complying with paragraphs (a) through (e) of this section; and

(2) The owner or operator has a written plan that requires monitoring of the connector as frequently as practicable during safe to monitor periods, but not more frequently than the periodic schedule otherwise applicable.

(g) Any connector that is designated, as described in 40 CFR 63.181(b)(7)(iii) of this Subpart, as an unsafe-to-repair connector is exempt from the requirements of paragraphs (a), (d), and (e) of this section if:

(1) The owner or operator determines that repair personnel would be exposed to an immediate danger as a consequence of complying with paragraph (d) of this section; and

(2) The connector will be repaired before the end of the next scheduled process unit shutdown.

(h)

(1) Any connector that is inaccessible or is ceramic or ceramic-lined (e.g., porcelain, glass, or glass-lined), is exempt from the monitoring requirements of paragraphs (a) and (c) of this section and from the recordkeeping and reporting requirements of 40 CFR 63.181 and 40 CFR 63.182 of this Subpart. An inaccessible connector is one that is:

(i) Buried;

(ii) Insulated in a manner that prevents access to the connector by a monitor probe;

(iii) Obstructed by equipment or piping that prevents access to the connector by a monitor probe;

(iv) Unable to be reached from a wheeled scissor-lift or hydraulic-type scaffold which would allow access to connectors up to 7.6 meters (25 feet) above the ground;

(v) Inaccessible because it would require elevating the monitoring personnel more than 2 meters above a permanent support surface or would require the erection of scaffold; or

(vi) Not able to be accessed at any time in a safe manner to perform monitoring. Unsafe access includes, but is not limited to, the use of a wheeled scissor-lift on unstable or uneven terrain, the use of a motorized man-lift basket in areas where an ignition potential exists, or access would require near proximity to hazards such as electrical lines, or would risk damage to equipment.

(2) If any inaccessible or ceramic or ceramic-lined connector is observed by visual, audible, olfactory, or other means to be leaking, the leak shall be repaired as soon as practicable, but no later than 15 calendar days after the leak is detected, except as provided in 40 CFR 63.171 of this Subpart and paragraph (g) of this section.

(3) A first attempt at repair shall be made no later than 5 calendar days after the leak is detected.

(i) For use in determining the monitoring frequency, as specified in paragraph (b) of this section, the percent leaking connectors shall be calculated as specified in paragraphs (i)(1) and (i)(2) of this section.

(1) For the first monitoring period, use the following equation:

$$\% C_L = C_L/(C_t + C_C) \times 100$$

where:

$\% C_L$ = Percent leaking connectors as determined through periodic monitoring required in paragraphs (a) and (b) of this section.

C_L = Number of connectors measured at 500 Parts per million or greater, by the method specified in 40 CFR63.180(b) of this Subpart.

C_t = Total number of monitored connectors in the process unit.

C_C = Optional credit for removed connectors = 0.67 × net (i.e., total removed—total added) number of connectors in organic hazardous air pollutants service removed from the process unit after the compliance date set forth in the applicable Subpart for existing process units, and after the date of initial start-up for new process units. If credits are not taken, then $C_C = 0$.

(2) For subsequent monitoring periods, use the following equation:

$$\% C_L = [(C_L - C_{AN})/(C_t + C_C)] \times 100$$

where:

$\% C_L$ = Percent leaking connectors as determined through periodic monitoring required in paragraphs (a) and (b) of this section.

C_L = Number of connectors, including nonrepairables, measured at 500 Parts per million or greater, by the method specified in 40 CFR 63.180(b) of this Subpart.

C_{AN} = Number of allowable nonrepairable connectors, as determined by monitoring required in paragraphs (b)(3) and (c) of this section, not to exceed 2 percent of the total connector population, C_t.

C_t = Total number of monitored connectors, including nonrepairables, in the process unit.

C_C = Optional credit for removed connectors = 0.67 × net number (i.e., total removed—total added) of connectors in organic hazardous air pollutants service removed from the process unit after the compliance date set forth in the

applicable Subpart for existing process units, and after the date of initial start-up for new process units. If credits are not taken, then $C_C = 0$.

(j) Optional credit for removed connectors. If an owner or operator eliminates a connector subject to monitoring under paragraph (b) of this section, the owner or operator may receive credit for elimination of the connector, as described in paragraph (i) of this section, provided the requirements in paragraphs (j)(1) through (j)(4) are met.

(1) The connector was welded after the date of proposal of the specific Subpart that references this Subpart.

(2) The integrity of the weld is demonstrated by monitoring it according to the procedures in 40 CFR 63.180(b) of this Subpart or by testing using X-ray, acoustic monitoring, hydrotesting, or other applicable method.

(3) Welds created after the date of proposal but before the date of promulgation of a specific Subpart that references this Subpart are monitored or tested by 3 months after the compliance date specified in the applicable Subpart.

(4) Welds created after promulgation of the Subpart that references this Subpart are monitored or tested within 3 months after being welded.

(5) If an inadequate weld is found or the connector is not welded completely around the circumference, the connector is not considered a welded connector and is therefore not exempt from the provisions of this Subpart.

[59 FR 19568, Apr. 22, 1994, as amended at 59 FR 48177, Sept. 20, 1994; 61 FR 31440, June 20, 1996; 62 FR 2791, Jan. 17, 1997]

40 CFR 63.175 - Quality improvement program for valves

(a) In Phase III, an owner or operator may elect to comply with one of the alternative quality improvement programs specified in paragraphs (d) and (e) of this section. The decision to use one of these alternative provisions to comply with the requirements of 40 CFR 63.168(d)(1)(ii) of this Subpart must be made during the first year of Phase III for existing process units and for new process units.

(b) An owner or operator of a process unit subject to the requirements of paragraph (d) or (e) of this section shall comply with those requirements until the process unit has fewer than 2 percent leaking valves, calculated as a rolling average of 2 consecutive quarters, as specified in 40 CFR 63.168(e) of this Subpart.

(c) After the process unit has fewer than 2 percent leaking valves, the owner or operator may elect to comply with the requirements in 40 CFR 63.168 of this Subpart, to continue to comply with the requirements in paragraph (e) (or (d), if appropriate) of this section, or comply with both the requirements in 40 CFR 63.168 and 40 CFR 63.175.

(1) If the owner or operator elects to continue the quality improvement program, the owner or operator is exempt from the requirements for performance trials as specified in paragraph (e)(6) of this section, or further progress as specified in paragraph (d)(4) of this section, as long as the process unit has fewer than 2 percent leaking valves calculated according to 40 CFR 63.168(e).

(2) If the owner or operator elects to comply with both paragraph (e) of this section and 40 CFR 63.168 of this Subpart, he may also take advantage of the lower monitoring frequencies associated with lower leak rates in 40 CFR 63.168 (d)(2), (d)(3), and (d)(4) of this Subpart.

(3) If the owner or operator elects not to continue the quality improvement program, the program is no longer an option if the process unit again exceeds 2 percent leaking valves, and in such case, monthly monitoring will be required.

(d) The following requirements shall be met if an owner or operator elects to use a quality improvement program to demonstrate further progress:

(1) The owner or operator shall continue to comply with the requirements in 40 CFR 63.168 of this Subpart except each valve shall be monitored quarterly.

(2) The owner or operator shall collect the following data, and maintain records as required in 40 CFR 63.181(h)(1) of this Subpart, for each valve in each process unit subject to the quality improvement program:

(i) The maximum instrument reading observed in each monitoring observation before repair, the response factor for the stream if appropriate, the instrument model number, and date of the observation.

(ii) Whether the valve is in gas or light liquid service.

(iii) If a leak is detected, the repair methods used and the instrument readings after repair.

(3) The owner or operator shall continue to collect data on the valves as long as the process unit remains in the quality improvement program.

(4) The owner or operator must demonstrate progress in reducing the percent leaking valves each quarter the process unit is subject to the requirements of paragraph (d) of this section, except as provided in paragraphs (d)(4)(ii) and (d)(4)(iii) of this section.

(i) Demonstration of progress shall mean that for each quarter there is at least a 10-percent reduction in the percent leaking valves from the percent leaking valves determined for the preceding monitoring period. The percent leaking valves shall be calculated as a rolling average of two consecutive quarters of monitoring data. The percent reduction shall be calculated using the rolling average percent leaking valves, according to the following:

$$\%LV_R = (\%LV_{AVG1} - \%LV_{AVG2} / \%LV_{AVG1} \times 100$$

where:

$\%LV_R$=Percent leaking valve reduction.

$$\%LV_{AVG1}=(\%V_{Li}+ \%VLi=1)/2.$$

$$\%LV_{AVG2}=(\%VLi=1+ \%VLi=2)/2.$$

where:

$\%V_{Li}$, %VLi=1, %VLi=2are percent leaking valves calculated for subsequent monitoring periods, i, i+1, i+2.

(ii) An owner or operator who fails for two consecutive rolling averages to demonstrate at least a 10-percent reduction per quarter in percent leaking valves, and whose overall average percent reduction based on two or more rolling averages is less than 10 percent per quarter, shall either comply with the requirements in 40 CFR 63.168(d)(1)(i) of this Subpart using monthly monitoring or shall comply using a quality improvement program for technology review as specified in paragraph (e) of this section. If the owner or operator elects to comply with the requirements of paragraph (e) of this section, the schedule for performance trials and valve replacements remains as specified in paragraph (e) of this section.

(iii) As an alternative to the provisions in paragraph (d)(4)(i), an owner or operator may use the procedure specified in paragraphs (d)(4)(iii)(A) and (d)(4)(iii)(B) of this section to demonstrate progress in reducing the percent leaking valves.

(A) The percent reduction that must be achieved each quarter shall be calculated as follows:

$$\%RR = \frac{\%V_L - 2\%}{0.10}$$

%RR = percent reduction required each quarter, as calculated according to 40 CFR 63.168(e)

$\%V_L$= percent leaking valves, calculated according to 40 CFR 63.168(e), at the time elected to use provisions of 40 CFR 63.168(d)(1)(ii)

(B) The owner or operator shall achieve less than 2 percent leaking valves no later than 2 years after electing to use the demonstration of progress provisions in 40 CFR 63.175(d) of this Subpart.

(e) The following requirements shall be met if an owner or operator elects to use a quality improvement program of technology review and improvement:

(1) The owner or operator shall comply with the requirements in 40 CFR 63.168 of this Subpart except the requirement for monthly monitoring in 40 CFR 63.168(d)(1)(i) of this Subpart does not apply.

(2) The owner or operator shall collect the data specified below, and maintain records as required in 40 CFR 63.181(h)(2), for each valve in each process unit subject to the quality improvement program. The data may be collected and the records may be maintained on a process unit or group of process units basis. The data shall include the following:

(i) Valve type (e.g., ball, gate, check); valve manufacturer; valve design (e.g., external stem or actuating mechanism, flanged body); materials of construction; packing material; and year installed.

(ii) Service characteristics of the stream such as operating pressure, temperature, line diameter, and corrosivity.

(iii) Whether the valve is in gas or light liquid service.

(iv) The maximum instrument readings observed in each monitoring observation before repair, response factor for the stream if adjusted, instrument model number, and date of the observation.

(v) If a leak is detected, the repair methods used and the instrument readings after repair.

(vi) If the data will be analyzed as Part of a larger analysis program involving data from other plants or other types of process units, a description of any maintenance or quality assurance programs used in the process unit that are intended to improve emission performance.

(3) The owner or operator shall continue to collect data on the valves as long as the process unit remains in the quality improvement program.

(4) The owner or operator shall inspect all valves removed from the process unit due to leaks. The inspection shall determine which Parts of the valve have failed and shall include recommendations, as appropriate, for design changes or changes in specifications to reduce leak potential.

(5)

(i) The owner or operator shall analyze the data collected to comply with the requirements of paragraph (e)(2) of this section to determine the services, operating or maintenance practices, and valve designs or technologies that have poorer than average emission performance and those that have better than average emission performance. The analysis shall determine if specific trouble areas can be identified on the basis of service, operating conditions or maintenance practices, equipment design, or other process specific factors.

(ii) The analysis shall also be used to identify any superior performing valve technologies that are applicable to the service(s), operating conditions, or valve designs associated with poorer than average emission performance. A superior performing valve technology is one for which a group of such valves has a leak frequency of less than 2 percent for specific applications in such a process unit. A candidate superior performing valve technology is one demonstrated or reported in the available literature or through a group study as having low emission performance and as being capable of achieving less than 2 percent leaking valves in the process unit.

(iii) The analysis shall include consideration of:

(A) The data obtained from the inspections of valves removed from the process unit due to leaks,

(B) Information from the available literature and from the experience of other plant sites that will identify valve designs or technologies and operating conditions associated with low emission performance for specific services, and

(C) Information on limitations on the service conditions for the valve design and operating conditions as well as information on maintenance procedures to ensure continued low emission performance.

(iv) The data analysis may be conducted through an inter- or intra-company program (or through some combination of the two approaches) and may be for a single process unit, a company, or a group of process units.

(v) The first analysis of the data shall be completed no later than 18 months after the start of Phase III. The first analysis shall be performed using a minimum of two quarters of data. An analysis of the data shall be done each year the process unit is in the quality improvement program.

(6) A trial evaluation program shall be conducted at each plant site for which the data analysis does not identify superior performing valve designs or technologies that can be applied to the operating conditions and services identified as having poorer than average performance, except as provided in paragraph (e)(6)(v) of this section. The trial program shall be used to evaluate the feasibility of using in the process unit the valve designs or technologies that have been identified by others as having low emission performance.

(i) The trial program shall include on-line trials of valves or operating and maintenance practices that have been identified in the available literature or in analysis by others as having the ability to perform with leak rates below 2 percent in similar services, as having low probability of failure, or as having no external actuating mechanism in contact with the process fluid. If any of the candidate superior performing valve technologies is not included in the performance trials, the reasons for rejecting specific technologies from consideration shall be documented as required in 40 CFR 63.181(h)(5)(ii) of this Subpart.

(ii) The number of valves in the trial evaluation program shall be the lesser of 1 percent or 20 valves for programs involving single process units and the lesser of 1 percent or 50 valves for programs involving groups of process units.

(iii) The trial evaluation program shall specify and include documentation of:

(A) The candidate superior performing valve designs or technologies to be evaluated, the stages for evaluating the identified candidate valve designs or technologies, including the estimated time period necessary to test the applicability;

(B) The frequency of monitoring or inspection of the equipment;

(C) The range of operating conditions over which the component will be evaluated; and

(D) Conclusions regarding the emission performance and the appropriate operating conditions and services for the trial valves.

(iv) The performance trials shall initially be conducted for, at least, a 6-month period beginning not later than 18 months after the start of Phase III. Not later than 24 months after the start of Phase III, the owner or operator shall have identified valve designs or technologies that, combined with appropriate process, operating, and maintenance practices, operate with low emission performance for specific applications in the process unit. The owner or operator shall continue to conduct performance trials as long as no superior performing design or technology has been identified, except as provided in paragraph (e)(6)(vi) of this section. The compilation of candidate and demonstrated superior emission performance valve designs or technologies shall be amended in the future, as appropriate, as additional information and experience is obtained.

(v) Any plant site with fewer than 400 valves and owned by a corporation with fewer than 100 total employees shall be exempt from trial evaluations of valves. Plant sites exempt from the trial evaluations of valves shall begin the program at the start of the fourth year of Phase III.

(vi) An owner or operator who has conducted performance trials on all candidate superior emission performance technologies suitable for the required applications in the process unit may stop conducting performance trials provided that a superior performing design or technology has been demonstrated or there are no technically feasible candidate superior technologies remaining. The owner or operator shall prepare an engineering evaluation documenting the physical, chemical, or engineering basis for the judgment that the superior emission performance technology is technically infeasible or demonstrating that it would not reduce emissions.

(7) Each owner or operator who elects to use a quality improvement program for technology review and improvement shall prepare and implement a valve quality assurance program that details purchasing specifications and maintenance procedures for all valves in the process unit. The quality assurance program may establish any number of categories, or classes, of valves as needed to distinguish among operating conditions and services associated with poorer than average emission performance as well as those associated with better than average emission performance. The quality assurance program shall be developed considering the findings of the data analysis required under paragraph (e)(5) of this section, if applicable, the findings of the trial evaluation required in paragraph (e)(6) of this section, and the operating conditions in the process unit. The quality assurance program shall be reviewed and, as appropriate, updated each year as long as the process unit has 2 percent or more leaking valves.

(i) The quality assurance program shall:

(A) Establish minimum design standards for each category of valves. The design standards shall specify known critical parameters such as tolerance, manufacturer, materials of construction, previous usage, or other applicable identified critical parameters;

(B) Require that all equipment orders specify the design standard (or minimum tolerances) for the valve;

(C) Include a written procedure for bench testing of valves that specifies performance criteria for acceptance of valves and specifies criteria for the precision and accuracy of the test apparatus. All valves repaired off-line after preparation of the quality assurance plan shall be bench-tested for leaks. This testing may be conducted by the owner or operator of the process unit, by the vendor, or by a designated representative. The owner or operator shall install only those valves that have been documented through bench-testing to be nonleaking.

(D) Require that all valves repaired on-line be monitored using the method specified in 40 CFR 63.180(b) of this Subpart for leaks for 2 successive months, after repair.

(E) Provide for an audit procedure for quality control of purchased equipment to ensure conformance with purchase specifications. The audit program may be conducted by the owner or operator of the process unit or by a designated representative.

(F) Detail off-line valve maintenance and repair procedures. These procedures shall include provisions to ensure that rebuilt or refurbished valves will meet the design specifications for the valve type and will operate such that emissions are minimized.

(ii) The quality assurance program shall be established no later than the start of the third year of Phase III for plant sites with 400 or more valves or owned by a corporation with 100 or more employees; and no later than the start of the fourth year of Phase III for plant sites with less than 400 valves and owned by a corporation with less than 100 employees.

(8) Beginning at the start of the third year of Phase III for plant sites with 400 or more valves or owned by a corporation with 100 or more employees and at the start of the fourth year of Phase III for plant sites with less than 400 valves and owned by a corporation with less than 100 employees, each valve that is replaced for any reason shall be replaced with a new or modified valve that complies with the quality assurance standards for the valve category and that is identified as superior emission performance technology. Superior emission performance technology means valves or valve technologies identified with emission performance that, combined with appropriate process, operating, and maintenance practices, will result in less than 2 percent leaking valves for specific applications in a large population, except as provided in paragraph (e)(8)(ii) of this section.

(i) The valves shall be maintained as specified in the quality assurance program.

(ii) If a superior emission performance technology cannot be identified, then valve replacement shall be with one of (if several) the lowest emission performance technologies that has been identified for the specific application.

[59 FR 19568, Apr. 22, 1994, as amended at 60 FR 63631, Dec. 12, 1995]

40 CFR 63.176 - Quality improvement program for pumps

(a) In Phase III, if, on a 6-month rolling average, the greater of either 10 percent of the pumps in a process unit (or plant site) or three pumps in a process unit (or plant site) leak, the owner or operator shall comply with the requirements of this section as specified below:

(1) Pumps that are in food/medical service or in polymerizing monomer service shall comply with all requirements except for those specified in paragraph (d)(8) of this section.

(2) Pumps that are not in food/medical or polymerizing monomer service shall comply with all requirements of this section.

(b) The owner or operator shall comply with the requirements of this section until the number of leaking pumps is less than the greater of either 10 percent of the pumps or three pumps, calculated as a 6-month rolling average, in the process unit (or plant site). Once the performance level is achieved, the owner or operator shall comply with the requirements in 40 CFR 63.163 of this Subpart.

(c) If in a subsequent monitoring period, the process unit (or plant site) has greater than 10 percent of the pumps leaking or three pumps leaking (calculated as a 6-month rolling average), the owner or operator shall resume the quality improvement program starting at performance trials.

(d) The quality improvement program shall include the following:

(1) The owner or operator shall comply with the requirements in 40 CFR 63.163 of this Subpart.

(2) The owner or operator shall collect the following data, and maintain records as required in 40 CFR 63.181(h)(3), for each pump in each process unit (or plant site) subject to the quality improvement program. The data may be collected and the records may be maintained on a process unit or plant site basis.

(i) Pump type (e.g., piston, horizontal or vertical centrifugal, gear, bellows); pump manufacturer; seal type and manufacturer; pump design (e.g., external shaft, flanged body); materials of construction; if applicable, barrier fluid or packing material; and year installed.

(ii) Service characteristics of the stream such as discharge pressure, temperature, flow rate, corrosivity, and annual operating hours.

(iii) The maximum instrument readings observed in each monitoring observation before repair, response factor for the stream if appropriate, instrument model number, and date of the observation.

(iv) If a leak is detected, the repair methods used and the instrument readings after repair.

(v) If the data will be analyzed as Part of a larger analysis program involving data from other plants or other types of process units, a description of any maintenance or quality assurance programs used in the process unit that are intended to improve emission performance.

(3) The owner or operator shall continue to collect data on the pumps as long as the process unit (or plant site) remains in the quality improvement program.

(4) The owner or operator shall inspect all pumps or pump seals which exhibited frequent seal failures and were removed from the process unit due to leaks. The inspection shall determine the probable cause of the pump seal failure or of the pump leak and shall include recommendations, as appropriate, for design changes or changes in specifications to reduce leak potential.

(5)

(i) The owner or operator shall analyze the data collected to comply with the requirements of paragraph (d)(2) of this section to determine the services, operating or maintenance practices, and pump or pump seal designs or technologies that have poorer than average emission performance and those that have better than average emission performance. The analysis shall determine if specific trouble areas can be identified on the basis of service, operating conditions or maintenance practices, equipment design, or other process specific factors.

(ii) The analysis shall also be used to determine if there are superior performing pump or pump seal technologies that are applicable to the service(s), operating conditions, or pump or pump seal designs associated with poorer than average emission performance. A superior performing pump or pump seal technology is one with a leak frequency of less than 10 percent for specific applications in the process unit or plant site. A candidate superior performing pump or pump seal technology is one demonstrated or reported in the available literature or through a group study as having low emission performance and as being capable of achieving less than 10 percent leaking pumps in the process unit (or plant site).

(iii) The analysis shall include consideration of:

(A) The data obtained from the inspections of pumps and pump seals removed from the process unit due to leaks;

(B) Information from the available literature and from the experience of other plant sites that will identify pump designs or technologies and operating conditions associated with low emission performance for specific services; and

(C) Information on limitations on the service conditions for the pump seal technology operating conditions as well as information on maintenance procedures to ensure continued low emission performance.

(iv) The data analysis may be conducted through an inter- or intra-company program (or through some combination of the two approaches) and may be for a single process unit, a plant site, a company, or a group of process units.

(v) The first analysis of the data shall be completed no later than 18 months after the start of the quality improvement program. The first analysis shall be performed using a minimum of 6 months of data. An analysis of the data shall be done each year the process unit is in the quality improvement program.

(6) A trial evaluation program shall be conducted at each plant site for which the data analysis does not identify use of superior performing pump seal technology or pumps that can be applied to the areas identified as having poorer than average performance, except as provided in paragraph (d)(6)(v) of this section. The trial program shall be used to evaluate the feasibility of using in the process unit (or plant site) the pump designs or seal technologies, and operating and maintenance practices that have been identified by others as having low emission performance.

(i) The trial program shall include on-line trials of pump seal technologies or pump designs and operating and maintenance practices that have been identified in the available literature or in analysis by others as having the ability to perform with leak rates below 10 percent in similar services, as having low probability of failure, or as having no external actuating mechanism in contact with the process fluid. If any of the candidate superior

performing pump seal technologies or pumps is not included in the performance trials, the reasons for rejecting specific technologies from consideration shall be documented as required in 40 CFR 63.181(h)(5)(ii).

(ii) The number of pump seal technologies or pumps in the trial evaluation program shall be the lesser of 1 percent or two pumps for programs involving single process units and the lesser of 1 percent or five pumps for programs involving a plant site or groups of process units. The minimum number of pumps or pump seal technologies in a trial program shall be one.

(iii) The trial evaluation program shall specify and include documentation of:

(A) The candidate superior performing pump seal designs or technologies to be evaluated, the stages for evaluating the identified candidate pump designs or pump seal technologies, including the time period necessary to test the applicability;

(B) The frequency of monitoring or inspection of the equipment;

(C) The range of operating conditions over which the component will be evaluated; and

(D) Conclusions regarding the emission performance and the appropriate operating conditions and services for the trial pump seal technologies or pumps.

(iv) The performance trials shall initially be conducted, at least, for a 6-month period beginning not later than 18 months after the start of the quality improvement program. No later than 24 months after the start of the quality improvement program, the owner or operator shall have identified pump seal technologies or pump designs that, combined with appropriate process, operating, and maintenance practices, operate with low emission performance for specific applications in the process unit. The owner or operator shall continue to conduct performance trials as long as no superior performing design or technology has been identified, except as provided in paragraph (d)(6)(vi) of this section. The initial list of superior emission performance pump designs or pump seal technologies shall be amended in the future, as appropriate, as additional information and experience is obtained.

(v) Any plant site with fewer than 400 valves and owned by a corporation with fewer than 100 employees shall be exempt from trial evaluations of pump seals or pump designs. Plant sites exempt from the trial evaluations of pumps shall begin the pump seal or pump replacement program at the start of the fourth year of the quality improvement program.

(vi) An owner or operator who has conducted performance trials on all alternative superior emission performance technologies suitable for the required applications in the process unit may stop conducting performance trials provided that a superior performing design or technology has been demonstrated or there are no technically feasible alternative superior technologies remaining. The owner or operator shall prepare an engineering evaluation documenting the physical, chemical, or engineering basis for the judgment that the superior emission performance technology is technically infeasible or demonstrating that it would not reduce emissions.

(7) Each owner or operator shall prepare and implement a pump quality assurance program that details purchasing specifications and maintenance procedures for all pumps and pump seals in the process unit. The quality assurance program may establish any number of categories, or classes, of pumps as needed to distinguish among operating conditions and services associated with poorer than average emission performance as well as those associated with better than average emission performance. The quality assurance program shall be developed considering the findings of the data analysis required under paragraph (d)(5) of this section, if applicable, the findings of the trial evaluation required in paragraph (d)(6) of this section, and the operating conditions in the process unit. The quality assurance program shall be updated each year as long as the process unit has the greater of either 10 percent or more leaking pumps or has three leaking pumps.

(i) The quality assurance program shall:

(A) Establish minimum design standards for each category of pumps or pump seal technology. The design standards shall specify known critical parameters such as tolerance, manufacturer, materials of construction, previous usage, or other applicable identified critical parameters;

(B) Require that all equipment orders specify the design standard (or minimum tolerances) for the pump or the pump seal;

(C) Provide for an audit procedure for quality control of purchased equipment to ensure conformance with purchase specifications. The audit program may be conducted by the owner or operator of the plant site or process unit or by a designated representative; and

(D) Detail off-line pump maintenance and repair procedures. These procedures shall include provisions to ensure that rebuilt or refurbished pumps and pump seals will meet the design specifications for the pump category and will operate such that emissions are minimized.

(ii) The quality assurance program shall be established no later than the start of the third year of the quality improvement program for plant sites with 400 or more valves or 100 or more employees; and no later than the start of the fourth year of the quality improvement program for plant sites with less than 400 valves and less than 100 employees.

(8) Beginning at the start of the third year of the quality improvement program for plant sites with 400 or more valves or 100 or more employees and at the start of the fourth year of the quality improvement program for plant sites with less than 400 valves and less than 100 employees, the owner or operator shall replace, as described in paragraphs (d)(8)(i) and (d)(8)(ii) of this section, the pumps or pump seals that are not superior emission performance technology with pumps or pump seals that have been identified as superior emission performance technology and that comply with the quality assurance standards for the pump category. Superior emission performance technology is that category or design of pumps or pump seals with emission performance which, when combined with appropriate process, operating, and maintenance practices, will result in less than 10 percent leaking pumps for specific applications in the process unit or plant site. Superior emission performance technology includes material or design changes to the existing pump, pump seal, seal support system, installation of multiple mechanical seals or equivalent, or pump replacement.

(i) Pumps or pump seals shall be replaced at the rate of 20 percent per year based on the total number of pumps in light liquid service. The calculated value shall be rounded to the nearest nonzero integer value. The minimum number of pumps or pump seals shall be one. Pump replacement shall continue until all pumps subject to the requirements of 40 CFR 63.163 of this Subpart are pumps determined to be superior performance technology.

(ii) The owner or operator may delay replacement of pump seals or pumps with superior technology until the next planned process unit shutdown, provided the number of pump seals and pumps replaced is equivalent to the 20 percent or greater annual replacement rate.

(iii) The pumps shall be maintained as specified in the quality assurance program.

40 CFR 63.177 - Alternative means of emission limitation: General

(a) Permission to use an alternative means of emission limitation under section 112(h)(3) of the Act shall be governed by the following procedures in paragraphs (b) through (e) of this section.

(b) Where the standard is an equipment, design, or operational requirement:

(1) Each owner or operator applying for permission to use an alternative means of emission limitation under 40 CFR 63.6(g) of Subpart A of this Part shall be responsible for collecting and verifying emission performance test data for an alternative means of emission limitation.

(2) The Administrator will compare test data for the means of emission limitation to test data for the equipment, design, and operational requirements.

(3) The Administrator may condition the permission on requirements that may be necessary to ensure operation and maintenance to achieve the same emission reduction as the equipment, design, and operational requirements.

(c) Where the standard is a work practice:

(1) Each owner or operator applying for permission shall be responsible for collecting and verifying test data for an alternative means of emission limitation.

(2) For each kind of equipment for which permission is requested, the emission reduction achieved by the required work practices shall be demonstrated for a minimum period of 12 months.

(3) For each kind of equipment for which permission is requested, the emission reduction achieved by the alternative means of emission limitation shall be demonstrated.

(4) Each owner or operator applying for permission shall commit, in writing, for each kind of equipment to work practices that provide for emission reductions equal to or greater than the emission reductions achieved by the required work practices.

(5) The Administrator will compare the demonstrated emission reduction for the alternative means of emission limitation to the demonstrated emission reduction for the required work practices and will consider the commitment in paragraph (c)(4) of this section.

(6) The Administrator may condition the permission on requirements that may be necessary to ensure operation and maintenance to achieve the same or greater emission reduction as the required work practices of this Subpart.

(d) An owner or operator may offer a unique approach to demonstrate the alternative means of emission limitation.

(e)

(1) Manufacturers of equipment used to control equipment leaks of an organic HAP may apply to the Administrator for permission for an alternative means of emission limitation that achieves a reduction in emissions of the organic HAP achieved by the equipment, design, and operational requirements of this Subpart.

(2) The Administrator will grant permission according to the provisions of paragraphs (b), (c), and (d) of this section.

40 CFR 63.178 - Alternative means of emission limitation: Batch processes

(a) As an alternative to complying with the requirements of 40 CFR 63.163 through 63.171 and 40 CFR 63.173 through 63.176, an owner or operator of a batch process that operates in organic HAP service during the calendar year may comply with one of the standards specified in paragraphs (b) and (c) of this section, or the owner or operator may petition for approval of an alternative standard under the provisions of 40 CFR 63.177 of this Subpart. The alternative standards of this section provide the options of pressure testing or monitoring the equipment for leaks. The owner or operator may switch among the alternatives provided the change is documented as specified in 40 CFR 63.181.

(b) The following requirements shall be met if an owner or operator elects to use pressure testing of batch product-process equipment to demonstrate compliance with this Subpart. An owner or operator who complies with the provisions of this paragraph is exempt from the monitoring provisions of 40 CFR 63.163, 40 CFR 63.168 and 63.169, and 40 CFR 63.173 through 63.176 of this Subpart.

(1) Each time equipment is reconfigured for production of a different product or intermediate, the batch product-process equipment train shall be pressure-tested for leaks before organic HAP is first fed to the equipment and the equipment is placed in organic HAP service.

(i) When the batch product-process train is reconfigured to produce a different product, pressure testing is required only for the new or disturbed equipment.

(ii) Each batch product process that operates in organic HAP service during a calendar year shall be pressure tested at least once during that calendar year.

(iii) Pressure testing is not required for routine seal breaks, such as changing hoses or filters, which are not Part of the reconfiguration to produce a different product or intermediate.

(2) The batch product process equipment shall be tested either using the procedures specified in 40 CFR 63.180(f) of this Subpart for pressure or vacuum loss or with a liquid using the procedures specified in 40 CFR 63.180(g) of this Subpart.

(3)

(i) For pressure or vacuum tests, a leak is detected if the rate of change in pressure is greater than 6.9 kilopascals (1 psig) in 1 hour or if there is visible, audible, or olfactory evidence of fluid loss.

(ii) For pressure tests using a liquid, a leak is detected if there are indications of liquids dripping or if there is other evidence of fluid loss.

(4)

(i) If a leak is detected, it shall be repaired and the batch product-process equipment shall be retested before start-up of the process.

(ii) If a batch product-process fails the retest or the second of two consecutive pressure tests, it shall be repaired as soon as practicable, but not later than 30 calendar days after the second pressure test, provided the conditions specified in paragraph (d) of this section are met.

(c) The following requirements shall be met if an owner or operator elects to monitor the equipment to detect leaks by the method specified in 40 CFR 63.180(b) of this Subpart to demonstrate compliance with this Subpart.

(1) The owner or operator shall comply with the requirements of 40 CFR 63.163 through 63.170, and 40 CFR 63.172 through 63.176 of this Subpart.

(2) The equipment shall be monitored for leaks by the method specified in 40 CFR 63.180(b) of this Subpart when the equipment is in organic HAP service, in use with an acceptable surrogate volatile organic compound which is not an organic HAP, or is in use with any other detectable gas or vapor.

(3) The equipment shall be monitored for leaks as specified below:

(i) Each time the equipment is reconfigured for the production of a new product, the reconfigured equipment shall be monitored for leaks within 30 days of start-up of the process. This initial monitoring of reconfigured equipment shall not be included in determining percent leaking equipment in the process unit.

(ii) Connectors shall be monitored in accordance with the requirements in 40 CFR 63.174 of this Subpart.

(iii) Equipment other than connectors shall be monitored at the frequencies specified in table 1 of this Subpart. The operating time shall be determined as the proportion of the year the batch product-process that is subject to the provisions of this Subpart is operating.

(iv) The monitoring frequencies specified in table 1 of this Subpart are not requirements for monitoring at specific intervals and can be adjusted to accommodate process operations. An owner or operator may monitor anytime during the specified monitoring period (e.g., month, quarter, year), provided the monitoring is conducted at a reasonable interval after completion of the last monitoring campaign. For example, if the equipment is not operating during the scheduled monitoring period, the monitoring can be done during the next period when the process is operating.

(4) If a leak is detected, it shall be repaired as soon as practicable but not later than 15 calendar days after it is detected, except as provided in paragraph (d) of this section.

(d) Delay of repair of equipment for which leaks have been detected is allowed if the replacement equipment is not available providing the following conditions are met:

(1) Equipment supplies have been depleted and supplies had been sufficiently stocked before the supplies were depleted.

(2) The repair is made no later than 10 calendar days after delivery of the replacement equipment.

40 CFR 63.179 - Alternative means of emission limitation: Enclosed-vented process units

Process units enclosed in such a manner that all emissions from equipment leaks are vented through a closed-vent system to a control device meeting the requirements of 40 CFR 63.172 of this Subpart are exempt from the requirements of 40 CFR 63.163, through 63.171, and 40 CFR 63.173 and 63.174 of this Subpart. The enclosure shall be maintained under a negative pressure at all times while the process unit is in operation to ensure that all emissions are routed to a control device.

40 CFR 63.180 - Test methods and procedures

(a) Each owner or operator subject to the provisions of this Subpart shall comply with the test methods and procedures requirements provided in this section.

(b) Monitoring, as required under this Subpart, shall comply with the following requirements:

(1) Monitoring shall comply with Method 21 of 40 CFR 60 Appendix A.

(2)

(i) Except as provided for in paragraph (b)(2)(ii) of this section, the detection instrument shall meet the performance criteria of Method 21 of 40 CFR 60 Appendix A, except the instrument response factor criteria in Section 3.1.2(a) of Method 21 shall be for the average composition of the process fluid not each individual VOC in the stream. For process streams that contain nitrogen, water, air, or other inerts which are not organic

HAP's or VOC's, the average stream response factor may be calculated on an inert-free basis. The response factor may be determined at any concentration for which monitoring for leaks will be conducted.

(ii) If no instrument is available at the plant site that will meet the performance criteria specified in paragraph (b)(2)(i) of this section, the instrument readings may be adjusted by multiplying by the average response factor of the process fluid, calculated on an inert-free basis as described in paragraph (b)(2)(i) of this section.

(3) The instrument shall be calibrated before use on each day of its use by the procedures specified in Method 21 of 40 CFR 60 Appendix A.

(4) Calibration gases shall be:

(i) Zero air (less than 10 Parts per million of hydrocarbon in air); and

(ii) Mixtures of methane in air at the concentrations specified in paragraphs (b)(4)(ii)(A) through (b)(4)(ii)(C) of this section. A calibration gas other than methane in air may be used if the instrument does not respond to methane or if the instrument does not meet the performance criteria specified in paragraph (b)(2)(i) of this section. In such cases, the calibration gas may be a mixture of one or more of the compounds to be measured in air.

(A) For Phase I, a mixture of methane or other compounds, as applicable, in air at a concentration of approximately, but less than, 10,000 Parts per million.

(B) For Phase II, a mixture of methane or other compounds, as applicable, and air at a concentration of approximately, but less than, 10,000 Parts per million for agitators, 5,000 Parts per million for pumps, and 500 Parts per million for all other equipment, except as provided in paragraph (b)(4)(iii) of this section.

(C) For Phase III, a mixture of methane or other compounds, as applicable, and air at a concentration of approximately, but less than, 10,000 Parts per million methane for agitators; 2,000 Parts per million for pumps in food/medical service; 5,000 Parts per million for pumps in polymerizing monomer service; 1,000 Parts per million for all other pumps; and 500 Parts per million for all other equipment, except as provided in paragraph (b)(4)(iii) of this section.

(iii) The instrument may be calibrated at a higher methane concentration than the concentration specified for that piece of equipment. The concentration of the calibration gas may exceed the concentration specified as a leak by no more than 2,000 Parts per million. If the monitoring instrument's design allows for multiple calibration scales, then the lower scale shall be calibrated with a calibration gas that is no higher than 2,000 Parts per million above the concentration specified as a leak and the highest scale shall be calibrated with a calibration gas that is approximately equal to 10,000 Parts per million. If only one scale on an instrument will be used during monitoring, the owner or operator need not calibrate the scales that will not be used during that day's monitoring.

(5) Monitoring shall be performed when the equipment is in organic HAP service, in use with an acceptable surrogate volatile organic compound which is not an organic HAP, or is in use with any other detectable gas or vapor.

(6) Monitoring data that do not meet the criteria specified in paragraphs (b)(1) through (b)(5) of this section may be used to qualify for less frequent monitoring under the provisions in 40 CFR 63.168(d)(2) and (d)(3) or 40 CFR 63.174(b)(3)(ii) or (b)(3)(iii) of this Subpart provided the data meet the conditions specified in paragraphs (b)(6)(i) and (b)(6)(ii) of this section.

(i) The data were obtained before April 22, 1994.

(ii) The dePartures from the criteria specified in paragraphs (b)(1) through (b)(5) of this section or from the specified monitoring frequency of 40 CFR 63.168(c) are minor and do not significantly affect the quality of the data. Examples of minor dePartures are monitoring at a slightly different frequency (such as every six weeks instead of monthly or quarterly), following the performance criteria of section 3.1.2(a) of Method 21 of Appendix A of 40 CFR 60 instead of paragraph (b)(2) of this section, or monitoring at a different leak definition if the data would indicate the presence or absence of a leak at the concentration specified in this Subpart. Failure to use a calibrated instrument is not considered a minor deParture.

(c) When equipment is monitored for compliance as required in 40 CFR 63.164(i), 63.165(a), and 63.172(f) or when equipment subject to a leak definition of 500 ppm is monitored for leaks as required by this Subpart, the owner or operator may elect to adjust or not to adjust the instrument readings for background. If an owner or operator elects to not adjust instrument readings for background, the owner or operator shall monitor the equipment according to the

procedures specified in paragraphs (b)(1) through (b)(4) of this section. In such case, all instrument readings shall be compared directly to the applicable leak definition to determine whether there is a leak. If an owner or operator elects to adjust instrument readings for background, the owner or operator shall monitor the equipment according to the procedures specified in paragraphs (c)(1) through (c)(4) of this section.

(1) The requirements of paragraphs (b) (1) through (4) of this section shall apply.

(2) The background level shall be determined, using the same procedures that will be used to determine whether the equipment is leaking.

(3) The instrument probe shall be traversed around all potential leak interfaces as close to the interface as possible as described in Method 21 of 40 CFR 60 Appendix A.

(4) The arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 Parts per million for determining compliance.

(d)

(1) Each piece of equipment within a process unit that can reasonably be expected to contain equipment in organic HAP service is presumed to be in organic HAP service unless an owner or operator demonstrates that the piece of equipment is not in organic HAP service. For a piece of equipment to be considered not in organic HAP service, it must be determined that the percent organic HAP content can be reasonably expected not to exceed 5 percent by weight on an annual average basis. For purposes of determining the percent organic HAP content of the process fluid that is contained in or contacts equipment, Method 18 of 40 CFR 60 Appendix A shall be used.

(2)

(i) An owner or operator may use good engineering judgment rather than the procedures in paragraph (d)(1) of this section to determine that the percent organic HAP content does not exceed 5 percent by weight. When an owner or operator and the Administrator do not agree on whether a piece of equipment is not in organic HAP service, however, the procedures in paragraph (d)(1) of this section shall be used to resolve the disagreement.

(ii) Conversely, the owner or operator may determine that the organic HAP content of the process fluid does not exceed 5 percent by weight by, for example, accounting for 98 percent of the content and showing that organic HAP is less than 3 percent.

(3) If an owner or operator determines that a piece of equipment is in organic HAP service, the determination can be revised after following the procedures in paragraph (d)(1) of this section, or by documenting that a change in the process or raw materials no longer causes the equipment to be in organic HAP service.

(4) Samples used in determining the percent organic HAP content shall be representative of the process fluid that is contained in or contacts the equipment.

(e) When a flare is used to comply with 40 CFR 63.172(d), the owner or operator shall comply with paragraphs (e)(1) through (3) of this section. The owner or operator is not required to conduct a performance test to determine percent emission reduction or outlet organic HAP or TOC concentration.

(1) Conduct a visible emission test using the techniques specified in 40 CFR 63.11(b)(4).

(2) Determine the net heating value of the gas being combusted using the techniques specified in 40 CFR 63.11(b)(6).

(3) Determine the exit velocity using the techniques specified in either 40 CFR 63.11(b)(7)(i) (and 40 CFR 63.11(b)(7)(iii), where applicable) or 40 CFR 63.11(b)(8), as appropriate.

(f) The following procedures shall be used to pressure test batch product-process equipment for pressure or vacuum loss to demonstrate compliance with the requirements of 40 CFR 63.178(b)(3)(i) of this Subpart.

(1) The batch product-process equipment train shall be pressurized with a gas to a pressure less than the set pressure of any safety relief devices or valves or to a pressure slightly above the operating pressure of the equipment, or alternatively, the equipment shall be placed under a vacuum.

(2) Once the test pressure is obtained, the gas source or vacuum source shall be shut off.

(3) The test shall continue for not less than 15 minutes unless it can be determined in a shorter period of time that the allowable rate of pressure drop or of pressure rise was exceeded. The pressure in the batch product-process equipment shall be measured after the gas or vacuum source is shut off and at the end of the test period. The rate of change in pressure in the batch product-process equipment shall be calculated using the following equation:

$$\Delta \frac{P}{t} = \frac{\left(\left|P_f - P_i\right|\right)}{\left(t_f - t_i\right)}$$

where:

$\Delta P/t$ = Change in pressure, psig/hr.

P_f = Final pressure, psig.

P_i = Initial pressure, psig.

$t_f - t_i$ = Elapsed time, hours.

(4) The pressure shall be measured using a pressure measurement device (gauge, manometer, or equivalent) which has a precision of ±2.5 millimeter mercury in the range of test pressure and is capable of measuring pressures up to the relief set pressure of the pressure relief device. If such a pressure measurement device is not reasonably available, the owner or operator shall use a pressure measurement device with a precision of at least +10 percent of the test pressure of the equipment and shall extend the duration of the test for the time necessary to detect a pressure loss or rise that equals a rate of one psig per hour.

(5) An alternative procedure may be used for leak testing the equipment if the owner or operator demonstrates the alternative procedure is capable of detecting a pressure loss or rise.

(g) The following procedures shall be used to pressure-test batch product-process equipment using a liquid to demonstrate compliance with the requirements of 40 CFR 63.178(b)(3)(ii) of this Subpart.

(1) The batch product-process equipment train, or section of the train, shall be filled with the test liquid (e.g., water, alcohol) until normal operating pressure is obtained. Once the equipment is filled, the liquid source shall be shut off.

(2) The test shall be conducted for a period of at least 60 minutes, unless it can be determined in a shorter period of time that the test is a failure.

(3) Each seal in the equipment being tested shall be inspected for indications of liquid dripping or other indications of fluid loss. If there are any indications of liquids dripping or of fluid loss, a leak is detected.

(4) An alternative procedure may be used for leak testing the equipment, if the owner or operator demonstrates the alternative procedure is capable of detecting losses of fluid.

[59 FR 19568, Apr. 22, 1994, as amended at 59 FR 48177, Sept. 20, 1994; 61 FR 31440, June 20, 1996; 62 FR 2792, Jan. 17, 1997; 66 FR 6936, Jan. 22, 2001]

40 CFR 63.181 - Recordkeeping requirements

(a) An owner or operator of more than one process unit subject to the provisions of this Subpart may comply with the recordkeeping requirements for these process units in one recordkeeping system if the system identifies each record by process unit and the program being implemented (e.g., quarterly monitoring, quality improvement) for each type of equipment. All records and information required by this section shall be maintained in a manner that can be readily accessed at the plant site. This could include physically locating the records at the plant site or accessing the records from a central location by computer at the plant site.

(b) Except as provided in paragraph (e) of this section, the following information pertaining to all equipment in each process unit subject to the requirements in 40 CFR 63.162 through 63.174 of this Subpart shall be recorded:

(1)

(i) A list of identification numbers for equipment (except connectors exempt from monitoring and recordkeeping identified in 40 CFR 63.174 of this Subpart and instrumentation systems) subject to the requirements of this Subpart. Connectors need not be individually identified if all connectors in a designated area or length of pipe subject to the provisions of this Subpart are identified as a group, and the number of connectors subject is indicated. With respect to connectors, the list shall be complete no later than the completion of the initial survey required by 40 CFR 63.174 (b)(1) or (b)(2) of this Subpart.

(ii) A schedule by process unit for monitoring connectors subject to the provisions of 40 CFR 63.174(a) of this Subpart and valves subject to the provisions of 40 CFR 63.168(d) of this Subpart.

(iii) Physical tagging of the equipment to indicate that it is in organic HAP service is not required. Equipment subject to the provisions of this Subpart may be identified on a plant site plan, in log entries, or by other appropriate methods.

(2)

(i) A list of identification numbers for equipment that the owner or operator elects to equip with a closed-vent system and control device, under the provisions of 40 CFR 63.163(g), 40 CFR 63.164(h), 40 CFR 63.165(c), or 40 CFR 63.173(f) of this Subpart.

(ii) A list of identification numbers for compressors that the owner or operator elects to designate as operating with an instrument reading of less than 500 Parts per million above background, under the provisions of 40 CFR 63.164(i) of this Subpart.

(iii) Identification of surge control vessels or bottoms receivers subject to the provisions of this Subpart that the owner or operator elects to equip with a closed-vent system and control device, under the provisions of 40 CFR 63.170 of this Subpart.

(3)

(i) A list of identification numbers for pressure relief devices subject to the provisions in 40 CFR 63.165(a) of this Subpart.

(ii) A list of identification numbers for pressure relief devices equipped with rupture disks, under the provisions of 40 CFR 63.165(d) of this Subpart.

(4) Identification of instrumentation systems subject to the provisions of this Subpart. Individual components in an instrumentation system need not be identified.

(5) Identification of screwed connectors subject to the requirements of 40 CFR 63.174(c)(2) of this Subpart. Identification can be by area or grouping as long as the total number within each group or area is recorded.

(6) The following information shall be recorded for each dual mechanical seal system:

(i) Design criteria required in 40 CFR 63.163(e)(6)(i), 63.164(e)(2), and 63.173(d)(6)(i) of this Subpart and an explanation of the design criteria; and

(ii) Any changes to these criteria and the reasons for the changes.

(7) The following information pertaining to all pumps subject to the provisions of 40 CFR 63.163(j), valves subject to the provisions of 40 CFR 63.168(h) and (i) of this Subpart, agitators subject to the provisions of 40 CFR 63.173(h) through (j), and connectors subject to the provisions of 40 CFR 63.174(f) and (g) of this Subpart shall be recorded:

(i) Identification of equipment designated as unsafe to monitor, difficult to monitor, or unsafe to inspect and the plan for monitoring or inspecting this equipment.

(ii) A list of identification numbers for the equipment that is designated as difficult to monitor, an explanation of why the equipment is difficult to monitor, and the planned schedule for monitoring this equipment.

(iii) A list of identification numbers for connectors that are designated as unsafe to repair and an explanation why the connector is unsafe to repair.

(8)

(i) A list of valves removed from and added to the process unit, as described in 40 CFR 63.168(e)(1) of this Subpart, if the net credits for removed valves is expected to be used.

(ii) A list of connectors removed from and added to the process unit, as described in 40 CFR 63.174(i)(1) of this Subpart, and documentation of the integrity of the weld for any removed connectors, as required in 40 CFR 63.174(j) of this Subpart. This is not required unless the net credits for removed connectors is expected to be used.

(9)

(i) For batch process units that the owner or operator elects to monitor as provided under 40 CFR 63.178(c) of this Subpart, a list of equipment added to batch product process units since the last monitoring period required in 40 CFR 63.178(c)(3)(ii) and (3)(iii) of this Subpart.

(ii) Records demonstrating the proportion of the time during the calendar year the equipment is in use in a batch process that is subject to the provisions of this Subpart. Examples of suitable documentation are records of time in use for individual pieces of equipment or average time in use for the process unit. These records are not required if the owner or operator does not adjust monitoring frequency by the time in use, as provided in 40 CFR 63.178(c)(3)(iii) of this Subpart.

(10) For any leaks detected as specified in 40 CFR 63.163 and 63.164; 40 CFR 63.168 and 63.169; and 40 CFR 63.172 through 63.174 of this Subpart, a weatherproof and readily visible identification, marked with the equipment identification number, shall be attached to the leaking equipment.

(c) For visual inspections of equipment subject to the provisions of this Subpart (e.g., 40 CFR 63.163(b)(3), 40 CFR 63.163(e)(4)(i)), the owner or operator shall document that the inspection was conducted and the date of the inspection. The owner or operator shall maintain records as specified in paragraph (d) of this section for leaking equipment identified in this inspection, except as provided in paragraph (e) of this section. These records shall be retained for 2 years.

(d) When each leak is detected as specified in 40 CFR 63.163 and 63.164; 40 CFR 63.168 and 63.169; and 40 CFR 63.172 through 63.174 of this Subpart, the following information shall be recorded and kept for 2 years:

(1) The instrument and the equipment identification number and the operator name, initials, or identification number.

(2) The date the leak was detected and the date of first attempt to repair the leak.

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

(4) Maximum instrument reading measured by Method 21 of 40 CFR 60 Appendix A after it is successfully repaired or determined to be nonrepairable.

(5) "Repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.

(i) The owner or operator may develop a written procedure that identifies the conditions that justify a delay of repair. The written procedures may be included as Part of the startup/shutdown/malfunction plan, required by 40 CFR 63.6(e)(3), for the source or may be Part of a separate document that is maintained at the plant site. In such cases, reasons for delay of repair may be documented by citing the relevant sections of the written procedure.

(ii) If delay of repair was caused by depletion of stocked Parts, there must be documentation that the spare Parts were sufficiently stocked on-site before depletion and the reason for depletion.

(6) Dates of process unit shutdowns that occur while the equipment is unrepaired.

(7)

(i) Identification, either by list, location (area or grouping), or tagging of connectors that have been opened or otherwise had the seal broken since the last monitoring period required in 40 CFR 63.174(b) of this Subpart, as described in 40 CFR 63.174(c)(1) of this Subpart, unless the owner or operator elects to comply with the provisions of 40 CFR 63.174(c)(1)(ii) of this Subpart.

(ii) The date and results of monitoring as required in 40 CFR 63.174(c) of this Subpart. If identification of connectors that have been opened or otherwise had the seal broken is made by location under paragraph (d)(7)(i) of this section, then all connectors within the designated location shall be monitored.

(8) The date and results of the monitoring required in 40 CFR 63.178(c)(3)(i) of this Subpart for equipment added to a batch process unit since the last monitoring period required in 40 CFR 63.178 (c)(3)(ii) and (c)(3)(iii) of this Subpart. If no leaking equipment is found in this monitoring, the owner or operator shall record that the inspection was performed. Records of the actual monitoring results are not required.

(9) Copies of the periodic reports as specified in 40 CFR 63.182(d) of this Subpart, if records are not maintained on a computerized database capable of generating summary reports from the records.

(e) The owner or operator of a batch product process who elects to pressure test the batch product process equipment train to demonstrate compliance with this Subpart is exempt from the requirements of paragraphs (b), (c), (d), and (f) of this section. Instead, the owner or operator shall maintain records of the following information:

(1) The identification of each product, or product code, produced during the calendar year. It is not necessary to identify individual items of equipment in a batch product process equipment train.

(2) [Reserved]

(3) Physical tagging of the equipment to identify that it is in organic HAP service and subject to the provisions of this Subpart is not required. Equipment in a batch product process subject to the provisions of this Subpart may be identified on a plant site plan, in log entries, or by other appropriate methods.

(4) The dates of each pressure test required in 40 CFR 63.178(b) of this Subpart, the test pressure, and the pressure drop observed during the test.

(5) Records of any visible, audible, or olfactory evidence of fluid loss.

(6) When a batch product process equipment train does not pass two consecutive pressure tests, the following information shall be recorded in a log and kept for 2 years:

(i) The date of each pressure test and the date of each leak repair attempt.

(ii) Repair methods applied in each attempt to repair the leak.

(iii) The reason for the delay of repair.

(iv) The expected date for delivery of the replacement equipment and the actual date of delivery of the replacement equipment.

(v) The date of successful repair.

(f) The dates and results of each compliance test required for compressors subject to the provisions in 40 CFR 63.164(i) and the dates and results of the monitoring following a pressure release for each pressure relief device subject to the provisions in 40 CFR 63.165 (a) and (b) of this Subpart. The results shall include:

(1) The background level measured during each compliance test.

(2) The maximum instrument reading measured at each piece of equipment during each compliance test.

(g) The owner or operator shall maintain records of the information specified in paragraphs (g)(1) through (g)(3) of this section for closed-vent systems and control devices subject to the provisions of 40 CFR 63.172 of this Subpart. The records specified in paragraph (g)(1) of this section shall be retained for the life of the equipment. The records specified in paragraphs (g)(2) and (g)(3) of this section shall be retained for 2 years.

(1) The design specifications and performance demonstrations specified in paragraphs (g)(1)(i) through (g)(1)(iv) of this section.

(i) Detailed schematics, design specifications of the control device, and piping and instrumentation diagrams.

(ii) The dates and descriptions of any changes in the design specifications.

(iii) The flare design (i.e., steam-assisted, air-assisted, or non-assisted) and the results of the compliance demonstration required by 40 CFR 63.11(b) of Subpart A of this Part.

(iv) A description of the parameter or parameters monitored, as required in 40 CFR 63.172(e) of this Subpart, to ensure that control devices are operated and maintained in conformance with their design and an explanation of why that parameter (or parameters) was selected for the monitoring.

(2) Records of operation of closed-vent systems and control devices, as specified in paragraphs (g)(2)(i) through (g)(2)(iii) of this section.

(i) Dates and durations when the closed-vent systems and control devices required in 40 CFR 63.163 through 63.166, and 40 CFR 63.170 of this Subpart are not operated as designed as indicated by the monitored parameters, including periods when a flare pilot light system does not have a flame.

(ii) Dates and durations during which the monitoring system or monitoring device is inoperative.

(iii) Dates and durations of start-ups and shutdowns of control devices required in 40 CFR 63.163 through 63.166, and 40 CFR 63.170 of this Subpart.

(3) Records of inspections of closed-vent systems subject to the provisions of 40 CFR 63.172 of this Subpart, as specified in paragraphs (g)(3)(i) and (g)(3)(ii) of this section.

(i) For each inspection conducted in accordance with the provisions of 40 CFR 63.172(f)(1) or (f)(2) of this Subpart during which no leaks were detected, a record that the inspection was performed, the date of the inspection, and a statement that no leaks were detected.

(ii) For each inspection conducted in accordance with the provisions of 40 CFR 63.172(f)(1) or (f)(2) of this Subpart during which leaks were detected, the information specified in paragraph (d) of this section shall be recorded.

(h) Each owner or operator of a process unit subject to the requirements of 40 CFR 63.175 and 63.176 of this Subpart shall maintain the records specified in paragraphs (h)(1) through (h)(9) of this section for the period of the quality improvement program for the process unit.

(1) For owners or operators who elect to use a reasonable further progress quality improvement program, as specified in 40 CFR 63.175(d) of this Subpart:

(i) All data required in 40 CFR 63.175(d)(2) of this Subpart.

(ii) The percent leaking valves observed each quarter and the rolling average percent reduction observed in each quarter.

(iii) The beginning and ending dates while meeting the requirements of 40 CFR 63.175(d) of this Subpart.

(2) For owners or operators who elect to use a quality improvement program of technology review and improvement, as specified in 40 CFR 63.175(e) of this Subpart:

(i) All data required in 40 CFR 63.175(e)(2) of this Subpart.

(ii) The percent leaking valves observed each quarter.

(iii) Documentation of all inspections conducted under the requirements of 40 CFR 63.175(e)(4) of this Subpart, and any recommendations for design or specification changes to reduce leak frequency.

(iv) The beginning and ending dates while meeting the requirements of 40 CFR 63.175(e) of this Subpart.

(3) For owners or operators subject to the requirements of the pump quality improvement program as specified in 40 CFR 3.176 of this Subpart:

(i) All data required in 40 CFR 63.176(d)(2) of this Subpart.

(ii) The rolling average percent leaking pumps.

(iii) Documentation of all inspections conducted under the requirements of 40 CFR 63.176(d)(4) of this Subpart, and any recommendations for design or specification changes to reduce leak frequency.

(iv) The beginning and ending dates while meeting the requirements of 40 CFR 63.176(d) of this Subpart.

(4) If a leak is not repaired within 15 calendar days after discovery of the leak, the reason for the delay and the expected date of successful repair.

(5) Records of all analyses required in 40 CFR 63.175(e) and 63.176(d) of this Subpart. The records will include the following:

(i) A list identifying areas associated with poorer than average performance and the associated service characteristics of the stream, the operating conditions and maintenance practices.

(ii) The reasons for rejecting specific candidate superior emission performing valve or pump technology from performance trials.

(iii) The list of candidate superior emission performing valve or pump technologies, and documentation of the performance trial program items required under 40 CFR 63.175(e)(6)(iii) and 63.176(d)(6)(iii) of this Subpart.

(iv) The beginning date and duration of performance trials of each candidate superior emission performing technology.

(6) All records documenting the quality assurance program for valves or pumps as specified in 40 CFR 63.175(e)(7) and 63.176(d)(7) of this Subpart.

(7) Records indicating that all valves or pumps replaced or modified during the period of the quality improvement program are in compliance with the quality assurance requirements in 40 CFR 63.175(e)(7) and 40 CFR 63.176(d)(7) of this Subpart.

(8) Records documenting compliance with the 20 percent or greater annual replacement rate for pumps as specified in 40 CFR 63.176(d)(8) of this Subpart.

(9) Information and data to show the corporation has fewer than 100 employees, including employees providing professional and technical contracted services.

(i) The owner or operator of equipment in heavy liquid service shall comply with the requirements of either paragraph (i)(1) or (i)(2) of this section, as provided in paragraph (i)(3) of this section.

(1) Retain information, data, and analyses used to determine that a piece of equipment is in heavy liquid service.

(2) When requested by the Administrator, demonstrate that the piece of equipment or process is in heavy liquid service.

(3) A determination or demonstration that a piece of equipment or process is in heavy liquid service shall include an analysis or demonstration that the process fluids do not meet the definition of "in light liquid service." Examples of information that could document this include, but are not limited to, records of chemicals purchased for the process, analyses of process stream composition, engineering calculations, or process knowledge.

(j) Identification, either by list, location (area or group) of equipment in organic HAP service less than 300 hours per year within a process unit subject to the provisions of this Subpart under 40 CFR 63.160 of this Subpart.

(k) Owners and operators choosing to comply with the requirements of 40 CFR 63.179 of this Subpart shall maintain the following records:

(1) Identification of the process unit(s) and the organic HAP's they handle.

(2) A schematic of the process unit, enclosure, and closed-vent system.

(3) A description of the system used to create a negative pressure in the enclosure to ensure that all emissions are routed to the control device.

[59 FR 19568, Apr. 22, 1994, as amended at 59 FR 48177, Sept. 20, 1994; 60 FR 18030, Apr. 10, 1995; 61 FR 31441, June 20, 1996; 62 FR 2792, Jan. 17, 1997; 64 FR 20198, Apr. 26, 1999; 68 FR 37344, June 23, 2003]

40 CFR 63.182 - Reporting requirements

(a) Each owner or operator of a source subject to this Subpart shall submit the reports listed in paragraphs (a)(1) through (a)(5) of this section. Owners or operators requesting an extension of compliance shall also submit the report listed in paragraph (a)(6) of this section.

(1) An Initial Notification described in paragraph (b) of this section, and

(2) A Notification of Compliance Status described in paragraph (c) of this section,

(3) Periodic Reports described in paragraph (d) of this section, and

(4)–(5) [Reserved]

(6) Pursuant to section 112(i)(3)(B) of the Act, an owner or operator may request an extension allowing an existing source up to 1 additional year beyond the compliance date specified in the Subpart that references this Subpart.

(i) For purposes of this Subpart, a request for an extension shall be submitted to the operating permit authority as Part of the operating permit application. If the State in which the source is located does not have an approved operating permit program, a request for an extension shall be submitted to the Administrator as a separate submittal. The dates specified in 40 CFR 63.6(i) of Subpart A of this Part for submittal of requests for extensions shall not apply to sources subject to this Subpart.

(ii) A request for an extension of compliance must include the data described in 40 CFR 63.6(i)(6)(i) (A), (B), and (D) of Subpart A of this Part.

(iii) The requirements in 40 CFR 63.6(i)(8) through (i)(14) of Subpart A of this Part will govern the review and approval of requests for extensions of compliance with this Subpart.

(b) Each owner or operator of an existing or new source subject to the provisions of this Subpart shall submit a written Initial Notification to the Administrator, containing the information described in paragraph (b)(1), according to the

schedule in paragraph (b)(2) of this section. The Initial Notification provisions in 40 CFR 63.9(b)(1) through (b)(3) of Subpart A of this Part shall not apply to owners or operators of sources subject to this Subpart.

(1) The Initial Notification shall include the following information:

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

(ii) The address (physical location) of the affected source;

(iii) An identification of the chemical manufacturing processes subject to this Subpart; and

(iv) A statement of whether the source can achieve compliance by the applicable compliance date specified in the Subpart in 40 CFR 63 that references this Subpart.

(2) The Initial Notification shall be submitted according to the schedule in paragraph (b)(2)(i), (b)(2)(ii), or (b)(2)(iii) of this section, as applicable.

(i) For an existing source, the Initial Notification shall be submitted within 120 days after the date of promulgation of the Subpart that references this Subpart.

(ii) For a new source that has an initial start-up 90 days after the date of promulgation of this Subpart or later, the application for approval of construction or reconstruction required by 40 CFR 63.5(d) of Subpart A of this Part shall be submitted in lieu of the Initial Notification. The application shall be submitted as soon as practicable before the construction or reconstruction is planned to commence (but it need not be sooner than 90 days after the date of promulgation of the Subpart that references this Subpart).

(iii) For a new source that has an initial start-up prior to 90 days after the date of promulgation of the applicable Subpart, the Initial Notification shall be submitted within 90 days after the date of promulgation of the Subpart that references this Subpart.

(c) Each owner or operator of a source subject to this Subpart shall submit a Notification of Compliance Status within 90 days after the compliance dates specified in the Subpart in 40 CFR 63 that references this Subpart, except as provided in paragraph (c)(4) of this section.

(1) The notification shall provide the information listed in paragraphs (c)(1)(i) through (c)(1)(iv) of this section for each process unit subject to the requirements of 40 CFR 63.163 through 40 CFR 63.174 of this Subpart.

(i) Process unit identification.

(ii) Number of each equipment type (e.g., valves, pumps) excluding equipment in vacuum service.

(iii) Method of compliance with the standard (for example, “monthly leak detection and repair” or “equipped with dual mechanical seals”).

(iv) Planned schedule for each phase of the requirements in 40 CFR 63.163 and 40 CFR 63.168 of this Subpart.

(2) The notification shall provide the information listed in paragraphs (c)(2)(i) and (c)(2)(ii) of this section for each process unit subject to the requirements of 40 CFR 63.178(b) of this Subpart.

(i) Batch products or product codes subject to the provisions of this Subpart, and

(ii) Planned schedule for pressure testing when equipment is configured for production of products subject to the provisions of this Subpart.

(3) The notification shall provide the information listed in paragraphs (c)(3)(i) and (c)(3)(ii) of this section for each process unit subject to the requirements in 40 CFR 63.179 of this Subpart.

(i) Process unit identification.

(ii) A description of the system used to create a negative pressure in the enclosure and the control device used to comply with the requirements of 40 CFR 63.172 of this Subpart.

(4) For existing sources subject to Subpart F of this Part, the Notification of Compliance Status shall be submitted for the group of process units with the earliest compliance date specified in 40 CFR 63.100(k) of Subpart F of this Part, by no later than 90 days after the compliance date for that group. The Notification of Compliance Status for each subsequent group shall be submitted as Part of the first periodic report that is due not less than 90 days after the compliance date for that group.

(d) The owner or operator of a source subject to this Subpart shall submit Periodic Reports.

(1) A report containing the information in paragraphs (d)(2), (d)(3), and (d)(4) of this section shall be submitted semiannually starting 6 months after the Notification of Compliance Status, as required in paragraph (c) of this section. The first periodic report shall cover the first 6 months after the compliance date specified in 40 CFR 63.100(k)(3) of Subpart F. Each subsequent periodic report shall cover the 6 month period following the preceding period.

(2) For each process unit complying with the provisions of 40 CFR63.163 through 40 CFR63.174 of this Subpart, the summary information listed in paragraphs (i) through (xvi) of this paragraph for each monitoring period during the 6-month period.

(i) The number of valves for which leaks were detected as described in 40 CFR 63.168(b) of this Subpart, the percent leakers, and the total number of valves monitored;

(ii) The number of valves for which leaks were not repaired as required in 40 CFR 63.168(f) of this Subpart, identifying the number of those that are determined nonrepairable;

(iii) The number of pumps for which leaks were detected as described in 40 CFR 63.163(b) of this Subpart, the percent leakers, and the total number of pumps monitored;

(iv)The number of pumps for which leaks were not repaired as required in 40 CFR 63.163(c) of this Subpart;

(v) The number of compressors for which leaks were detected as described in 40 CFR 63.164(f) of this Subpart;

(vi) The number of compressors for which leaks were not repaired as required in 40 CFR 63.164(g) of this Subpart;

(vii) The number of agitators for which leaks were detected as described in 40 CFR 63.173(a) and (b) of this Subpart;

(viii)The number of agitators for which leaks were not repaired as required in 40 CFR 63.173(c) of this Subpart;

(ix) The number of connectors for which leaks were detected as described in 40 CFR 63.174(a) of this Subpart, the percent of connectors leaking, and the total number of connectors monitored;

(x) [Reserved]

(xi) The number of connectors for which leaks were not repaired as required in 40 CFR 63.174(d) of this Subpart, identifying the number of those that are determined nonrepairable;

(xii) [Reserved]

(xiii)The facts that explain any delay of repairs and, where appropriate, why a process unit shutdown was technically infeasible.

(xiv)The results of all monitoring to show compliance with 0 CFR 63.164(i), 63.165(a), and 63.172(f) of this Subpart conducted within the semiannual reporting period.

(xv) If applicable, the initiation of a monthly monitoring program under 40 CFR 63.168(d)(1)(i) of this Subpart, or a quality improvement program under either 40 CFR 63.175 or 63.176 of this Subpart.

(xvi)If applicable, notification of a change in connector monitoring alternatives as described in 40 CFR 63.174(c)(1) of this Subpart.

(xvii)If applicable, the compliance option that has been selected under 40 CFR 63.172(n).

(3) For owners or operators electing to meet the requirements of 40 CFR 63.178(b) of this Subpart, the report shall include the information listed in paragraphs (i) through (v) of this paragraph for each process unit.

(i) Batch product process equipment train identification;

(ii) The number of pressure tests conducted;

(iii) The number of pressure tests where the equipment train failed the pressure test;

(iv) The facts that explain any delay of repairs; and

(v) The results of all monitoring to determine compliance with 40 CFR 63.172(f) of this Subpart.

(4) The information listed in paragraph (c) of this section for the Notification of Compliance Status for process units with later compliance dates. Any revisions to items reported in earlier Notification of Compliance Status, if the method of compliance has changed since the last report.

[59 FR 19568, Apr. 22, 1994, as amended at 59 FR 48178, Sept. 20, 1994; 60 FR 18030, Apr. 10, 1995; 60 FR 63631, Dec. 12, 1995; 62 FR 2792, Jan. 17, 1997]

40 CFR 63.183 - 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 40 CFR 63.160, 63.162 through 63.176, 63.178 through 63.179. Follow the applicable procedures of 40 CFR 63.177 to request an alternative means of emission limitation for batch processes and enclosed-vented process units. Where these standards reference another Subpart, the cited provisions will be delegated according to the delegation provisions of the referenced Subpart. Where these standards reference another Subpart and modify the requirements, the requirements shall be modified as described in this Subpart. Delegation of the modified requirements will also occur according to the delegation provisions of the referenced Subpart.

(2) Approval of major alternatives to test methods under 40 CFR 63.7(e)(2)(ii) and (f), as defined in 40 CFR 63.90, and as required in this Subpart.

(3) Approval of major alternatives to monitoring under 40 CFR 63.8(f), as defined in 40 CFR 63.90, and as required in this Subpart.

(4) Approval of major alternatives to recordkeeping and reporting under 40 CFR 63.10(f), as defined in 40 CFR 63.90, and as required in this Subpart.

[68 FR 37345, June 23, 2003]

Table 1 to Subpart H of Part 63—Batch Processes

Monitoring Frequency for Equipment Other than Connectors

Operating time (% of year)	Equivalent continuous process monitoring frequency time in use		
	Monthly	**Quarterly**	**Semiannually**
0 to <25	Quarterly	Annually	Annually.
25 to <50	Quarterly	Semiannually	Annually.
50 to <75	Bimonthly	Three times	Semiannually.
75 to 100	Monthly	Quarterly	Semiannually.

Table 2 to Subpart H of Part 63—Surge Control Vessels and Bottoms Receivers at Existing Sources

Vessel capacity (cubic meters)	Vapor pressure[1](kilopascals)
75 ≤ capacity < 151	≥13.1
151 ≤ capacity	≥ 5.2[a]

[1]Maximum true vapor pressure of total organic HAP at operating temperature as defined in Subpart G of this Part.

[60 FR 18025, Apr. 10, 1995]

Table 3 to Subpart H of Part 63—Surge Control Vessels and Bottoms Receivers at New Sources

Vessel capacity (cubic meters)	Vapor pressure[1](kilopascals)
38 ≤ capacity < 151	≥ 13.1
151 ≤ capacity	≥ 0.7

[1]Maximum true vapor pressure of total organic HAP at operating temperature as defined in Subpart G of this Part.

[60 FR 18025, Apr. 10, 1995]

Table 4 to Subpart H of Part 63—Applicable 40 CFR Part 63 General Provisions

40 CFR 63 Subpart A, provisions applicable to Subpart H
40 CFR 63.1(a)(1), (a)(2), (a)(3), (a)(13), (a)(14), (b)(2) and (c)(4)
40 CFR 63.2
40 CFR 63.5(a)(1), (a)(2), (b), (d)(1)(ii), (d)(4), (e), (f)(1) and (f)(2)
40 CFR 63.6(a), (b)(3), (c)(5), (i)(1), (i)(2), (i)(4)(i)(A), (i)(5) through (i)(14), (i)(16) and (j)
40 CFR 63.9(a)(2), (b)(4)(i)[a], (b)(4)(ii), (b)(4)(iii), (b)(5)a, (c) and (d)
40 CFR 63.10(d)(4)
40 CFR 63.11 (c), (d), and (e)
40 CFR 63.12(b)

[a]The notifications specified in 40 CFR 63.9(b)(4)(i) and (b)(5) shall be submitted at the times specified in 40 CFR 65.

[65 FR 78285, Dec. 14, 2000, as amended at 73 FR 78213, Dec. 22, 2008]

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Subpart FFFF--National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing

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40 CFR 63.2430 - What is the purpose of this subpart?
This subpart establishes national emission standards for hazardous air pollutants (NESHAP) for miscellaneous organic chemical manufacturing. This subpart also establishes requirements to demonstrate initial and continuous compliance with the emission limits, operating limits, and work practice standards.

40 CFR 63.2435 - Am I subject to the requirements in this subpart?
(a) You are subject to the requirements in this subpart if you own or operate miscellaneous organic chemical manufacturing process units (MCPU) that are located at, or are part of, a major source of hazardous air pollutants (HAP) emissions as defined in section 112(a) of the Clean Air Act (CAA).
(b) An MCPU includes equipment necessary to operate a miscellaneous organic chemical manufacturing process, as defined in 40 CFR 63.2550, that satisfies all of the conditions specified in paragraphs (b)(1) through (3) of this section. An MCPU also includes any assigned storage tanks and transfer racks; equipment in open systems that is used to convey or store water having the same concentration and flow characteristics as wastewater; and components such as pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, and instrumentation systems that are used to manufacture any material or family of materials described in paragraphs (b)(1)(i) through (v) of this section.
(1) The MCPU produces material or family of materials that is described in paragraph (b)(1)(i), (ii), (iii), (iv), or (v) of this section.
(i) An organic chemical(s) classified using the 1987 version of SIC code 282, 283, 284, 285, 286, 287, 289, or 386, except as provided in paragraph (c)(5) of this section.
(ii) An organic chemical(s) classified using the 1997 version of NAICS code 325, except as provided in paragraph (c)(5) of this section.
(iii) Quaternary ammonium compounds and ammonium sulfate produced with caprolactam.
(iv) Hydrazine.
(v) Organic solvents classified in any of the SIC or NAICS codes listed in paragraph (b)(1)(i) or (ii) of this section that are recovered using nondedicated solvent recovery operations.
(2) The MCPU processes, uses, or generates any of the organic HAP listed in section 112(b) of the CAA or hydrogen halide and halogen HAP, as defined in 40 CFR 63.2550.
(3) The MCPU is not an affected source or part of an affected source under another subpart of this part 63, except for process vents from batch operations within a chemical

manufacturing process unit (CMPU), as identified in 40 CFR 63.100(j)(4). For this situation, the MCPU is the same as the CMPU as defined in 40 CFR 63.100, and you are subject only to the requirements for batch process vents in this subpart.

(c) The requirements in this subpart do not apply to the operations specified in paragraphs (c)(1) through (7) of this section.

(1) Research and development facilities, as defined in section 112(c)(7) of the CAA.

(2) The manufacture of ammonium sulfate as a by-product, if the slurry entering the by-product manufacturing process contains 50 parts per million by weight (ppmw) HAP or less or 10 ppmw benzene or less. You must retain information, data, and analysis to document the HAP concentration in the entering slurry in order to claim this exemption.

(3) The affiliated operations located at an affected source under Subparts GG (National Emission Standards for Aerospace Manufacturing and Rework Facilities), KK (National Emission Standards for the Printing and Publishing Industry), JJJJ (NESHAP: Paper and Other Web Coating), future MMMM (NESHAP: Surface Coating of Miscellaneous Metal Parts and Products), and SSSS (NESHAP: Surface Coating of Metal Coil) of this Part 63. Affiliated operations include, but are not limited to, mixing or dissolving of coating ingredients; coating mixing for viscosity adjustment, color tint or additive blending, or pH adjustment; cleaning of coating lines and coating line parts; handling and storage of coatings and solvent; and conveyance and treatment of wastewater.

(4) Fabricating operations (such as spinning or compressing a solid polymer into its end use); compounding operations (in which blending, melting, and resolidification of a solid polymer product occur for the purpose of incorporating additives, colorants, or stabilizers); and extrusion and drawing operations (converting an already produced solid polymer into a different shape by melting or mixing the polymer and then forcing it or pulling it through an orifice to create an extruded product). An operation is not exempt if it involves processing with HAP solvent or if an intended purpose of the operation is to remove residual HAP monomer.

(5) Production activities described using the 1997 version of NAICS codes 325131, 325181, 325188 (except the requirements do apply to hydrazine), 325314, 325991 (except the requirements do apply to reformulating plastics resins from recycled plastics products), and 325992 (except the requirements do apply to photographic chemicals).

(6) Tall oil recovery systems.

(7) Carbon monoxide production.

(d) If the predominant use of a transfer rack loading arm or storage tank (including storage tanks in series) is associated with a miscellaneous organic chemical manufacturing process, and the loading arm or storage tank is not part of an affected source under a subpart of this Part 63, then you must assign the loading arm or storage tank to the MCPU for that miscellaneous organic chemical manufacturing process. If the predominant use cannot be determined, then you may assign the loading arm or storage tank to any MCPU that shares it and is subject to this subpart. If the use varies from year to year, then you must base the determination on the utilization that occurred during the year preceding November 10, 2003 or, if the loading arm or storage tank was not in operation during that year, you must base the use on the expected use for the first 5-year period after startup. You must include the determination in the notification of compliance status report specified in 40 CFR 63.2520(d). You must redetermine the primary use at least once every 5 years, or any time you implement emissions averaging or pollution prevention after the compliance date.

(e) For nondedicated equipment used to create at least one MCPU, you may elect to develop process unit groups (PUG), determine the primary product of each PUG, and comply with the requirements of the subpart in 40 CFR Part 63 that applies to that primary product as specified in 40 CFR 63.2535(l).

40 CFR 63.2440 - What parts of my plant does this subpart cover?
(a) This subpart applies to each miscellaneous organic chemical manufacturing affected source.
(b) The miscellaneous organic chemical manufacturing affected source is the facilitywide collection of MCPU and heat exchange systems, wastewater, and waste management units that are associated with manufacturing materials described in 40 CFR 63.2435(b)(1).
(c) A new affected source is described by either paragraph (c)(1) or (2) of this section.

(1) Each affected source defined in paragraph (b) of this section for which you commenced construction or reconstruction after April 4, 2002, and you meet the applicability criteria at the time you commenced construction or reconstruction.

(2) Each dedicated MCPU that has the potential to emit 10 tons per year (tpy) of any one HAP or 25 tpy of combined HAP, and you commenced construction or reconstruction of the MCPU after April 4, 2002. For the purposes of this paragraph, an MCPU is an affected source in the definition of the term ``reconstruction'' in 40 CFR 63.2.
(d) An MCPU that is also a CMPU under 40 CFR 63.100 is reconstructed for the purposes of this subpart if, and only if, the CMPU meets the requirements for reconstruction in 40 CFR 63.100(l)(2).

40 CFR 63.2445 - When do I have to comply with this subpart?
(a) If you have a new affected source, you must comply with this subpart according to the requirements in paragraphs (a)(1) and (2) of this section.

(1) If you startup your new affected source before November 10, 2003, then you must comply with the requirements for new sources in this subpart no later than November 10, 2003.

(2) If you startup your new affected source after November 10, 2003, then you must comply with the requirements for new sources in this subpart upon startup of your affected source.
(b) If you have an existing source on November 10, 2003, you must comply with the requirements for existing sources in this subpart no later than May 10, 2008.
(c) You must meet the notification requirements in 40 CFR 63.2515 according to the dates specified in that section and in subpart A of this Part 63. Some of the notifications must be submitted before you are required to comply with the emission limits, operating limits, and work practice standards in this subpart.
(d) If you have a Group 2 emission point that becomes a Group 1 emission point after the compliance date for your affected source, you must comply with the Group 1 requirements beginning on the date the switch occurs. An initial compliance demonstration as specified in this subpart must be conducted within 150 days after the switch occurs.
(e) If, after the compliance date for your affected source, hydrogen halide and halogen HAP emissions from process vents in a process increase to more than 1,000 lb/yr, or HAP metals emissions from a process at a new affected source increase to more than 150 lb/yr, you must comply with the applicable emission limits specified in Table 3 to this subpart and the associated compliance requirements beginning on the date the emissions exceed the applicable threshold. An initial compliance demonstration as specified in this subpart must be conducted within 150 days after the switch occurs.
(f) If you have a small control device for process vent or transfer rack emissions that becomes a large control device, as defined in 40 CFR 63.2550(i), you must comply with monitoring and associated recordkeeping and reporting requirements for large control devices beginning on the date the switch occurs. An initial compliance demonstration as specified in this subpart must be conducted within 150 days after the switch occurs.

40 CFR 63.2450 - What are my general requirements for complying with this subpart?
(a) You must be in compliance with the emission limits and work practice standards in Tables 1 through 7 to this subpart at all times, except during periods of startup, shutdown, and malfunction

(SSM), and you must meet the requirements specified in 40 CFR 63.2455 through 63.2490 (or the alternative means of compliance in 40 CFR 63.2495, 63.2500, or 63.2505), except as specified in paragraphs (b) through (s) of this section. You must meet the notification, reporting, and recordkeeping requirements specified in 40 CFR 63.2515, 63.2520, and 63.2525.

(b) Determine halogenated vent streams. You must determine if an emission stream is a halogenated vent stream, as defined in 40 CFR 63.2550, by calculating the mass emission rate of halogen atoms in accordance with 40 CFR 63.115(d)(2)(v). Alternatively, you may elect to designate the emission stream as halogenated.

(c) Requirements for combined emission streams. When organic HAP emissions from different emission types (e.g., continuous process vents, batch process vents, storage tanks, transfer operations, and waste management units) are combined, you must comply with the requirements of either paragraph (c)(1) or (2) of this section.

(1) Comply with the applicable requirements of this subpart for each kind of organic HAP emissions in the stream (e.g., the requirements of Table 1 to this subpart for continuous process vents and the requirements of Table 4 to this subpart for emissions from storage tanks).

(2) Determine the applicable requirements based on the hierarchy presented in paragraphs (c)(2)(i) through (vi) of this section. For a combined stream, the applicable requirements are specified in the highest-listed paragraph in the hierarchy that applies to any of the individual streams that make up the combined stream. For example, if a combined stream consists of emissions from Group 1 batch process vents and any other type of emission stream, then you must comply with the requirements in paragraph (c)(2)(i) of this section for the combined stream; compliance with the requirements in paragraph (c)(2)(i) of this section constitutes compliance for the other emission streams in the combined stream. Two exceptions are that you must comply with the requirements in Table 3 to this subpart and 40 CFR 63.2465 for all process vents with hydrogen halide and halogen HAP emissions, and recordkeeping requirements for Group 2 applicability or compliance are still required (e.g., the requirement in 40 CFR 63.2525(f) to track the number of batches produced and calculate rolling annual emissions for processes with Group 2 batch process vents).

(i) The requirements of Table 2 to this subpart and 40 CFR 63.2460 for Group 1 batch process vents, including applicable monitoring, recordkeeping, and reporting.

(ii) The requirements of Table 1 to this subpart and 40 CFR 63.2455 for continuous process vents that are routed to a control device, as defined in 40 CFR 63.981, including applicable monitoring, recordkeeping, and reporting.

(iii) The requirements of Table 5 to this subpart and 40 CFR 63.2475 for transfer operations, including applicable monitoring, recordkeeping, and reporting.

(iv) The requirements of Table 7 to this subpart and 40 CFR 63.2485 for emissions from waste management units that are used to manage and treat Group 1 wastewater streams and residuals from Group 1 wastewater streams, including applicable monitoring, recordkeeping, and reporting.

(v) The requirements of Table 4 to this subpart and 40 CFR 63.2470 for control of emissions from storage tanks, including applicable monitoring, recordkeeping, and reporting.

(vi) The requirements of Table 1 to this subpart and 40 CFR 63.2455 for continuous process vents after a recovery device including applicable monitoring, recordkeeping, and reporting.

(d) [Reserved]

(e) Requirements for control devices.

(1) Except when complying with 40 CFR 63.2485, if you reduce organic HAP emissions by venting emissions through a closed-vent system to any combination of control devices (except a flare) or recovery devices, you must meet the requirements of 40 CFR 63.982(c) and the requirements referenced therein.

(2) Except when complying with 40 CFR 63.2485, if you reduce organic HAP emissions by venting emissions through a closed-vent system to a flare, you must meet the requirements of 40 CFR 63.982(b) and the requirements referenced therein.

(3) If you use a halogen reduction device to reduce hydrogen halide and halogen HAP emissions from halogenated vent streams, you must meet the requirements of 40 CFR 63.994 and the requirements referenced therein. If you use a halogen reduction device before a combustion device, you must determine the halogen atom emission rate prior to the combustion device according to the procedures in 40 CFR 63.115(d)(2)(v).

(f) Requirements for flare compliance assessments.

(1) As part of a flare compliance assessment required in 40 CFR 63.987(b), you have the option of demonstrating compliance with the requirements of 40 CFR 63.11(b) by complying with the requirements in either 40 CFR 63.11(b)(6)(i) or 40 CFR 63.987(b)(3)(ii).

(2) If you elect to meet the requirements in 40 CFR 63.11(b)(6)(i), you must keep flare compliance assessment records as specified in paragraphs (f)(2)(i) and (ii) of this section.

(i) Keep records as specified in 40 CFR 63.998(a)(1)(i), except that a record of the heat content determination is not required.

(ii) Keep records of the flare diameter, hydrogen content, exit velocity, and maximum permitted velocity. Include these records in the flare compliance report required in 40 CFR 63.999(a)(2).

(g) Requirements for performance tests. The requirements specified in paragraphs (g)(1) through (5) of this section apply instead of or in addition to the requirements specified in subpart SS of this Part 63.

(1) Conduct gas molecular weight analysis using Method 3, 3A, or 3B in Appendix A to Part 60 of this chapter.

(2) Measure moisture content of the stack gas using Method 4 in Appendix A to Part 60 of this chapter.

(3) If the uncontrolled or inlet gas stream to the control device contains carbon disulfide, you must conduct emissions testing according to paragraph (g)(3)(i) or (ii) of this section.

(i) If you elect to comply with the percent reduction emission limits in Tables 1 through 7 to this subpart, and carbon disulfide is the principal organic HAP component (i.e., greater than 50 percent of the HAP in the stream by volume), then you must use Method 18, or Method 15 (40 CFR 60 Appendix A) to measure carbon disulfide at the inlet and outlet of the control device. Use the percent reduction in carbon disulfide as a surrogate for the percent reduction in total organic HAP emissions.

(ii) If you elect to comply with the outlet total organic compound (TOC) concentration emission limits in Tables 1 through 7 to this subpart, and the uncontrolled or inlet gas stream to the control device contains greater than 10 percent (volume concentration) carbon disulfide, you must use Method 18 or Method 15 to separately determine the carbon disulfide concentration. Calculate the total HAP or TOC emissions by totaling the carbon disulfide emissions measured using Method 18 or 15 and the other HAP emissions measured using Method 18 or 25A.

(4) As an alternative to using Method 18, Method 25/25A, or Method 26/26A of 40 CFR 60 Appendix A, to comply with any of the emission limits specified in Tables 1 through 7 to this subpart, you may use Method 320 of 40 CFR 60 Appendix A. When using Method 320, you must follow the analyte spiking procedures of section 13 of Method 320, unless you demonstrate that the complete spiking procedure has been conducted at a similar source.

(5) 40 CFR 63.997(c)(1) does not apply. For the purposes of this subpart, results of all initial compliance demonstrations must be included in the notification of compliance status report, which is due 150 days after the compliance date, as specified in 40 CFR 63.2520(d)(1).

(h) Design evaluation. To determine the percent reduction of a small control device that is used to comply with an emission limit specified in Table 1, 2, 3, or 5 to this subpart, you may elect to conduct a design evaluation as specified in 40 CFR 63.1257(a)(1) instead of a performance test as specified in Subpart SS of this Part 63. You must establish the value(s) and basis for the operating limits as part of the design evaluation. For continuous process vents, the design evaluation must be conducted at maximum representative operating conditions for the process, unless the Administrator specifies or approves alternate operating conditions. For transfer racks, the design evaluation must demonstrate that the control device achieves the required control efficiency during the reasonably expected maximum transfer loading rate.

(i) Outlet concentration correction for combustion devices. When 40 CFR 63.997(e)(2)(iii)(C) requires you to correct the measured concentration at the outlet of a combustion device to 3 percent oxygen if you add supplemental combustion air, the requirements in either paragraph (i)(1) or (2) of this section apply for the purposes of this subpart.

(1) You must correct the concentration in the gas stream at the outlet of the combustion device to 3 percent oxygen if you add supplemental gases, as defined in 40 CFR 63.2550, to the vent stream, or;

(2) You must correct the measured concentration for supplemental gases using Equation 1 of 40 CFR 63.2460; you may use process knowledge and representative operating data to determine the fraction of the total flow due to supplemental gas.

(j) Continuous emissions monitoring systems. Each continuous emissions monitoring system (CEMS) must be installed, operated, and maintained according to the requirements in 40 CFR 63.8 and paragraphs (j)(1) through (5) of this section.

(1) Each CEMS must be installed, operated, and maintained according to the applicable Performance Specification of 40 CFR 60 Appendix B, and according to paragraph (j)(2) of this section, except as specified in paragraph (j)(1)(i) of this section. For any CEMS meeting Performance Specification 8, you must also comply with Appendix F, procedure 1 of 40 CFR 60.

(i) If you wish to use a CEMS other than an Fourier Transform Infrared Spectroscopy (FTIR) meeting the requirements of Performance Specification 15 to measure hydrogen halide and halogen HAP before we promulgate a Performance Specification for such CEMS, you must prepare a monitoring plan and submit it for approval in accordance with the procedures specified in 40 CFR 63.8.

(ii) [Reserved]

(2) You must determine the calibration gases and reporting units for TOC CEMS in accordance with paragraph (j)(2)(i), (ii), or (iii) of this section.

(i) For CEMS meeting Performance Specification 9 or 15 requirements, determine the target analyte(s) for calibration using either process knowledge of the control device inlet stream or the screening procedures of Method 18 on the control device inlet stream.

(ii) For CEMS meeting Performance Specification 8 used to monitor performance of a combustion device, calibrate the instrument on the predominant organic HAP and report the results as carbon (C1), and use Method 25A or any approved alternative as the reference method for the relative accuracy tests.

(iii) For CEMS meeting Performance Specification 8 used to monitor performance of a noncombustion device, determine the predominant organic HAP using either process knowledge or the screening procedures of Method 18 on the control device inlet stream, calibrate the monitor on the predominant organic HAP, and report the results as C1. Use Method 18, ASTM D6420-99, or any approved alternative as the reference method for the relative accuracy tests, and report the results as C1.

(3) You must conduct a performance evaluation of each CEMS according to the requirements in 40 CFR 63.8 and according to the applicable Performance Specification of 40 CFR 60 Appendix B, except that the schedule in 40 CFR 63.8(e)(4) does not apply, and the

results of the performance evaluation must be included in the notification of compliance status report.

(4) The CEMS data must be reduced to operating day or operating block averages computed using valid data consistent with the data availability requirements specified in 40 CFR 63.999(c)(6)(i)(B) through (D), except monitoring data also are sufficient to constitute a valid hour of data if measured values are available for at least two of the 15-minute periods during an hour when calibration, quality assurance, or maintenance activities are being performed. An operating block is a period of time from the beginning to end of batch operations within a process. Operating block averages may be used only for batch process vent data.

(5) If you add supplemental gases, you must correct the measured concentrations in accordance with paragraph (i) of this section and 40 CFR 63.2460(c)(6).

(k) Continuous parameter monitoring. The provisions in paragraphs (k)(1) through (6) of this section apply in addition to the requirements for continuous parameter monitoring system (CPMS) in Subpart SS of this Part 63.

(1) You must record the results of each calibration check and all maintenance performed on the CPMS as specified in 40 CFR 63.998(c)(1)(ii)(A).

(2) When Subpart SS of this Part 63 uses the term ``a range" or ``operating range" of a monitored parameter, it means an ``operating limit" for a monitored parameter for the purposes of this subpart.

(3) As an alternative to continuously measuring and recording pH as specified in 40 CFR 63.994(c)(1)(i) and 63.998(a)(2)(ii)(D), you may elect to continuously monitor and record the caustic strength of the effluent. For halogen scrubbers used to control only batch process vents you may elect to monitor and record either the pH or the caustic strength of the scrubber effluent at least once per day.

(4) As an alternative to the inlet and outlet temperature monitoring requirements for catalytic incinerators as specified in 40 CFR 63.988(c)(2) and the related recordkeeping requirements specified in 40 CFR 63.998(a)(2)(ii)(B)(2) and (c)(2)(ii), you may elect to comply with the requirements specified in paragraphs (k)(4)(i) through (iv) of this section.

(i) Monitor and record the inlet temperature as specified in Subpart SS of this Part 63.

(ii) Check the activity level of the catalyst at least every 12 months and take any necessary corrective action, such as replacing the catalyst to ensure that the catalyst is performing as designed.

(iii) Maintain records of the annual checks of catalyst activity levels and the subsequent corrective actions.

(iv) Recording the downstream temperature and temperature difference across the catalyst bed as specified in 40 CFR 63.998(a)(2)(ii)(B)(2) and (b)(2)(ii) is not required.

(5) For absorbers that control organic compounds and use water as the scrubbing fluid, you must conduct monitoring and recordkeeping as specified in paragraphs (k)(5)(i) through (iii) of this section instead of the monitoring and recordkeeping requirements specified in 40 CFR 63.990(c)(1), 63.993(c)(1), and 63.998(a)(2)(ii)(C).

(i) You must use a flow meter capable of providing a continuous record of the absorber influent liquid flow.

(ii) You must determine gas stream flow using one of the procedures specified in 40 CFR 63.994(c)(1)(ii)(A) through (D).

(iii) You must record the absorber liquid-to-gas ratio averaged over the time period of any performance test.

(6) For a control device with total inlet HAP emissions less than 1 tpy, you must establish an operating limit(s) for a parameter(s) that you will measure and record at least once per averaging period (i.e., daily or block) to verify that the control device is operating properly. You may elect to measure the same parameter(s) that is required for control devices that control

inlet HAP emissions equal to or greater than 1 tpy. If the parameter will not be measured continuously, you must request approval of your proposed procedure in the precompliance report. You must identify the operating limit(s) and the measurement frequency, and you must provide rationale to support how these measurements demonstrate the control device is operating properly.

(l) Startup, shutdown, and malfunction. Sections 63.152(f)(7)(ii) through (iv) and 63.998(b)(2)(iii) and (b)(6)(i)(A), which apply to the exclusion of monitoring data collected during periods of SSM from daily averages, do not apply for the purposes of this subpart.

(m) Reporting.

(1) When 40 CFR 63.2455 through 63.2490 reference other subparts in this Part 63 that use the term ``periodic report," it means ``compliance report" for the purposes of this subpart. The compliance report must include the information specified in 40 CFR 63.2520(e), as well as the information specified in referenced subparts.

(2) When there are conflicts between this subpart and referenced subparts for the due dates of reports required by this subpart, reports must be submitted according to the due dates presented in this subpart.

(3) Excused excursions, as defined in Subparts G and SS of this Part 63, are not allowed.

(n) [Reserved]

(o) You may not use a flare to control halogenated vent streams or hydrogen halide and halogen HAP emissions.

(p) Opening a safety device, as defined in 40 CFR 63.2550, is allowed at any time conditions require it to avoid unsafe conditions.

(q) If an emission stream contains energetics or organic peroxides that, for safety reasons, cannot meet an applicable emission limit specified in Tables 1 through 7 to this subpart, then you must submit documentation in your precompliance report explaining why an undue safety hazard would be created if the air emission controls were installed, and you must describe the procedures that you will implement to minimize HAP emissions from these vent streams.

(r) Surge control vessels and bottoms receivers. For each surge control vessel or bottoms receiver that meets the capacity and vapor pressure thresholds for a Group 1 storage tank, you must meet emission limits and work practice standards specified in Table 4 to this subpart.

(s) For the purposes of determining Group status for continuous process vents, batch process vents, and storage tanks in 40 CFR 63.2455, 63.2460, and 63.2470, hydrazine is to be considered an organic HAP.

40 CFR 63.2455 - What requirements must I meet for continuous process vents?

(a) You must meet each emission limit in Table 1 to this subpart that applies to your continuous process vents, and you must meet each applicable requirement specified in paragraphs (b) through (c) of this section.

(b) For each continuous process vent, you must either designate the vent as a Group 1 continuous process vent or determine the total resource effectiveness (TRE) index value as specified in 40 CFR 63.115(d), except as specified in paragraphs (b)(1) through (3) of this section.

(1) You are not required to determine the Group status or the TRE index value for any continuous process vent that is combined with Group 1 batch process vents before a control device or recovery device because the requirements of 40 CFR 63.2450(c)(2)(i) apply to the combined stream.

(2) When a TRE index value of 4.0 is referred to in 40 CFR 63.115(d), TRE index values of 5.0 for existing affected sources and 8.0 for new and reconstructed affected sources apply for the purposes of this subpart.

(3) When 40 CFR 63.115(d) refers to ``emission reductions specified in 40 CFR 63.113(a)," the reductions specified in Table 1 to this subpart apply for the purposes of this subpart.

(c) If you use a recovery device to maintain the TRE above a specified threshold, you must meet the requirements of 40 CFR 63.982(e) and the requirements referenced therein, except as specified in 40 CFR 63.2450 and paragraph (c)(1) of this section.

(1) When 40 CFR 63.993 uses the phrase ``the TRE index value is between the level specified in a referencing subpart and 4.0," the phrase ``the TRE index value is 1.9 but <=5.0" applies for an existing affected source, and the phrase ``the TRE index value is 5.0 but <=8.0" applies for a new and reconstructed affected source, for the purposes of this subpart.

(2) [Reserved]

40 CFR 63.2460 - What requirements must I meet for batch process vents?

(a) You must meet each emission limit in Table 2 to this subpart that applies to you, and you must meet each applicable requirement specified in paragraphs (b) and (c) of this section.

(b) Group status. If a process has batch process vents, as defined in 40 CFR 63.2550, you must determine the group status of the batch process vents by determining and summing the uncontrolled organic HAP emissions from each of the batch process vents within the process using the procedures specified in 40 CFR 63.1257(d)(2)(i) and (ii), except as specified in paragraphs (b)(1) through (7) of this section.

(1) To calculate emissions caused by the heating of a vessel without a process condenser to a temperature lower than the boiling point, you must use the procedures in 40 CFR 63.1257(d)(2)(i)(C)(3).

(2) To calculate emissions from depressurization of a vessel without a process condenser, you must use the procedures in 40 CFR 63.1257(d)(2)(i)(D)(10).

(3) To calculate emissions from vacuum systems for the purposes of this subpart, the receiving vessel is part of the vacuum system, and terms used in Equation 33 to 40 CFR 63 Subpart GGG, are defined as follows:

Psystem = absolute pressure of the receiving vessel;
Pi = partial pressure of the HAP determined at the exit temperature and exit pressure conditions of the condenser or at the conditions of the dedicated receiver;
Pj = partial pressure of condensables (including HAP) determined at the exit temperature and exit pressure conditions of the condenser or at the conditions of the dedicated receiver;
MWHAP = molecular weight of the HAP determined at the exit temperature and exit pressure conditions of the condenser or at the conditions of the dedicated receiver.

(4) To calculate uncontrolled emissions when a vessel is equipped with a process condenser, you must use the procedures in 40 CFR 63.1257(d)(3)(i)(B), except as specified in paragraphs (b)(4)(i) through (vii) of this section.

(i) You must determine the flowrate of gas (or volume of gas), partial pressures of condensables, temperature (T), and HAP molecular weight (MWHAP) at the exit temperature and exit pressure conditions of the condenser or at the conditions of the dedicated receiver.

(ii) You must assume that all of the componentscontained in the condenser exit vent stream are in equilibrium with the same components in the exit condensate stream (except for noncondensables).

(iii) You must perform a material balance for each component.

(iv) For the emissions from gas evolution, the term for time, t, must be used in Equation 12 to 40 CFR 63 Subpart GGG.

(v) Emissions from empty vessel purging shall be calculated using Equation 36 to 40 CFR 63 Subpart GGG and the exit temperature and exit pressure conditions of the condenser or the conditions of the dedicated receiver.

(vi) You must conduct an engineering assessment as specified in 40 CFR 63.1257(d)(2)(ii) for each emission episode that is not due to vapor displacement, purging, heating, depressurization, vacuum operations, gas evolution, air drying, or empty vessel purging. The requirements of paragraphs (b)(3) through (4) of this section shall apply.

(vii) You may elect to conduct an engineering assessment if you can demonstrate to the Administrator that the methods in 40 CFR 63.1257(d)(3)(i)(B) are not appropriate.

(5) You may elect to designate the batch process vents within a process as Group 1 and not calculate uncontrolled emissions under either of the situations in paragraph (b)(5)(i), (ii), or (iii) of this section.

(i) If you comply with the alternative standard specified in 40 CFR 63.2505.

(ii) If all Group 1 batch process vents within a process are controlled; you conduct the performance test under hypothetical worst case conditions, as defined in 40 CFR 63.1257(b)(8)(i)(B); and the emission profile is based on capture and control system limitations as specified in 40 CFR 63.1257(b)(8)(ii)(C).

(iii) If you comply with an emission limit using a flare that meets the requirements specified in 40 CFR 63.987.

(6) You may change from Group 2 to Group 1 in accordance with either paragraph (b)(6)(i) or (ii) of this section. You must comply with the requirements of this section and submit the test report in the next Compliance report.

(i) You may switch at any time after operating as Group 2 for at least 1 year so that you can show compliance with the 10,000 pounds per year (lb/yr) threshold for Group 2 batch process vents for at least 365 days before the switch. You may elect to start keeping records of emissions from Group 2 batch process vents before the compliance date. Report a switch based on this provision in your next compliance report in accordance with 40 CFR 63.2520(e)(10)(i).

(ii) If the conditions in paragraph (b)(6)(i) of this section are not applicable, you must provide a 60-day advance notice in accordance with 40 CFR 63.2520(e)(10)(ii) before switching.

(7) As an alternative to determining the uncontrolled organic HAP emissions as specified in 40 CFR 63.1257(d)(2)(i) and (ii), you may elect to demonstrate that non-reactive organic HAP are the only HAP used in the process and non-reactive HAP usage in the process is less than 10,000 lb/yr. You must provide data and supporting rationale in your notification of compliance status report explaining why the non-reactive organic HAP usage will be less than 10,000 lb/yr. You must keep records of the non-reactive organic HAP usage as specified in 40 CFR 63.2525(e)(2) and include information in compliance reports as specified in 40 CFR 63.2520(e)(5)(iv).

(c) Exceptions to the requirements in Subparts SS and WW of this Part 63 are specified in paragraphs (c)(1) through (9) of this section.

(1) Process condensers. Process condensers, as defined in 40 CFR 63.2550(i), are not considered to be control devices for batch process vents. You must determine whether a condenser is a control device for a batch process vent or a process condenser from which the uncontrolled HAP emissions are evaluated as part of the initial compliance demonstration for each MCPU and report the results with supporting rationale in your notification of compliance status report.

(2) Initial compliance.

(i) To demonstrate initial compliance with a percent reduction emission limit in Table 2 to this Subpart FFFF, you must compare the sums of the controlled and uncontrolled

emissions for the applicable Group 1 batch process vents within the process, and show that the specified reduction is met. This requirement does not apply if you comply with the emission limits of Table 2 to thisSubpart FFFF by using a flare that meets the requirements of 40 CFR 63.987.

(ii) When you conduct a performance test or design evaluation for a non-flare control device used to control emissions from batch process vents, you must establish emission profiles and conduct the test under worst-case conditions according to 40 CFR 63.1257(b)(8) instead of under normal operating conditions as specified in 40 CFR 63.7(e)(1). The requirements in 40 CFR 63.997(e)(1)(i) and (iii) also do not apply for performance tests conducted to determine compliance with the emission limits for batch process vents. For purposes of this Subpart FFFF, references in 40 CFR 63.997(b)(1) to ``methods specified in 40 CFR 63.997(e)'' include the methods specified in 40 CFR 63.1257(b)(8).

(iii) As an alternative to conducting a performance test or design evaluation to demonstrate initial compliance with a percent reduction requirement for a condenser, you may determine controlled emissions using the procedures specified in 40 CFR 63.1257(d)(3)(i)(B) and paragraphs (b)(3) through (4) of this section.

(iv) When 40 CFR 63.1257(d)(3)(i)(B)(7) specifies that condenser-controlled emissions from an air dryer must be calculated using Equation 11 of 40 CFR 63 Subpart GGG, with ``V equal to the air flow rate,'' it means ``V equal to the dryer outlet gas flow rate,'' for the purposes of this subpart. Alternatively, you may use Equation 12 of 40 CFR 63 Subpart GGG, with V equal to the dryer inlet air flow rate. Account for time as appropriate in either equation.

(v) If a process condenser is used for any boiling operations, you must demonstrate that it is properly operated according to the procedures specified in 40 CFR 63.1257(d)(2)(i)(C)(4)(ii) and (d)(3)(iii)(B), and the demonstration must occur only during the boiling operation.

(vi) You must conduct a subsequent performance test or compliance demonstration equivalent to an initial compliance demonstration within 180 days of a change in the worst-case conditions.

(3) Establishing operating limits. You must establish operating limits under the conditions required for your initial compliance demonstration, except you may elect to establish operating limit(s) for conditions other than those under which a performance test was conducted as specified in paragraph (c)(3)(i) of this section and, if applicable, paragraph (c)(3)(ii) of this section.

(i) The operating limits may be based on the results of the performance test and supplementary information such as engineering assessments and manufacturer's recommendations. These limits may be established for conditions as unique as individual emission episodes for a batch process. You must provide rationale in the precompliance report for the specific level for each operating limit, including any data and calculations used to develop the limit and a description of why the limit indicates proper operation of the control device. The procedures provided in this paragraph (c)(3)(i) have not been approved by the Administrator and determination of the operating limit using these procedures is subject to review and approval by the Administrator.

(ii) If you elect to establish separate monitoring levels for different emission episodes within a batch process, you must maintain records in your daily schedule or log of processes indicating each point at which you change from one operating limit to another, even if the duration of the monitoring for an operating limit is less than 15 minutes. You must maintain a daily schedule or log of processes according to 40 CFR 63.2525(c).

(4) Averaging periods. As an alternative to the requirement for daily averages in 40 CFR 63.998(b)(3), you may determine averages for operating blocks. An operating block is a period of time that is equal to the time from the beginning to end of batch process operations within a process.

(5) [Reserved]

(6) Outlet concentration correction for supplemental gases. If you use a control device other than a combustion device to comply with a TOC, organic HAP, or hydrogen halide and halogen HAP outlet concentration emission limit for batch process vents, you must correct the actual concentration for supplemental gases using Equation 1 of this section; you may use process knowledge and representative operating data to determine the fraction of the total flow due to supplemental gas.

$$C_a = C_m\left(\frac{Q_s + Q_a}{Q_a}\right) \qquad \text{(Eq. 1)}$$

Where:
C_a = corrected outlet TOC, organic HAP, or hydrogen halide and halogen HAP concentration, dry basis, ppmv;
C_m = actual TOC, organic HAP, or hydrogen halide and halogen HAP concentration measured at control device outlet, dry basis, ppmv;
Q_a = total volumetric flowrate of all gas streams vented to the control device, except supplemental gases;
Q_s = total volumetric flowrate of supplemental gases.

(7) If flow to a control device could be intermittent, you must install, calibrate, and operate a flow indicator at the inlet or outlet of the control device to identify periods of no flow. Periods of no flow may not be used in daily or block averages, and it may not be used in fulfilling a minimum data availability requirement.

(8) Terminology. When the term ``storage vessel" is used in Subpart WW of this Part 63, the term ``process tank," as defined in 40 CFR 63.2550(i), applies for the purposes of this section.

(9) Requirements for a biofilter. If you use a biofilter to meet either the 95 percent reduction requirement or outlet concentration requirement specified in Table 2 to this subpart, you must meet the requirements specified in paragraphs (c)(9)(i) through (iv) of this section.

(i) Operational requirements. The biofilter must be operated at all times when emissions are vented to it.

(ii) Performance tests. To demonstrate initial compliance, you must conduct a performance test according to the procedures in 40 CFR 63.997 and paragraphs (c)(9)(ii)(A) through (D) of this section. The design evaluation option for small control devices is not applicable if you use a biofilter.

(A) Keep up-to-date, readily accessible continuous records of either the biofilter bed temperature averaged over the full period of the performance test or the outlet total organic HAP or TOC concentration averaged over the full period of the performance test. Include these data in your notification of compliance status report as required by 40 CFR 63.999(b)(3)(ii).

(B) Record either the percent reduction of total organic HAP achieved by the biofilter determined as specified in 40 CFR 63.997(e)(2)(iv) or the concentration of TOC or total organic HAP determined as specified in 40 CFR 63.997(e)(2)(iii) at the outlet of the biofilter, as applicable.

(C) If you monitor the biofilter bed temperature, you may elect to use multiple thermocouples in representative locations throughout the biofilter bed and calculate the average biofilter bed temperature across these thermocouples prior to reducing the temperature data to 15 minute (or shorter) averages for purposes of establishing operating limits for the biofilter. If you use multiple thermocouples, include your rationale for their site selection in your notification of compliance status report.

(D) Submit a performance test report as specified in 40 CFR 63.999(a)(2)(i) and (ii). Include the records from paragraph (c)(9)(ii)(B) of this section in your performance test report.

(iii) Monitoring requirements. Use either a biofilter bed temperature monitoring device (or multiple devices) capable of providing a continuous record or an organic monitoring device capable of providing a continuous record. Keep records of temperature or other parameter monitoring results, as specified in 40 CFR 63.998(b) and (c), as applicable. General requirements for monitoring are contained in 40 CFR 63.996. If you monitor temperature, the operating temperature range must be based on only the temperatures measured during the performance test; these data may not be supplemented by engineering assessments or manufacturer's recommendations as otherwise allowed in 40 CFR 63.999(b)(3)(ii)(A). If you establish the operating range (minimum and maximum temperatures) using data from previous performance tests in accordance with 40 CFR 63.996(c)(6), replacement of the biofilter media with the same type of media is not considered a process change under 40 CFR 63.997(b)(1). You may expand your biofilter bed temperature operating range by conducting a repeat performance test that demonstrates compliance with the 95 percent reduction requirement or outlet concentration limit, as applicable.

(iv) Repeat performance tests. You must conduct a repeat performance test using the applicable methods specified in 40 CFR 63.997 within 2 years following the previous performance test and within 150 days after each replacement of any portion of the biofilter bed media with a different type of media or each replacement of more than 50 percent (by volume) of the biofilter bed media with the same type of media.

40 CFR 63.2465 - What requirements must I meet for process vents that emit hydrogen halide and halogen HAP or HAP metals?

(a) You must meet each emission limit in Table 3 to this subpart that applies to you, and you must meet each applicable requirement in paragraphs (b) through (d) of this section.

(b) If any process vents within a process emit hydrogen halide and halogen HAP, you must determine and sum the uncontrolled hydrogen halide and halogen HAP emissions from each of the process vents within the process using the procedures specified in 40 CFR 63.1257(d)(2)(i) and/or (ii), as appropriate. When 40 CFR 63.1257(d)(2)(ii)(E) requires documentation to be submitted in the precompliance report, it means the notification of compliance status report for the purposes of this paragraph.

(c) If collective uncontrolled hydrogen halide and halogen HAP emissions from the process vents within a process are greater than or equal to 1,000 pounds per year (lb/yr), you must comply with 40 CFR 63.994 and the requirements referenced therein, except as specified in paragraphs (c)(1) through (3) of this section.

(1) When 40 CFR 63.994(b)(1) requires a performance test, you may elect to conduct a design evaluation in accordance with 40 CFR 63.1257(a)(1).

(2) When 40 CFR 63.994(b)(1) refers to ``a combustion device followed by a halogen scrubber or other halogen reduction device," it means any combination of control devices used to meet the emission limits specified in Table 3 to this subpart.

(3) 40 CFR 63.994(b)(2) does not apply for the purposes of this section.

(d) To demonstrate compliance with the emission limit in Table 3 to this subpart for HAP metals at a new source, you must comply with paragraphs (d)(1) through (3) of this section.

(1) Determine the mass emission rate of HAP metals based on process knowledge, engineering assessment, or test data.

(2) Conduct an initial performance test of each control device that is used to comply with the emission limit for HAP metals specified in Table 3 to this subpart. Conduct the performance test according to the procedures in 40 CFR 63.997. Use Method 29 of Appendix A of 40 CFR 60 to determine the HAP metals at the inlet and outlet of each control device, or use

Method 5 of Appendix A of 40 CFR 60 to determine the total particulate matter (PM) at the inlet and outlet of each control device. You have demonstrated initial compliance if the overall reduction of either HAP metals or total PM from the process is greater than or equal to 97 percent by weight.

(3) Comply with the monitoring requirements specified in 40 CFR 63.1366(b)(1)(xi) for each fabric filter used to control HAP metals.

40 CFR 63.2470 - What requirements must I meet for storage tanks?

(a) You must meet each emission limit in Table 4 to this subpart that applies to your storage tanks, and you must meet each applicable requirement specified in paragraphs (b) through (e) of this section.

(b) [Reserved]

(c) Exceptions to Subparts SS and WW of this Part 63.

(1) If you conduct a performance test or design evaluation for a control device used to control emissions only from storage tanks, you must establish operating limits, conduct monitoring, and keep records using the same procedures as required in Subpart SS of this Part 63 for control devices used to reduce emissions from process vents instead of the procedures specified in 40 CFR 63.985(c), 63.998(d)(2)(i), and 63.999(b)(2).

(2) When the term ``storage vessel'' is used in Subparts SS and WW of this Part 63, the term ``storage tank,'' as defined in 40 CFR 63.2550 applies for the purposes of this subpart.

(d) Planned routine maintenance. The emission limits in Table 4 to this subpart for control devices used to control emissions from storage tanks do not apply during periods of planned routine maintenance. Periods of planned routine maintenance of each control device, during which the control device does not meet the emission limit specified in Table 4 to this subpart, must not exceed 240 hours per year (hr/yr). You may submit an application to the Administrator requesting an extension of this time limit to a total of 360 hr/yr. The application must explain why the extension is needed, it must indicate that no material will be added to the storage tank between the time the 240-hr limit is exceeded and the control device is again operational, and it must be submitted at least 60 days before the 240-hr limit will be exceeded.

(e) Vapor balancing alternative. As an alternative to the emission limits specified in Table 4 to this subpart, you may elect to implement vapor balancing in accordance with 40 CFR 63.1253(f), except as specified in paragraphs (e)(1) through (3) of this section.

(1) When 40 CFR 63.1253(f)(6)(i) refers to a 90 percent reduction, 95 percent applies for the purposes of this subpart.

(2) To comply with 40 CFR 63.1253(f)(6)(i), the owner or operator of an offsite cleaning or reloading facility must comply with 40 CFR 63.2445 through 63.2550 instead of complying with 40 CFR 63.1253(f)(7)(ii), except as specified in paragraph (e)(2)(i) or (ii) of this section.

(i) The reporting requirements in 40 CFR 63.2520 do not apply to the owner or operator of the offsite cleaning or reloading facility.

(ii) As an alternative to complying with the monitoring, recordkeeping, and reporting provisions in 40 CFR 63.2445 through 63.2550, the owner or operator of an offsite cleaning or reloading facility may comply as specified in 40 CFR 63.2535(a)(2) with any other Subpart of this Part 63 which has monitoring, recordkeeping, and reporting provisions as specified in 40 CFR 63.2535(a)(2).

(3) You may elect to set a pressure relief device to a value less than the 2.5 pounds per square inch gage pressure (psig) required in 40 CFR 63.1253(f)(5) if you provide rationale in your notification of compliance status report explaining why the alternative value is sufficient to prevent breathing losses at all times.

(4) You may comply with the vapor balancing alternative in 40 CFR 63.1253(f) when your storage tank is filled from a barge. All requirements for tank trucks and railcars specified in 40 CFR 63.1253(f) also apply to barges, except as specified in 40 CFR 63.2470(e)(4)(i).

(i) When 40 CFR 63.1253(f)(2) refers to pressure testing certifications, the requirements in 40 CFR 61.304(f) apply for barges.

(ii) [Reserved]

40 CFR 63.2475 - What requirements must I meet for transfer racks?

(a) You must comply with each emission limit and work practice standard in Table 5 to this subpart that applies to your transfer racks, and you must meet each applicable requirement in paragraphs (b) and (c) of this section.

(b) When the term ``high throughput transfer rack'' is used in Subpart SS of this Part 63, the term ``Group 1 transfer rack,'' as defined in 40 CFR 63.2550, applies for the purposes of this subpart.

40 CFR 63.2480 - What requirements must I meet for equipment leaks?

(a) You must meet each requirement in Table 6 to this subpart that applies to your equipment leaks, except as specified in paragraphs (b) through (d) of this section.

(b) If you comply with either subpart H or subpart UU of this Part 63, you may elect to comply with the provisions in paragraphs (b)(1) through (5) of this section as an alternative to the referenced provisions in Subpart H or Subpart UU of this part.

(1) The requirements for pressure testing in 40 CFR 63.179(b) or 40 CFR 63.1036(b) may be applied to all processes, not just batch processes.

(2) For the purposes of this subpart, pressure testing for leaks in accordance with 40 CFR 63.179(b) or 40 CFR 63.1036(b) is not required after reconfiguration of an equipment train if flexible hose connections are the only disturbed equipment.

(3) For an existing source, you are not required to develop an initial list of identification numbers for connectors as would otherwise be required under 40 CFR 63.1022(b)(1) or 40 CFR 63.181(b)(1)(i).

(4) For connectors in gas/vapor and light liquid service at an existing source, you may elect to comply with the requirements in 40 CFR 63.169 or 40 CFR 63.1029 for connectors in heavy liquid service, including all associated recordkeeping and reporting requirements, rather than the requirements of 40 CFR 63.174 or 40 CFR 63.1027.

(5) For pumps in light liquid service in an MCPU that has no continuous process vents and is part of an existing source, you may elect to consider the leak definition that defines a leak to be 10,000 parts per million (ppm) or greater as an alternative to the values specified in 40 CFR 63.1026(b)(2)(i) through (iii) or 40 CFR 63.163(b)(2).

(c) If you comply with 40 CFR 65 Subpart F, you may elect to comply with the provisions in paragraphs (c)(1) through (9) of this section as an alternative to the referenced provisions in 40 CFR 65 Subpart F.

(1) The requirements for pressure testing in 40 CFR 65.117(b) may be applied to all processes, not just batch processes.

(2) For the purposes of this subpart, pressure testing for leaks in accordance with 40 CFR 65.117(b) is not required after reconfiguration of an equipment train if flexible hose connections are the only disturbed equipment.

(3) For an existing source, you are not required to develop an initial list of identification numbers for connectors as would otherwise be required under 40 CFR 65.103(b)(1).

(4) You may elect to comply with the monitoring and repair requirements specified in 40 CFR 65.108(e)(3) as an alternative to the requirements specified in 40 CFR 65.108(a) through (d) for any connectors at your affected source.

(5) For pumps in light liquid service in an MCPU that has no continuous process vents and is part of an existing source, you may elect to consider the leak definition that defines a leak

to be 10,000 ppm or greater as an alternative to the values specified in 40 CFR 65.107(b)(2)(i) through (iii).

(6) When 40 CFR 65 Subpart F refers to the implementation date specified in 40 CFR 65.1(f), it means the compliance date specified in 40 CFR 63.2445.

(7) When 40 CFR 65.105(f) and 65.117(d)(3) refer to 40 CFR 65.4, it means 40 CFR 63.2525.

(8) When 40 CFR 65.120(a) refers to 40 CFR 65.5(d), it means 40 CFR 63.2515.

(9) When 40 CFR 65.120(b) refers to 40 CFR 65.5(e), it means 40 CFR 63.2520.

(d) The provisions of this section do not apply to bench-scale processes, regardless of whether the processes are located at the same plant site as a process subject to the provisions of this subpart.

40 CFR 63.2485 - What requirements must I meet for wastewater streams and liquid streams in open systems within an MCPU?

(a) You must meet each requirement in Table 7 to this subpart that applies to your wastewater streams and liquid streams in open systems within an MCPU, except as specified in paragraphs (b) through (o) of this section.

(b) Wastewater HAP. Where 40 CFR 63.105 and 40 CFR 63.132 through 63.148 refer to compounds in Table 9 of Subpart G of this Part 63, the compounds in Tables 8 and 9 to this subpart apply for the purposes of this subpart.

(c) Group 1 wastewater. 40 CFR 63.132(c)(1) (i) and (ii) do not apply. For the purposes of this subpart, a process wastewater stream is Group 1 for compounds in Tables 8 and 9 to this subpart if any of the conditions specified in paragraphs (c) (1) through (3) of this section are met.

(1) The total annual average concentration of compounds in Table 8 to this subpart is greater than or equal to 10,000 ppmw at any flowrate, and the total annual load of compounds in Table 8 to this subpart is greater than or equal to 200 lb/yr.

(2) The total annual average concentration of compounds in Table 8 to this subpart is greater than or equal to 1,000 ppmw, and the annual average flowrate is greater than or equal to 1 l/min.

(3) The combined total annual average concentration of compounds in Tables 8 and 9 to this subpart is greater than or equal to 30,000 ppmw, and the combined total annual load of compounds in Tables 8 and 9 to this subpart is greater than or equal to 1 tpy.

(d) Wastewater tank requirements.

(1) When 40 CFR 63.133 and 63.147 reference floating roof requirements in 40 CFR 63.119 and 63.120, the corresponding requirements in Subpart WW of this Part 63 may be applied for the purposes of this subpart.

(2) When 40 CFR 63.133(a) refers to Table 10 of Subpart G of this Part 63, the maximum true vapor pressure in the table shall be limited to the HAP listed in Tables 8 and 9 of this Subpart FFFF.

(3) For the purposes of this subpart, the requirements of 40 CFR 63.133(a)(2) are satisfied by operating and maintaining a fixed roof if you demonstrate that the total soluble and partially soluble HAP emissions from the wastewater tank are no more than 5 percent higher than the emissions would be if the contents of the wastewater tank were not heated, treated by an exothermic reaction, or sparged.

(4) The emission limits specified in 40 CFR 63.133(b)(2) and 63.139 for control devices used to control emissions from wastewater tanks do not apply during periods of planned routine maintenance of the control device(s) of no more than 240 hr/yr. You may request an extension to a total of 360 hr/yr in accordance with the procedures specified in 40 CFR 63.2470(d).

(e) Individual drain systems. The provisions of 40 CFR 63.136(e)(3) apply except as specified in paragraph (e)(1) of this section.

(1) A sewer line connected to drains that are in compliance with 40 CFR 63.136(e)(1) may be vented to the atmosphere, provided that the sewer line entrance to the first downstream junction box is water sealed and the sewer line vent pipe is designed as specified in 40 CFR 63.136(e)(2)(ii)(A).

(2) [Reserved]

(f) Closed-vent system requirements. When 40 CFR 63.148(k) refers to closed vent systems that are subject to the requirements of 40 CFR 63.172, the requirements of either 40 CFR 63.172 or 40 CFR 63.1034 apply for the purposes of this subpart.

(g) Halogenated vent stream requirements. For each halogenated vent stream from a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream that is vented through a closed-vent system to a combustion device to reduce organic HAP emissions, you must meet the same emission limits as specified for batch process vents in item 2 of Table 2 to this subpart.

(h) Alternative test methods.

(1) As an alternative to the test methods specified in 40 CFR 63.144(b)(5)(i), you may use Method 8260 or 8270 as specified in 40 CFR 63.1257(b)(10)(iii).

(2) As an alternative to using the methods specified in 40 CFR 63.144(b)(5)(i), you may conduct wastewater analyses using Method 1666 or 1671 of 40 CFR 136 and comply with the sampling protocol requirements specified in 40 CFR 63.144(b)(5)(ii). The validation requirements specified in 40 CFR 63.144(b)(5)(iii) do not apply if you use Method 1666 or 1671 of 40 CFR 136.

(3) As an alternative to using Method 18 of 40 CFR 60, as specified in 40 CFR 63.139(c)(1)(ii) and 63.145(i)(2), you may elect to use Method 25A of 40 CFR 60 as specified in 40 CFR 63.997.

(i) Offsite management and treatment option. (1) If you ship wastewater to an offsite treatment facility that meets the requirements of 40 CFR 63.138(h), you may elect to document in your notification of compliance status report that the wastewater will be treated as hazardous waste at a facility that meets the requirements of 40 CFR 63.138(h) as an alternative to having the offsite facility submit the certification specified in 40 CFR 63.132(g)(2).

(2) As an alternative to the management and treatment options specified in 40 CFR 63.132(g)(2), any affected wastewater stream (or residual removed from an affected wastewater stream) with a total annual average concentration of compounds in Table 8 to this subpart less than 50 ppmw may be transferred offsite in accordance with paragraphs (i)(2) (i) and (ii) of this section.

(i) The transferee (or you) must demonstrate that less than 5 percent of the HAP in Table 9 to this subpart is emitted from the waste management units up to the activated sludge unit.

(ii) The transferee must treat the wastewater stream or residual in a biological treatment unit in accordance with 40 CFR 63.138 and 63.145 and the requirements referenced therein.

(j) You must determine the annual average concentration and annual average flowrate for wastewater streams for each MCPU. The procedures for flexible operation units specified in 40 CFR 63.144 (b) and (c) do not apply for the purposes of this subpart.

(k) The requirement to correct outlet concentrations from combustion devices to 3 percent oxygen in 40 CFR 63.139(c)(1)(ii) and 63.146(i)(6) applies only if supplemental gases are combined with a vent stream from a Group 1 wastewater stream. If emissions are controlled with a vapor recovery system as specified in 40 CFR 63.139(c)(2), you must correct for supplemental gases as specified in 40 CFR 63.2460(c)(6).

(l) Requirements for liquid streams in open systems.

(1) References in 40 CFR 63.149 to 40 CFR 63.100(b) mean 40 CFR 63.2435(b), for the purposes of this subpart.

(2) When 40 CFR 63.149(e) refers to 40 CFR 63.100(l) (1) or (2), 40 CFR 63.2445(a) applies, for the purposes of this subpart.

(3) When 40 CFR 63.149 uses the term ``chemical manufacturing process unit," the term ``MCPU" applies for the purposes of this subpart.

(4) When 40 CFR 63.149(e)(1) refers to characteristics of water that contain compounds in Table 9 to 40 CFR 63 Subpart G, the characteristics specified in paragraphs (c) (1) through (3) of this section apply for the purposes of this subpart.

(5) When 40 CFR 63.149(e)(2) refers to characteristics of water that contain compounds in Table 9 to 40 CFR 63 Subpart G, the characteristics specified in paragraph (c)(2) of this section apply for the purposes of this subpart.

(m) When 40 CFR 63.132(f) refers to ``a concentration of greater than 10,000 ppmw of Table 9 compounds," the phrase ``a concentration of greater than 30,000 ppmw of total partially soluble HAP (PSHAP) and soluble HAP (SHAP) or greater than 10,000 ppmw of PSHAP" shall apply for the purposes of this subpart.

(n) Alternative requirements for wastewater that is Group 1 for soluble HAP only. The option specified in this paragraph (n) applies to wastewater that is Group 1 for soluble HAP in accordance with paragraph (c)(3) of this section and is discharged to biological treatment. Except as provided in paragraph (n)(4) of this section, this option does not apply to wastewater that is Group 1 for partially soluble HAP in accordance with paragraph (c)(1), (c)(2), or (c)(4) of this section. For wastewater that is Group 1 for SHAP, you need not comply with 40 CFR 63.133 through 63.137 for any equalization unit, neutralization unit, and/or clarifier prior to the activated sludge unit, and you need not comply with the venting requirements in 40 CFR 63.136(e)(2)(ii)(A) for lift stations with a volume larger than 10,000 gal, provided you comply with the requirements specified in paragraphs (n)(1) through (3) of this section and all otherwise applicable requirements specified in Table 7 to this subpart. For this option, the treatment requirements in 40 CFR 63.138 and the performance testing requirements in 40 CFR 63.145 do not apply to the biological treatment unit, except as specified in paragraphs (n)(2)(i) through (iv) of this section.

(1) Wastewater must be hard-piped between the equalization unit, clarifier, and activated sludge unit. This requirement does not apply to the transfer between any of these types of units that are part of the same structure and one unit overflows into the next.

(2) Calculate the destruction efficiency of the biological treatment unit using Equation 1 of this section in accordance with the procedures described in paragraphs (n)(2)(i) through (vi) of this section. You have demonstrated initial compliance if E is greater than or equal to 90 percent.

$$E = \frac{(QMW_a - QMG_e - QMG_n - QMG_c)(F_{bio})}{QMW_a} \times 100 \qquad \text{(Eq. 1)}$$

Where:

E = destruction efficiency of total PSHAP and SHAP for the biological treatment unit including the equalization unit, neutralization unit, and/or clarifier, percent;

QMWa = mass flow rate of total PSHAP and SHAP compounds entering the equalization unit (or whichever of the three types of units is first), kilograms per hour (kg/hr);

QMGe = mass flow rate of total PSHAP and SHAP compounds emitted from the equalization unit, kg/hr;

QMGn = mass flow rate of total PSHAP and SHAP compounds emitted from the neutralization unit, kg/hr;

QMGc = mass flow rate of total PSHAP and SHAP compounds emitted from the clarifier, kg/hr

Fbio = site-specific fraction of PSHAP and SHAP compounds biodegraded in the biological treatment unit.

(i) Include all PSHAP and SHAP compounds in both Group 1 and Group 2 wastewater streams from all MCPU, except you may exclude any compounds that meet the criteria specified in 40 CFR 63.145(a)(6)(ii) or (iii).

(ii) Conduct the demonstration under representative process unit and treatment unit operating conditions in accordance with 40 CFR 63.145(a)(3) and (4).

(iii) Determine PSHAP and SHAP concentrations and the total wastewater flow rate at the inlet to the equalization unit in accordance with 40 CFR 63.145(f)(1) and (2). References in 40 CFR 63.145(f)(1) and (2) to required mass removal and actual mass removal do not apply for the purposes of this section.

(iv) Determine Fbio for the activated sludge unit as specified in 40 CFR 63.145(h), except as specified in paragraph (n)(2)(iv)(A) or paragraph (n)(2)(iv)(B) of this section.

(A) If the biological treatment process meets both of the requirements specified in 40 CFR 63.145(h)(1)(i) and (ii), you may elect to replace the Fbio term in Equation 1 of this section with the numeral ``1."

(B) You may elect to assume fbio is zero for any compounds on List 2 of Table 36 in Subpart G.

(v) Determine QMGe, QMGn, and QMGc using EPA's WATER9 model or the most recent update to this model, and conduct testing or use other procedures to validate the modeling results.

(vi) Submit the data and results of your demonstration, including both a description of and the results of your WATER9 modeling validation procedures, in your notification of compliance status report as specified in 40 CFR 63.2520(d)(2)(ii).

(3) As an alternative to the venting requirements in 40 CFR 63.136(e)(2)(ii)(A), a lift station with a volume larger than 10,000 gal may have openings necessary for proper venting of the lift station. The size and other design characteristics of these openings may be established based on manufacturer recommendations or engineering judgment for venting under normal operating conditions. You must describe the design of such openings and your supporting calculations and other rationale in your notification of compliance status report.

(4) For any wastewater streams that are Group 1 for both PSHAP and SHAP, you may elect to meet the requirements specified in Table 7 to this subpart for the PSHAP and then comply with paragraphs (n)(1) through (3) of this section for the SHAP in the wastewater system. You may determine the SHAP mass removal rate, in kg/hr, in treatment units that are used to meet the requirements for PSHAP and add this amount to both the numerator and denominator in Equation 1 of this section.

(o) Compliance records. For each CPMS used to monitor a nonflare control device for wastewater emissions, you must keep records as specified in 40 CFR 63.998(c)(1) in addition to the records required in 40 CFR 63.147(d).

40 CFR 63.2490 - What requirements must I meet for heat exchange systems?

(a) You must comply with each requirement in Table 10 to this subpart that applies to your heat exchange systems, except as specified in paragraphs (b) and (c) of this section.

(b) The phrase ``a chemical manufacturing process unit meeting the conditions of 40 CFR 63.100 (b)(1) through (b)(3) of this section" in 40 CFR 63.104(a) means ``an MCPU meeting the conditions of 40 CFR 63.2435" for the purposes of this subpart.

(c) The reference to 40 CFR 63.100(c) in 40 CFR 63.104(a) does not apply for the purposes of this subpart.

40 CFR 63.2495 - How do I comply with the pollution prevention standard?

(a) You may elect to comply with the pollution prevention alternative requirements specified in paragraphs (a) (1) and (2) of this section in lieu of the emission limitations and work practice standards contained in Tables 1 through 7 to this subpart for any MCPU for which initial startup occurred before April 4, 2002.

(1) You must reduce the production-indexed HAP consumption factor (HAP factor) by at least 65 percent from a 3-year average baseline beginning no earlier than the 1994 through 1996 calendar years. For any reduction in the HAP factor that you achieve by reducing HAP that are also volatile organic compounds (VOC), you must demonstrate an equivalent reduction in the production-indexed VOC consumption factor (VOC factor) on a mass basis. For any reduction in the HAP factor that you achieve by reducing a HAP that is not a VOC, you may not increase the VOC factor.

(2) Any MCPU for which you seek to comply by using the pollution prevention alternative must begin with the same starting material(s) and end with the same product(s). You may not comply by eliminating any steps of a process by transferring the step offsite (to another manufacturing location). You may also not merge a solvent recovery step conducted offsite to onsite and as part of an existing process as a method of reducing consumption.

(3) You may comply with the requirements of paragraph (a)(1) of this section for a series of processes, including situations where multiple processes are merged, if you demonstrate to the satisfaction of the Administrator that the multiple processes were merged after the baseline period into an existing process or processes.

(b) Exclusions.

(1) You must comply with the emission limitations and work practice standards contained in Tables 1 through 7 of this subpart for all HAP that are generated in the MCPU and that are not included in consumption, as defined in 40 CFR 63.2550. If any vent stream routed to the combustion control is a halogenated vent stream, as defined in 40 CFR 63.2550, then hydrogen halides that are generated as a result of combustion control must be controlled according to the requirements of 40 CFR 63.994 and the requirements referenced therein.

(2) You may not merge nondedicated formulation or nondedicated solvent recovery processes with anyother processes.

(c) Initial compliance procedures. To demonstrate initial compliance with paragraph (a) of this section, you must prepare a demonstration summary in accordance with paragraph (c) (1) of this section and calculate baseline and target annual HAP and VOC factors in accordance with paragraphs (c) (2) and (3) of this section.

(1) Demonstration plan. You must prepare a pollution prevention demonstration plan that contains, at a minimum, the information in paragraphs (c)(1) (i) through (iii) of this section for each MCPU for which you comply with paragraph (a) of this section.

(i) Descriptions of the methodologies and forms used to measure and record consumption of HAP and VOC compounds.

(ii) Descriptions of the methodologies and forms used to measure and record production of the product(s).

(iii) Supporting documentation for the descriptions provided in accordance with paragraphs (c)(1) (i) and (ii) of this section including, but not limited to, samples of operator log sheets and daily, monthly, and/or annual inventories of materials and products. You must describe how this documentation will be used to calculate the annual factors required in paragraph (d) of this section.

(2) Baseline factors. You must calculate baseline HAP and VOC factors by dividing the consumption of total HAP and total VOC by the production rate, per process, for the first 3-year period in which the process was operational, beginning no earlier than the period consisting of the 1994 through 1996 calendar years.

(3) Target annual factors. You must calculate target annual HAP and VOC factors. The target annual HAP factor must be equal to 35 percent of the baseline HAP factor. The target annual VOC factor must be lower than the baseline VOC factor by an amount equivalent to the reduction in any HAP that is also a VOC, on a mass basis. The target annual VOC factor may be the same as the baseline VOC factor if the only HAP you reduce is not a VOC.

(d) Continuous compliance requirements. You must calculate annual rolling average values of the HAP and VOC factors (annual factors) in accordance with the procedures specified in paragraphs (d) (1) through (3) of this section. To show continuous compliance, the annual factors must be equal to or less than the target annual factors calculated according to paragraph (c)(3) of this section.

(1) To calculate the annual factors, you must divide the consumption of both total HAP and total VOC by the production rate, per process, for 12-month periods at the frequency specified in either paragraph (d) (2) or (3) of this section, as applicable.

(2) For continuous processes, you must calculate the annual factors every 30 days for the 12-month period preceding the 30th day (i.e., annual rolling average calculated every 30 days). A process with both batch and continuous operations is considered a continuous process for the purposes of this section.

(3) For batch processes, you must calculate the annual factors every 10 batches for the 12-month period preceding the 10th batch (i.e., annual rolling average calculated every 10 batches), except as specified in paragraphs (d)(3) (i) and (ii) of this section.

(i) If you produce more than 10 batches during a month, you must calculate the annual factors at least once during that month.

(ii) If you produce less than 10 batches in a 12-month period, you must calculate the annual factors for the number of batches in the 12-month period since the previous calculations.

(e) Records. You must keep records of HAP and VOC consumption, production, and the rolling annual HAP and VOC factors for each MCPU for which you are complying with paragraph (a) of this section.

(f) Reporting.

(1) You must include the pollution prevention demonstration plan in the precompliance report required by 40 CFR 63.2520(c).

(2) You must identify all days when the annual factors were above the target factors in the compliance reports.

40 CFR 63.2500 - How do I comply with emissions averaging?

(a) For an existing source, you may elect to comply with the percent reduction emission limitations in Tables 1, 2, 4, 5, and 7 to this subpart by complying with the emissions averaging provisions specified in 40 CFR 63.150, except as specified in paragraphs (b) through (f) of this section.

(b) The batch process vents in an MCPU collectively are considered one individual emission point for the purposes of emissions averaging, except that only individual batch process vents must be excluded to meet the requirements of 40 CFR 63.150(d)(5).

(c) References in 40 CFR 63.150 to 40 CFR 63.112 through 63.130 mean the corresponding requirements in 40 CFR 63.2450 through 63.2490, including applicable monitoring, recordkeeping, and reporting.

(d) References to ``periodic reports'' in 40 CFR 63.150 mean ``compliance report'' for the purposes of this subpart.

(e) For batch process vents, estimate uncontrolled emissions for a standard batch using the procedures in 40 CFR 63.1257(d)(2)(i) and (ii) instead of the procedures in 40 CFR 63.150(g)(2). Multiply the calculated emissions per batch by the number of batches per month when calculating the monthly emissions for use in calculating debits and credits.

(f) References to ``storage vessels'' in 40 CFR 63.150 mean ``storage tank'' as defined in 40 CFR 63.2550 for the purposes of this subpart.

40 CFR 63.2505 - How do I comply with the alternative standard?

As an alternative to complying with the emission limits and work practice standards for process vents and storage tanks in Tables 1 through 4 to this subpart and the requirements in 40 CFR 63.2455 through 63.2470, you may comply with the emission limits in paragraph (a) of this section and demonstrate compliance in accordance with the requirements in paragraph (b) of this section.

(a) Emission limits and work practice standards.

(1) You must route vent streams through a closed-vent system to a control device that reduces HAP emissions as specified in either paragraph (a)(1)(i) or (ii) of this section.

(i) If you use a combustion control device, it must reduce HAP emissions as specified in paragraphs (a)(1)(i)(A), (B), and (C) of this section.

(A) To an outlet TOC concentration of 20 parts per million by volume (ppmv) or less.

(B) To an outlet concentration of hydrogen halide and halogen HAP of 20 ppmv or less.

(C) As an alternative to paragraph (a)(1)(i)(B) of this section, if you control halogenated vent streams emitted from a combustion device followed by a scrubber, reduce the hydrogen halide and halogen HAP generated in the combustion device by greater than or equal to 95 percent by weight in the scrubber.

(ii) If you use a noncombustion control device(s), it must reduce HAP emissions to an outlet total organic HAP concentration of 50 ppmv or less, and an outlet concentration of hydrogen halide and halogen HAP of 50 ppmv or less.

(2) Any Group 1 process vents within a process that are not controlled according to this alternative standard must be controlled according to the emission limits in Tables 1 through 3 to this subpart.

(b) Compliance requirements. To demonstrate compliance with paragraph (a) of this section, you must meet the requirements of 40 CFR 63.1258(b)(5) beginning no later than the initial compliance date specified in 40 CFR 63.2445, except as specified in paragraphs (b)(1) through (9) of this section.

(1) You must comply with the requirements in 40 CFR 63.983 and the requirements referenced therein for closed-vent systems.

(2) When 40 CFR 63.1258(b)(5)(i) refers to 40 CFR 63.1253(d) and 63.1254(c), the requirements in paragraph (a) of this section apply for the purposes of this Subpart FFFF.

(3) When 40 CFR 63.1258(b)(5)(i)(B) refers to ``HCl,'' it means ``total hydrogen halide and halogen HAP'' for the purposes of this Subpart FFFF.

(4) When 40 CFR 63.1258(b)(5)(ii) refers to 40 CFR 63.1257(a)(3), it means 40 CFR 63.2450(j)(5) for the purposes of this Subpart FFFF.

(5) You must submit the results of any determination of the target analytes of predominant HAP in the notification of compliance status report.

(6) If you elect to comply with the requirement to reduce hydrogen halide and halogen HAP by greater than or equal to 95 percent by weight in paragraph (a)(1)(i)(C) of this section, you must meet the requirements in paragraphs (b)(6)(i) and (ii) of this section.

(i) Demonstrate initial compliance with the 95 percent reduction by conducting a performance test and setting a site-specific operating limit(s) for the scrubber in accordance with 40 CFR 63.994 and the requirements referenced therein. You must submit the results of the initial compliance demonstration in the notification of compliance status report.

(ii) Install, operate, and maintain CPMS for the scrubber as specified in 40 CFR 63.994(c) and 63.2450(k), instead of as specified in 40 CFR 63.1258(b)(5)(i)(C).

(7) If flow to the scrubber could be intermittent, you must install, calibrate, and operate a flow indicator as specified in 40 CFR 63.2460(c)(7).

(8) Use the operating day as the averaging period for CEMS data and scrubber parameter monitoring data.

(9) The requirements in paragraph (a) of this section do not apply to emissions from storage tanks during periods of planned routine maintenance of the control device that do not exceed 240 hr/yr. You may submit an application to the Administrator requesting an extension of this time limit to a total of 360 hr/yr in accordance with the procedures specified in 40 CFR 63.2470(d). You must comply with the recordkeeping and reporting specified in 40 CFR 63.998(d)(2)(ii) and 63.999(c)(4) for periods of planned routine maintenance.

40 CFR 63.2515 - What notifications must I submit and when?

(a) You must submit all of the notifications in 40 CFR 63.6(h)(4) and (5), 63.7(b) and (c), 63.8(e), (f)(4) and (6), and 63.9(b) through (h) that apply to you by the dates specified.

(b) Initial notification. As specified in 40 CFR 63.9(b)(2), if you startup your affected source before November 10, 2003, you must submit an initial notification not later than 120 calendar days after November 10, 2003.

(2) As specified in 40 CFR 63.9(b)(3), if you startup your new affected source on or after November 10, 2003, you must submit an initial notification not later than 120 calendar days after you become subject to this subpart.

(c) Notification of performance test. If you are required to conduct a performance test, you must submit a notification of intent to conduct a performance test at least 60 calendar days before the performance test is scheduled to begin as required in 40 CFR 63.7(b)(1). For any performance test required as part of the initial compliance procedures for batch process vents in Table 2 to this subpart, you must also submit the test plan required by 40 CFR 63.7(c) and the emission profile with the notification of the performance test.

40 CFR 63.2520 - What reports must I submit and when?

(a) You must submit each report in Table 11 to this subpart that applies to you.

(b) Unless the Administrator has approved a different schedule for submission of reports under 40 CFR 63.10(a), you must submit each report by the date in Table 11 to this subpart and according to paragraphs (b)(1) through (5) of this section.

(1) The first compliance report must cover the period beginning on the compliance date that is specified for your affected source in 40 CFR 63.2445 and ending on June 30 or December 31, whichever date is the first date following the end of the first 6 months after the compliance date that is specified for your affected source in 40 CFR 63.2445.

(2) The first compliance report must be postmarked or delivered no later than August 31 or February 28, whichever date is the first date following the end of the first reporting period specified in paragraph (b)(1) of this section.

(3) Each subsequent compliance report must cover the semiannual reporting period from January 1 through June 30 or the semiannual reporting period from July 1 through December 31.

(4) Each subsequent compliance report must be postmarked or delivered no later than August 31 or February 28, whichever date is the first date following the end of the semiannual reporting period.

(5) For each affected source that is subject to permitting regulations pursuant to 40 CFR Part 70 or 40 CFR Part 71, and if the permitting authority has established dates for submitting semiannual reports pursuant to 40 CFR 70.6(a)(3)(iii)(A) or 40 CFR 71.6(a)(3)(iii)(A), you may submit the first and subsequent compliance reports according to the dates the permitting authority has established instead of according to the dates in paragraphs (b)(1) through (4) of this section.

(c) Precompliance report. You must submit a precompliance report to request approval for any of the items in paragraphs (c)(1) through (7) of this section. We will either approve or disapprove the report within 90 days after we receive it. If we disapprove the report, you must still be in compliance with the emission limitations and work practice standards in this subpart by the compliance date. To change any of the information submitted in the report, you must notify us 60 days before the planned change is to be implemented.

(1) Requests for approval to set operating limits for parameters other than those specified in 40 CFR 63.2455 through 63.2485 and referenced therein. Alternatively, you may make these requests according to 40 CFR 63.8(f).

(2) Descriptions of daily or per batch demonstrations to verify that control devices subject to 40 CFR 63.2460(c)(5) are operating as designed.

(3) A description of the test conditions, data, calculations, and other information used to establish operating limits according to 40 CFR 63.2460(c)(3).

(4) Data and rationale used to support an engineering assessment to calculate uncontrolled emissions in accordance with 40 CFR 63.1257(d)(2)(ii). This requirement does not apply to calculations of hydrogen halide and halogen HAP emissions as specified in 40 CFR 63.2465(b), to determinations that the total HAP concentration is less than 50 ppmv, or if you use previous test data to establish the uncontrolled emissions.

(5) The pollution prevention demonstration plan required in 40 CFR 63.2495(c)(1), if you are complying with the pollution prevention alternative.

(6) Documentation of the practices that you will implement to minimize HAP emissions from streams that contain energetics and organic peroxides, and rationale for why meeting the emission limit specified in Tables 1 through 7 to this subpart would create an undue safety hazard.

(7) For fabric filters that are monitored with bag leak detectors, an operation and maintenance plan that describes proper operation and maintenance procedures, and a corrective action plan that describes corrective actions to be taken, and the timing of those actions, when the PM concentration exceeds the set point and activates the alarm.

(d) Notification of compliance status report. You must submit a notification of compliance status report according to the schedule in paragraph (d)(1) of this section, and the notification of compliance status report must contain the information specified in paragraph (d)(2) of this section.

(1) You must submit the notification of compliance status report no later than 150 days after the applicable compliance date specified in 40 CFR 63.2445.

(2) The notification of compliance status report must include the information in paragraphs (d)(2)(i) through (ix) of this section.

(i) The results of any applicability determinations, emission calculations, or analyses used to identify and quantify HAP usage or HAP emissions from the affected source.

(ii) The results of emissions profiles, performance tests, engineering analyses, design evaluations, flare compliance assessments, inspections and repairs, and calculations used to demonstrate initial compliance according to 40 CFR 63.2455 through 63.2485. For performance tests, results must include descriptions of sampling and analysis procedures and quality assurance procedures.

(iii) Descriptions of monitoring devices, monitoring frequencies, and the operating limits established during the initial compliance demonstrations, including data and calculations to support the levels you establish.

(iv) All operating scenarios.

(v) Descriptions of worst-case operating and/or testing conditions for control devices.

(vi) Identification of parts of the affected source subject to overlapping requirements described in 40 CFR 63.2535 and the authority under which you will comply.

(vii) The information specified in 40 CFR 63.1039(a)(1) through (3) for each process subject to the work practice standards for equipment leaks in Table 6 to this subpart.

(viii) Identify storage tanks for which you are complying with the vapor balancing alternative in 40 CFR 63.2470(e).

(ix) Records as specified in 40 CFR 63.2535(l)(1) through (3) of process units used to create a PUG and calculations of the initial primary product of the PUG.

(e) Compliance report. The compliance report must contain the information specified in paragraphs (e)(1) through (10) of this section.

(1) Company name and address.

(2) Statement by a responsible official with that official's name, title, and signature, certifying the accuracy of the content of the report.

(3) Date of report and beginning and ending dates of the reporting period.

(4) For each SSM during which excess emissions occur, the compliance report must include records that the procedures specified in your startup, shutdown, and malfunction plan (SSMP) were followed or documentation of actions taken that are not consistent with the SSMP, and include a brief description of each malfunction.

(5) The compliance report must contain the information on deviations, as defined in 40 CFR 63.2550, according to paragraphs (e)(5)(i), (ii), (iii), and (iv) of this section.

(i) If there are no deviations from any emission limit, operating limit or work practice standard specified in this subpart, include a statement that there were no deviations from the emission limits, operating limits, or work practice standards during the reporting period.

(ii) For each deviation from an emission limit, operating limit, and work practice standard that occurs at an affected source where you are not using a continuous monitoring system (CMS) to comply with the emission limit or work practice standard in this subpart, you must include the information in paragraphs (e)(5)(ii)(A) through (C) of this section. This includes periods of SSM.

(A) The total operating time of the affected source during the reporting period.

(B) Information on the number, duration, and cause of deviations (including unknown cause, if applicable), as applicable, and the corrective action taken.

(C) Operating logs of processes with batch vents from batch operations for the day(s) during which the deviation occurred, except operating logs are not required for deviations of the work practice standards for equipment leaks.

(iii) For each deviation from an emission limit or operating limit occurring at an affected source where you are using a CMS to comply with an emission limit in this subpart, you must include the information in paragraphs (e)(5)(iii)(A) through (L) of this section. This includes periods of SSM.

(A) The date and time that each CMS was inoperative, except for zero (low-level) and high-level checks.

(B) The date, time, and duration that each CEMS was out-of-control, including the information in 40 CFR 63.8(c)(8).

(C) The date and time that each deviation started and stopped, and whether each deviation occurred during a period of startup, shutdown, or malfunction or during another period.

(D) A summary of the total duration of the deviation during the reporting period, and the total duration as a percent of the total operating time of the affected source during that reporting period.

(E) A breakdown of the total duration of the deviations during the reporting period into those that are due to startup, shutdown, control equipment problems, process problems, other known causes, and other unknown causes.

(F) A summary of the total duration of CMS downtime during the reporting period, and the total duration of CMS downtime as a percent of the total operating time of the affected source during that reporting period.

(G) An identification of each HAP that is known to be in the emission stream.

(H) A brief description of the process units.

(I) A brief description of the CMS.

(J) The date of the latest CMS certification or audit.

(K) Operating logs of processes with batch vents from batch operations for each day(s) during which the deviation occurred.

(L) The operating day or operating block average values of monitored parameters for each day(s) during which the deviation occurred.

(iv) If you documented in your notification of compliance status report that an MCPU has Group 2 batch process vents because the non-reactive HAP is the only HAP and usage is less than 10,000 lb/yr, the total uncontrolled organic HAP emissions from the batch process vents in an MCPU will be less than 1,000 lb/yr for the anticipated number of standard batches, or total uncontrolled hydrogen halide and halogen HAP emissions from all batch process vents and continuous process vents in a process are less than 1,000 lb/yr, include the records associated with each calculation required by 40 CFR 63.2525(e) that exceeds an applicable HAP usage or emissions threshold.

(6) If you use a CEMS, and there were no periods during which it was out-of-control as specified in 40 CFR 63.8(c)(7), include a statement that there were no periods during which the CEMS was out-of-control during the reporting period.

(7) Include each new operating scenario which has been operated since the time period covered by the last compliance report and has not been submitted in the notification of compliance status report or a previous compliance report. For each new operating scenario, you must provide verification that the operating conditions for any associated control or treatment device have not been exceeded and that any required calculations and engineering analyses have been performed. For the purposes of this paragraph, a revised operating scenario for an existing process is considered to be a new operating scenario.

(8) Records of process units added to a PUG as specified in 40 CFR 63.2525(i)(4) and records of primary product redeterminations as specified in 40 CFR 63.2525(i)(5).

(9) Applicable records and information for periodic reports as specified in referenced subparts F, G, H, SS, UU, WW, and GGG of this part and subpart F of 40 CFR 65.

(10) Notification of process change.

(i) Except as specified in paragraph (e)(10)(ii) of this section, whenever you make a process change, or change any of the information submitted in the notification of compliance status report or a previous compliance report, that is not within the scope of an existing operating scenario, you must document the change in your compliance report. A process change does not include moving within a range of conditions identified in the standard batch, and a nonstandard batch does not constitute a process change. The notification must include all ofthe information in paragraphs (e)(10)(i)(A) through (C) of this section.

(A) A description of the process change.

(B) Revisions to any of the information reported in the original notification of compliance status report under paragraph (d) of this section.

(C) Information required by the notification of compliance status report under paragraph (d) of this section for changes involving the addition of processes or equipment at the affected source.

(ii) You must submit a report 60 days before the scheduled implementation date of any of the changes identified in paragraph (e)(10)(ii)(A), (B), or (C) of this section.

(A) Any change to the information contained in the precompliance report.

(B) A change in the status of a control device from small to large.

(C) A change from Group 2 to Group 1 for any emission point except for batch process vents that meet the conditions specified in 40 CFR 63.2460(b)(6)(i).

40 CFR 63.2525 - What records must I keep?

You must keep the records specified in paragraphs (a) through (k) of this section.

(a) Each applicable record required by Sbpart A of this Part 63 and in referenced subparts F, G, SS, UU, WW, and GGG of this Part 63 and in referenced Subpart F of 40 CFR 65.

(b) Records of each operating scenario as specified in paragraphs (b)(1) through (8) of this section.

(1) A description of the process and the type of process equipment used.

(2) An identification of related process vents, including their associated emissions episodes if not complying with the alternative standard in 40 CFR 63.2505; wastewater point of determination (POD); storage tanks; and transfer racks.

(3) The applicable control requirements of this subpart, including the level of required control, and for vents, the level of control for each vent.

(4) The control device or treatment process used, as applicable, including a description of operating and/or testing conditions for any associated control device.

(5) The process vents, wastewater POD, transfer racks, and storage tanks (including those from other processes) that are simultaneously routed to the control device or treatment process(s).

(6) The applicable monitoring requirements of this subpart and any parametric level that assures compliance for all emissions routed to the control device or treatment process.

(7) Calculations and engineering analyses required to demonstrate compliance.

(8) For reporting purposes, a change to any of these elements not previously reported, except for paragraph (b)(5) of this section, constitutes a new operating scenario.

(c) A schedule or log of operating scenarios for processes with batch vents from batch operations updated each time a different operating scenario is put into effect.

(d) The information specified in paragraphs (d)(1) and (2) of this section for Group 1 batch process vents in compliance with a percent reduction emission limit in Table 2 to this subpart if some of the vents are controlled to less the percent reduction requirement.

(1) Records of whether each batch operated was considered a standard batch.

(2) The estimated uncontrolled and controlled emissions for each batch that is considered to be a nonstandard batch.

(e) The information specified in paragraph (e)(2), (3), or (4) of this section, as applicable, for each process with Group 2 batch process vents or uncontrolled hydrogen halide and halogen HAP emissions from the sum of all batch and continuous process vents less than 1,000 lb/yr. No records are required for situations described in paragraph (e)(1) of this section.

(1) No records are required if you documented in your notification of compliance status report that the MCPU meets any of the situations described in paragraph (e)(1)(i), (ii), or (iii) of this section.

(i) The MCPU does not process, use, or generate HAP.

(ii) You control the Group 2 batch process vents using a flare that meets the requirements of 40 CFR 63.987.

(iii) You control the Group 2 batch process vents using a control device for which your determination of worst case for initial compliance includes the contribution of all Group 2 batch process vents.

(2) If you documented in your notification of compliance status report that an MCPU has Group 2 batch process vents because the non-reactive organic HAP is the only HAP and

usage is less than 10,000 lb/yr, as specified in 40 CFR 63.2460(b)(7), you must keep records of the amount of HAP material used, and calculate the daily rolling annual sum of the amount used no less frequently than monthly. If a record indicates usage exceeds 10,000 lb/yr, you must estimate emissions for the preceding 12 months based on the number of batches operated and the estimated emissions for a standard batch, and you must begin recordkeeping as specified in paragraph (e)(4) of this section. After 1 year, you may revert to recording only usage if the usage during the year is less than 10,000 lb.

(3) If you documented in your notification of compliance status report that total uncontrolled organic HAP emissions from the batch process vents in an MCPU will be less than 1,000 lb/yr for the anticipated number of standard batches, then you must keep records of the number of batches operated and calculate a daily rolling annual sum of batches operated no less frequently than monthly. If the number of batches operated results in organic HAP emissions that exceed 1,000 lb/yr, you must estimate emissions for the preceding 12 months based on the number of batches operated and the estimated emissions for a standard batch, and you must begin recordkeeping as specified in paragraph (e)(4) of this section. After 1 year, you may revert to recording only the number of batches if the number of batches operated during the year results in less than 1,000 lb of organic HAP emissions.

(4) If you meet none of the conditions specified in paragraphs (e)(1) through (3) of this section, you must keep records of the information specified in paragraphs (e)(4)(i) through (iv) of this section.

(i) A record of the day each batch was completed and/or the operating hours per day for continuous operations with hydrogen halide and halogen emissions.

(ii) A record of whether each batch operated was considered a standard batch.

(iii) The estimated uncontrolled and controlled emissions for each batch that is considered to be a nonstandard batch.

(iv) Records of the daily 365-day rolling summations of emissions, or alternative records that correlate to the emissions (e.g., number of batches), calculated no less frequently than monthly.

(f) A record of each time a safety device is opened to avoid unsafe conditions in accordance with 40 CFR 63.2450(s).

(g) Records of the results of each CPMS calibration check and the maintenance performed, as specified in 40 CFR 63.2450(k)(1).

(h) For each CEMS, you must keep records of the date and time that each deviation started and stopped, and whether the deviation occurred during a period of startup, shutdown, or malfunction or during another period.

(i) For each PUG, you must keep records specified in paragraphs (i)(1) through (5) of this section.

(1) Descriptions of the MCPU and other process units in the initial PUG required by 40 CFR 63.2535(l)(1)(v).

(2) Rationale for including each MCPU and other process unit in the initial PUG (i.e., identify the overlapping equipment between process units) required by 40 CFR 63.2535(l)(1)(v).

(3) Calculations used to determine the primary product for the initial PUG required by 40 CFR 63.2535(l)(2)(iv).

(4) Descriptions of process units added to the PUG after the creation date and rationale for including the additional process units in the PUG as required by 40 CFR 63.2535(l)(1)(v).

(5) The calculation of each primary product redetermination required by 40 CFR 63.2535(l)(2)(iv).

(j) In the SSMP required by 40 CFR 63.6(e)(3), you are not required to include Group 2 emission points, unless those emission points are used in an emissions average. For equipment leaks, the SSMP requirement is limited to control devices and is optional for other equipment.

(k) For each bag leak detector used to monitor PM HAP emissions from a fabric filter, maintain records of any bag leak detection alarm, including the date and time, with a brief explanation of the cause of the alarm and the corrective action taken.

40 CFR 63.2535 - What compliance options do I have if part of my plant is subject to both this subpart and another subpart?

For any equipment, emission stream, or wastewater stream subject to the provisions of both this subpart and another rule, you may elect to comply only with the provisions as specified in paragraphs (a) through (l) of this section. You also must identify the subject equipment, emission stream, or wastewater stream, and the provisions with which you will comply, in your notification of compliance status report required by 40 CFR 63.2520(d).

(a) Compliance with other subparts of this Part 63.

(1) If you have an MCPU that includes a batch process vent that also is part of a CMPU as defined in Subparts F and G of this Part 63, you must comply with the emission limits; operating limits; work practice standards; and the compliance, monitoring, reporting, and recordkeeping requirements for batch process vents in this subpart, and you must continue to comply with the requirements in Subparts F, G, and H of this Part 63 that are applicable to the CMPU and associated equipment.

(2) After the compliance dates specified in 40 CFR 63.2445, at an offsite reloading or cleaning facility subject to 40 CFR 63.1253(f), as referenced from 40 CFR 63.2470(e), compliance with the monitoring, recordkeeping, and reporting provisions of any other subpart of this Part 63 constitutes compliance with the monitoring, recordkeeping, and reporting provisions of 40 CFR 63.1253(f)(7)(ii) or 40 CFR 63.1253(f)(7)(iii). You must identify in your notification of compliance status report required by 40 CFR 63.2520(d) the subpart of this Part 63 with which the owner or operator of the offsite reloading or cleaning facility complies.

(b) Compliance with 40 CFR Parts 264 and 265, Subparts AA, BB, and/or CC.

(1) After the compliance dates specified in 40 CFR 63.2445, if a control device that you use to comply with this subpart is also subject to monitoring, recordkeeping, and reporting requirements in 40 CFR 264 Subpart AA, BB, or CC; or the monitoring and recordkeeping requirements in 40 CFR 265 Subpart AA, BB, or CC; and you comply with the periodic reporting requirements under 40 CFR 264 Subpart AA, BB, or CC that would apply to the device if your facility had final-permitted status, you may elect to comply either with the monitoring, recordkeeping, and reporting requirements of this subpart; or with the monitoring and recordkeeping requirements in 40 CFR 264 or 265 and the reporting requirements in 40 CFR 264, as described in this paragraph (b)(1), which constitute compliance with the monitoring, recordkeeping, and reporting requirements of this subpart. If you elect to comply with the monitoring, recordkeeping, and reporting requirements in 40 CFR 264 and/or 265, you must report the information described in 40 CFR 63.2520(e).

(2) After the compliance dates specified in 40 CFR 63.2445, if you have an affected source with equipment that is also subject to 40 CFR 264 Subpart BB, or to 40 CFR 265 Subpart BB, then compliance with the recordkeeping and reporting requirements of 40 CFR 264 and/or 265 may be used to comply with the recordkeeping and reporting requirements of this subpart, to the extent that the requirements of 40 CFR 264 and/or 265 duplicate the requirements of this subpart.

(c) Compliance with 40 CFR 60 Subpart Kb and 40 CFR 61 Subpart Y. After the compliance dates specified in 40 CFR 63.2445, you are in compliance with the provisions of this Subpart FFFF for any storage tank that is assigned to an MCPU and that is both controlled with a floating roof and in compliance with the provisions of either 40 CFR 60 Subpart Kb, or 40 CFR 61 Subpart Y. You are in compliance with this Subpart FFFF if you have a storage tank with a fixed roof, closed-vent system, and control device in compliance with the provisions of either 40 CFR 60 Subpart Kb, or 40 CFR 61 Subpart Y, except that you must comply with the monitoring,

recordkeeping, and reporting requirements in this Subpart FFFF. Alternatively, if a storage tank assigned to an MCPU is subject to control under 40 CFR 60 Subpart Kb, or 40 CFR 61 Subpart Y, you may elect to comply only with the requirements for Group 1 storage tanks in this Subpart FFFF.

(d) Compliance with Sbpart I, GGG, or MMM of this Part 63. After the compliance dates specified in 40 CFR 63.2445, if you have an affected source with equipment subject to Subpart I, GGG, or MMM of this Part 63, you may elect to comply with the provisions of Subpart H, GGG, or MMM of this Part 63, respectively, for all such equipment.

(e) Compliance with Subpart GGG of this Part 63 for wastewater. After the compliance dates specified in 40 CFR 63.2445, if you have an affected source subject to this subpart and you have an affected source that generates wastewater streams that meet the applicability thresholds specified in 40 CFR 63.1256, you may elect to comply with the provisions of this Subpart FFFF for all such wastewater streams.

(f) Compliance with Subpart MMM of this Part 63 for wastewater. After the compliance dates specified in 40 CFR 63.2445, if you have an affected source subject to this subpart, and you have an affected source that generates wastewater streams that meet the applicability thresholds specified in 40 CFR 63.1362(d), you may elect to comply with the provisions of this Subpart FFFF for all such wastewater streams (except that the 99 percent reduction requirement for streams subject to 40 CFR 63.1362(d)(10) still applies).

(g) Compliance with other regulations for wastewater. After the compliance dates specified in 40 CFR 63.2445, if you have a Group 1 wastewater stream that is also subject to provisions in 40 CFR 260 through 272, you may elect to determine whether this subpart or 40 CFR 260 through 272 contain the more stringent control requirements (e.g., design, operation, and inspection requirements for waste management units; numerical treatment standards; etc.) and the more stringent testing, monitoring, recordkeeping, and reporting requirements. Compliance with provisions of 40 CFR 260 through 272 that are determined to be more stringent than the requirements of this subpart, constitute compliance with this subpart. For example, provisions of 40 CFR 260 through 272 for treatment units that meet the conditions specified in 40 CFR 63.138(h), constitute compliance with this subpart. You must identify in the notification of compliance status report required by 40 CFR 63.2520(d) the information and procedures that you used to make any stringency determinations.

(h) Compliance with 40 CFR 60 Subpart DDD, III, NNN, or RRR. After the compliance dates specified in 40 CFR 63.2445, if you have an MCPU that contains equipment subject to the provisions of this subpart that are also subject to the provisions of 40 CFR 60 Subpart DDD, III, NNN, or RRR, you may elect to apply this subpart to all such equipment in the MCPU. If an MCPU subject to the provisions of this subpart has equipment to which this subpart does not apply but which is subject to a standard in 40 CFR 60 Subpart DDD, III, NNN, or RRR, you may elect to comply with the requirements for Group 1 process vents in this subpart for such equipment. If you elect any of these methods of compliance, you must consider all total organic compounds, minus methane and ethane, in such equipment for purposes of compliance with this subpart, as if they were organic HAP. Compliance with the provisions of this subpart, in the manner described in this paragraph (h), will constitute compliance with 40 CFR 60 Subpart DDD, III, NNN, or RRR, as applicable.

(i) Compliance with 40 CFR 61 Subpart BB.

(1) After the compliance dates specified in 40 CFR 63.2445, a Group 1 transfer rack, as defined in 40 CFR 63.2550, that is also subject to the provisions of 40 CFR 61 Subpart BB, you are required to comply only with the provisions of this subpart.

(2) After the compliance dates specified in 40 CFR 63.2445, a Group 2 transfer rack, as defined in 40 CFR 63.2550, that is also subject to the provisions of 40 CFR 61 Subpart BB, is required to comply with the provisions of either paragraph (l)(2)(i) or (ii) of this section.

(i) If the transfer rack is subject to the control requirements specified in 40 CFR 61.302 of 40 CFR 61 Subpart BB, then you may elect to comply with either the requirements of 40 CFR 61 Subpart BB, or the requirements for Group 1 transfer racks under this Subpart FFFF.

(ii) If the transfer rack is subject only to reporting and recordkeeping requirements under 40 CFR 61 Subpart BB, then you are required to comply only with the reporting and recordkeeping requirements specified in this subpart for Group 2 transfer racks, and you are exempt from the reporting and recordkeeping requirements in 40 CFR 61 Subpart BB.

(j) Compliance with 40 CFR 61 Subpart FF. After the compliance date specified in 40 CFR 63.2445, for a Group 1 or Group 2 wastewater stream that is also subject to the provisions of 40 CFR 61.342(c) through (h), and is not exempt under 40 CFR 61.342(c)(2) or (3), you may elect to comply only with the requirements for Group 1 wastewater streams in this Subpart FFFF. If a Group 2 wastewater stream is exempted from 40 CFR 61.342(c)(1) under 40 CFR 61.342(c)(2) or (3), then you are required to comply only with the reporting and recordkeeping requirements specified in this subpart for Group 2 wastewater streams, and you are exempt from the requirements in 40 CFR 61 Subpart FF.

(k) Compliance with 40 CFR 60 Subpart VV, and 40 CFR 61 Subpart V. After the compliance date specified in 40 CFR 63.2445, if you have an affected source with equipment that is also subject to the requirements of 40 CFR 60 Subpart VV, or 40 CFR 61 Subpart V, you may elect to apply this subpart to all such equipment. After the compliance date specified in 40 CFR 63.2445, if you have an affected source with equipment to which this subpart does not apply, but which is subject to the requirements of 40 CFR 60 Subpart VV, or 40 CFR 61 Subpart V, you may elect to apply this subpart to all such equipment. If you elect either of these methods of compliance, you must consider all total organic compounds, minus methane and ethane, in such equipment for purposes of compliance with this subpart, as if they were organic HAP. Compliance with the provisions of this subpart, in the manner described in this paragraph (k), will constitute compliance with 40 CFR 60 Subpart VV and 40 CFR 61 Subpart V, as applicable.

(l) Applicability of process units included in a process unit group. You may elect to develop and comply with the requirements for PUG in accordance with paragraphs (l)(1) through (3) of this section.

(1) Procedures to create process unit groups. Develop and document changes in a PUG in accordance with the procedures specified in paragraphs (l)(1)(i) through (v) of this section.

(i) Initially, identify an MCPU that is created from nondedicated equipment that will operate on or after November 10, 2003 and identify all processing equipment that is part of this MCPU, based on descriptions in operating scenarios.

(ii) Add to the group any other nondedicated MCPU and other nondedicated process units expected to be operated in the 5 years after the date specified in paragraph (l)(1)(i) of this section, provided they satisfy the criteria specified in paragraphs (l)(1)(ii)(A) through (C) of this section. Also identify all of the processing equipment used for each process unit based on information from operating scenarios and other applicable documentation.

(A) Each process unit that is added to a group must have some processing equipment that is also part of one or more process units in the group.

(B) No process unit may be part of more than one PUG.

(C) The processing equipment used to satisfy the requirement of paragraph (l)(1)(ii)(A) of this section may not be a storage tank or control device.

(iii) The initial PUG consists of all of the processing equipment for the process units identified in paragraphs (l)(1)(i) and (ii) of this section. As an alternative to the procedures specified in paragraphs (l)(1)(i) and (ii) of this section, you may use a PUG that was developed in accordance with 40 CFR 63.1360(h) as your initial PUG.

(iv) Add process units developed in the future in accordance with the conditions specified in paragraphs (l)(1)(ii)(A) and (B) of this section.

(v) Maintain records that describe the process units in the initial PUG, the procedure used to create the PUG, and subsequent changes to each PUG as specified in 40 CFR 63.2525(i). Submit the records in reports as specified in 40 CFR 63.2520(d)(2)(ix) and (e)(8).

(2) Determine primary product. You must determine the primary product of each PUG created in paragraph (l)(1) of this section according to the procedures specified in paragraphs (l)(2)(i) through (iv) of this section.

(i) The primary product is the type of product (e.g., organic chemicals subject to 40 CFR 63.2435(b)(1), pharmaceutical products subject to 40 CFR 63.1250, or pesticide active ingredients subject to 40 CFR 63.1360) expected to be produced for the greatest operating time in the 5-year period specified in paragraph (l)(1)(ii) of this section.

(ii) If the PUG produces multiple types of products equally based on operating time, then the primary product is the type of product with the greatest production on a mass basis over the 5-year period specified in paragraph (l)(1)(ii) of this section.

(iii) At a minimum, you must redetermine the primary product of the PUG following the procedure specified in paragraphs (l)(2)(i) and (ii) of this section every 5 years.

(iv) You must record the calculation of the initial primary product determination as specified in 40 CFR 63.2525(i)(3) and report the results in the notification of compliance status report as specified in 40 CFR 63.2520(d)(8)(ix). You must record the calculation of each redetermination of the primary product as specified in 40 CFR 63.2525(i)(5) and report the calculation in a compliance report submitted no later than the report covering the period for the end of the 5th year after cessation of production of the previous primary product, as specified in 40 CFR 63.2520(e)(8).

(3) Compliance requirements.

(i) If the primary product of the PUG is determined according to paragraph (l)(2) of this section to be material described in 40 CFR 63.2435(b)(1), then you must comply with this subpart for each MCPU in the PUG. You may also elect to comply with this subpart for all other process units in the PUG, which constitutes compliance with other Part 63 rules.

(ii) If the primary product of the PUG is determined according to paragraph (l)(2) of this section to be material not described in 40 CFR 63.2435(b)(1), then you must comply with paragraph (l)(3)(ii)(A), (B), or (C) of this section, as applicable.

(A) If the primary product is subject to Subpart GGG of this Part 63, then comply with the requirements of Subpart GGG for each MCPU in the PUG.

(B) If the primary product is subject to subpart MMM of this Part 63, then comply with the requirements of sSbpart MMM for each MCPU in the PUG.

(C) If the primary product is subject to any subpart in this Part 63 other than Subpart GGG or Subpart MMM, then comply with the requirements of this subpart for each MCPU in the PUG.

(iii) The requirements for new and reconstructed sources in the alternative subpart apply to all MCPU in the PUG if and only if the affected source under the alternative subpart meets the requirements for construction or reconstruction.

40 CFR 63.2540 - What parts of the General Provisions apply to me?

Table 12 to this subpart shows which parts of the General Provisions in 40 CFR 63.1 through 63.15 apply to you.

40 CFR 63.2545 - Who implements and enforces this subpart?

(a) This subpart can be implemented and enforced by us, the U.S. Environmental Protection Agency (U.S. EPA), or a delegated authority such as your State, local, or tribal agency. If the U.S. EPA Administrator has delegated authority to your State, local, or tribal agency, then that agency also has the authority to implement and enforce this subpart. You should contact your

U.S. EPA Regional Office to find out if this subpart is delegated to your State, local, or tribal agency.

(b) In delegating implementation and enforcement authority of this subpart to a State, local, or tribal agency under 40 CFR 63 Subpart E, the authorities contained in paragraphs (b)(1) through (4) of this section are retained by the Administrator of U.S. EPA and are not delegated to the State, local, or tribal agency.

(1) Approval of alternatives to the non-opacity emission limits and work practice standards in 40 CFR 63.2450(a) under 40 CFR 63.6(g).

(2) Approval of major alternatives to test methods under 40 CFR 63.7(e)(2)(ii) and (f) and as defined in 40 CFR 63.90.

(3) Approval of major alternatives to monitoring under 40 CFR 63.8(f) and as defined in 40 CFR 63.90.

(4) Approval of major alternatives to recordkeeping and reporting under 40 CFR 63.10(f) and as defined in 40 CFR 63.90.

40 CFR 63.2550 - What definitions apply to this subpart?

(a) For an affected source complying with the requirements in Subpart SS of this Part 63, the terms used in this subpart and in Subpart SS of this Part 63 have the meaning given them in 40 CFR 63.981, except as specified in 40 CFR 63.2450(k)(2) and (m), 63.2470(c)(2), 63.2475(b), and paragraph (i) of this section.

(b) For an affected source complying with the requirements in 40 CFR 65 Subpart F, the terms used in this subpart and in 40 CFR 65 Subpart F have the meaning given to them in 40 CFR 65.2.

(c) For an affected source complying with the requirements in subpart UU of this Part 63, the terms used in this subpart and in Subpart UU of this Part 63 have the meaning given them in 40 CFR 63.1020.

(d) For an affected source complying with the requirements in Subpart WW of this Part 63, the terms used in this subpart and Subpart WW of this Part 63 have the meaning given them in 40 CFR 63.1061, except as specified in 40 CFR 63.2450(m), 63.2470(c)(2), and paragraph (i) of this section.

(e) For an affected source complying with the requirements in 40 CFR 63.132 through 63.149, the terms used in this subpart and 40 CFR 63.132 through 63.149 have the meaning given them in 40 CFR 63.101 and 63.111, except as specified in 40 CFR 63.2450(m) and paragraph (i) of this section.

(f) For an affected source complying with the requirements in 40 CFR 63.104 and 63.105, the terms used in this subpart and in 40 CFR 63.104 and 63.105 of this subpart have the meaning given them in 40 CFR 63.101, except as specified in 40 CFR 63.2450(m), 63.2490(b), and paragraph (i) of this section.

(g) For an affected source complying with requirements in 40 CFR 63.1253, 63.1257, and 63.1258, the terms used in this subpart and in 40 CFR 63.1253, 63.1257, and 63.1258 have the meaning given them in 40 CFR 63.1251, except as specified in 40 CFR 63.2450(m) and paragraph (i) of this section.

(h) For an affected source complying with the requirements in 40 CFR 65 Subpart F, the terms used in this subpart and in 40 CFR 65 Subpart F, have the meaning given them in 40 CFR 65.2.

(i) All other terms used in this subpart are defined in the Clean Air Act (CAA), in 40 CFR 63.2, and in this paragraph (i). If a term is defined in 40 CFR 63.2, 40 CFR 63.101, 40 CFR 63.111, 40 CFR 63.981, 40 CFR 63.1020, 40 CFR 63.1061, 40 CFR 63.1251, or 40 CFR 65.2 and in this paragraph (i), the definition in this paragraph (i) applies for the purposes of this subpart.

Ancillary activities means boilers and incinerators (not used to comply with the emission limits in Tables 1 through 7 to this subpart), chillers and refrigeration systems, and other equipment and activities that are not directly involved (i.e., they operate within a closed system

and materials are not combined with process fluids) in the processing of raw materials or the manufacturing of a product or isolated intermediate.

Batch operation means a noncontinuous operation involving intermittent or discontinuous feed into equipment, and, in general, involves the emptying of the equipment after the operation ceases and prior to beginning a new operation. Addition of raw material and withdrawal of product do not occur simultaneously in a batch operation.

Batch process vent means a vent from a unit operation or vents from multiple unit operations within a process that are manifolded together into a common header, through which a HAP-containing gas stream is, or has the potential to be, released to the atmosphere. Examples of batch process vents include, but are not limited to, vents on condensers used for product recovery, reactors, filters, centrifuges, and process tanks. The following are not batch process vents for the purposes of this subpart:

(1) Continuous process vents;

(2) Bottoms receivers;

(3) Surge control vessels;

(4) Gaseous streams routed to a fuel gas system(s);

(5) Vents on storage tanks, wastewater emission sources, or pieces of equipment subject to the emission limits and work practice standards in Tables 4, 6, and 7 to this subpart;

(6) Drums, pails, and totes;

(7) Flexible elephant trunk systems that draw ambient air (i.e., the system is not ducted, piped, or otherwise connected to the unit operations) away from operators when vessels are opened; and

(8) Emission streams from emission episodes that are undiluted and uncontrolled containing less than 50 ppmv HAP are not part of any batch process vent. A vent from a unit operation, or a vent from multiple unit operations that are manifolded together, from which total uncontrolled HAP emissions are less than 200 lb/yr is not a batch process vent; emissions for all emission episodes associated with the unit operation(s) must be included in the determination of the total mass emitted. The HAP concentration or mass emission rate may be determined using any of the following: process knowledge that no HAP are present in the emission stream; an engineering assessment as discussed in 40 CFR 63.1257(d)(2)(ii), except that you do not need to demonstrate that the equations in 40 CFR 63.1257(d)(2)(i) do not apply, and the precompliance reporting requirements specified in 40 CFR 63.1257(d)(2)(ii)(E) do not apply for the purposes of this demonstration; equations specified in 40 CFR 63.1257(d)(2)(i), as applicable; test data using Method 18 of 40 CFR 60 Appendix A; or any other test method that has been validated according to the procedures in Method 301 of Appendix A of this part.

Biofilter means an enclosed control system such as a tank or series of tanks with a fixed roof that contact emissions with a solid media (such as bark) and use microbiological activity to transform organic pollutants in a process vent stream to innocuous compounds such as carbon dioxide, water, and inorganic salts. Wastewater treatment processes such as aeration lagoons or activated sludge systems are not considered to be biofilters.

Bottoms receiver means a tank that collects bottoms from continuous distillation before the stream is sent for storage or for further downstream processing.

Construction means the onsite fabrication, erection, or installation of an affected source or MCPU. Addition of new equipment to an MCPU subject to existing source standards does not constitute construction, but it may constitute reconstruction of the affected source or MCPU if it satisfies the definition of reconstruction in 40 CFR 63.2.

Consumption means the quantity of all HAP raw materials entering a process in excess of the theoretical amount used as reactant, assuming 100 percent stoichiometric conversion. The raw materials include reactants, solvents, and any other additives. If a HAP is generated in the

process as well as added as a raw material, consumption includes the quantity generated in the process.

Continuous operation means any operation that is not a batch operation.

Continuous process vent means the point of discharge to the atmosphere (or the point of entry into a control device, if any) of a gas stream if the gas stream has the characteristics specified in 40 CFR 63.107(b) through (h), or meets the criteria specified in 40 CFR 63.107(i), except:

(1) The reference in 40 CFR 63.107(e) to a chemical manufacturing process unit that meets the criteria of 40 CFR 63.100(b) means an MCPU that meets the criteria of 40 CFR 63.2435(b);

(2) The reference in 40 CFR 63.107(h)(4) to 40 CFR 63.113 means Table 1 to this subpart;

(3) The references in 40 CFR 63.107(h)(7) to 40 CFR 63.119 and 63.126 mean Tables 4 and 5 to this subpart; and

(4) For the purposes of 40 CFR 63.2455, all references to the characteristics of a process vent (e.g., flowrate, total HAP concentration, or TRE index value) mean the characteristics of the gas stream.

(5) The reference to ``total organic HAP'' in 40 CFR 63.107(d) means ``total HAP'' for the purposes of this Subpart FFFF.

(6) The references to an ``air oxidation reactor, distillation unit, or reactor'' in 40 CFR 63.107 mean any continuous operation for the purposes of this subpart.

(7) A separate determination is required for the emissions from each MCPU, even if emission streams from two or more MCPU are combined prior to discharge to the atmosphere or to a control device.

Dedicated MCPU means an MCPU that consists of equipment that is used exclusively for one process, except that storage tanks assigned to the process according to the procedures in 40 CFR 63.2435(d) also may be shared by other processes.

Deviation means any instance in which an affected source subject to this subpart, or an owner or operator of such a source:

(1) Fails to meet any requirement or obligation established by this subpart including, but not limited to, any emission limit, operating limit, or work practice standard; or

(2) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit; or

(3) Fails to meet any emission limit, operating limit, or work practice standard in this subpart during startup, shutdown, or malfunction, regardless of whether or not such failure is permitted by this subpart.

Emission point means each continuous process vent, batch process vent, storage tank, transfer rack, and wastewater stream.

Energetics means propellants, explosives, and pyrotechnics and include materials listed at 49 CFR 172.101 as Hazard Class I Hazardous Materials, Divisions 1.1 through 1.6.

Equipment means each pump, compressor, agitator, pressure relief device, sampling connection system, open-ended valve or line, valve, connector, and instrumentation system in organic HAP service; and any control devices or systems used to comply with Table 6 to this subpart.

Excess emissions means emissions greater than those allowed by the emission limit.

Family of materials means a grouping of materials with the same basic composition or the same basic end use or functionality produced using the same basic feedstocks with essentially identical HAP emission profiles (primary constituent and relative magnitude on a pound per product basis) and manufacturing equipment configuration. Examples of families of materials

include multiple grades of the same product or different variations of a product (e.g., blue, black, and red resins).

Group 1 batch process vent means each of the batch process vents in a process for which the collective uncontrolled organic HAP emissions from all of the batch process vents are greater than or equal to 10,000 lb/yr at an existing source or greater than or equal to 3,000 lb/yr at a new source.

Group 2 batch process vent means each batch process vent that does not meet the definition of Group 1 batch process vent.

Group 1 continuous process vent means a continuous process vent for which the flow rate is greater than or equal to 0.005 standard cubic meter per minute, and the total resource effectiveness index value, calculated according to 40 CFR 63.2455(b), is less than or equal to 1.9 at an existing source and less than or equal to 5.0 at a new source.

Group 2 continuous process vent means a continuous process vent that does not meet the definition of a Group 1 continuous process vent.

Group 1 storage tank means a storage tank with a capacity greater than or equal to 10,000 gal storing material that has a maximum true vapor pressure of total HAP greater than or equal to 6.9 kilopascals at an existing source or greater than or equal to 0.69 kilopascals at a new source.

Group 2 storage tank means a storage tank that does not meet the definition of a Group 1 storage tank.

Group 1 transfer rack means a transfer rack that loads more than 0.65 million liters/year of liquids that contain organic HAP with a rack-weighted average partial pressure, as defined in 40 CFR 63.111, greater than or equal to 1.5 pound per square inch absolute.

Group 2 transfer rack means a transfer rack that does not meet the definition of a Group 1 transfer rack.

Group 1 wastewater stream means a wastewater stream consisting of process wastewater at an existing or new source that meets the criteria for Group 1 status in 40 CFR 63.2485(c) for compounds in Tables 8 and 9 to this subpart and/or a wastewater stream consisting of process wastewater at a new source that meets the criteria for Group 1 status in 40 CFR 63.132(d) for compounds in Table 8 to Subpart G of this Part 63.

Group 2 wastewater stream means any process wastewater stream that does not meet the definition of a Group 1 wastewater stream.

Halogen atoms mean chlorine and fluorine.

HAP metals means the metal portion of antimony compounds, arsenic compounds, beryllium compounds, cadmium compounds, chromium compounds, cobalt compounds, lead compounds, manganese compounds, mercury compounds, nickel compounds, and selenium compounds.

Halogenated vent stream means a vent stream determined to have a mass emission rate of halogen atoms contained in organic compounds of 0.45 kilograms per hour or greater determined by the procedures presented in 40 CFR 63.115(d)(2)(v).

Hydrogen halide and halogen HAP means hydrogen chloride, hydrogen fluoride, and chlorine.

In organic HAP service means that a piece of equipment either contains or contacts a fluid (liquid or gas) that is at least 5 percent by weight of total organic HAP as determined according to the provisions of 40 CFR 63.180(d). The provisions of 40 CFR 63.180(d) also specify how to determine that a piece of equipment is not in organic HAP service.

Isolated intermediate means a product of a process that is stored before subsequent processing. An isolated intermediate is usually a product of a chemical synthesis, fermentation, or biological extraction process. Storage of an isolated intermediate marks the end of a process. Storage occurs at any time the intermediate is placed in equipment used solely for storage. The

storage equipment is part of the MCPU that produces the isolated intermediate and is not assigned as specified in 40 CFR 63.2435(d).

Large control device means a control device that controls total HAP emissions of greater than or equal to 10 tpy, before control.

Maintenance wastewater means wastewater generated by the draining of process fluid from components in the MCPU into an individual drain system in preparation for or during maintenance activities. Maintenance wastewater can be generated during planned and unplanned shutdowns and during periods not associated with a shutdown. Examples of activities that can generate maintenance wastewater include descaling of heat exchanger tubing bundles, cleaning of distillation column traps, draining of pumps into an individual drain system, and draining of portions of the MCPU for repair. Wastewater from routine cleaning operations occurring as part of batch operations is not considered maintenance wastewater.

Maximum true vapor pressure has the meaning given in 40 CFR 63.111, except that it applies to all HAP rather than only organic HAP.

Miscellaneous organic chemical manufacturing process means all equipment which collectively function to produce a product or isolated intermediate that are materials described in 40 CFR 63.2435(b). For the purposes of this subpart, process includes any, all or a combination of reaction, recovery, separation, purification, or other activity, operation, manufacture, or treatment which are used to produce a product or isolated intermediate. A process is also defined by the following:

(1) Routine cleaning operations conducted as part of batch operations are considered part of the process;

(2) Each nondedicated solvent recovery operation is considered a single process;

(3) Each nondedicated formulation operation is considered a single process that is used to formulate numerous materials and/or products;

(4) Quality assurance/quality control laboratories are not considered part of any process; and

(5) Ancillary activities are not considered a process or part of any process.

(6) The end of a process that produces a solid material is either up to and including the dryer or extruder, or for a polymer production process without a dryer or extruder, it is up to and including the extruder, die plate, or solid-state reactor, except in two cases. If the dryer, extruder, die plate, or solid-state reactor is followed by an operation that is designed and operated to remove HAP solvent or residual HAP monomer from the solid, then the solvent removal operation is the last step in the process. If the dried solid is diluted or mixed with a HAP-based solvent, then the solvent removal operation is the last step in the process.

Nondedicated solvent recovery operation means a distillation unit or other purification equipment that receives used solvent from more than one MCPU.

Nonstandard batch means a batch process that is operated outside of the range of operating conditions that are documented in an existing operating scenario but is still a reasonably anticipated event. For example, a nonstandard batch occurs when additional processing or processing at different operating conditions must be conducted to produce a product that is normally produced under the conditions described by the standard batch. A nonstandard batch may be necessary as a result of a malfunction, but it is not itself a malfunction.

On-site or on site means, with respect to records required to be maintained by this subpart or required by another subpart referenced by this subpart, that records are stored at a location within a major source which encompasses the affected source. On-site includes, but is not limited to, storage at the affected source or MCPU to which the records pertain, or storage in central files elsewhere at the major source.

Operating scenario means, for the purposes of reporting and recordkeeping, any specific operation of an MCPU as described by records specified in 40 CFR 63.2525(b).

Organic group means structures that contain primarily carbon, hydrogen, and oxygen atoms.

Organic peroxides means organic compounds containing the bivalent -o-o-structure which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

Point of determination means each point where process wastewater exits the MCPU or control device.

Note to definition for point of determination: The regulation allows determination of the characteristics of a wastewater stream: At the point of determination; or downstream of the point of determination if corrections are made for changes in flow rate and annual average concentration of soluble HAP and partially soluble HAP compounds as determined according to procedures in 40 CFR 63.144 of Subpart G in this Part 63. Such changes include losses by air emissions; reduction of annual average concentration or changes in flow rate by mixing with other water or wastewater streams; and reduction in flow rate or annual average concentration by treating or otherwise handling the wastewater stream to remove or destroy HAP.

Predominant HAP means as used in calibrating an analyzer, the single organic HAP that constitutes the largest percentage of the total organic HAP in the analyzed gas stream, by volume.

Process condenser means a condenser whose primary purpose is to recover material as an integral part of an MCPU. All condensers recovering condensate from an MCPU at or above the boiling point or all condensers in line prior to a vacuum source are considered process condensers. Typically, a primary condenser or condensers in series are considered to be integral to the MCPU if they are capable of and normally used for the purpose of recovering chemicals for fuel value (i.e., net positive heating value), use, reuse or for sale for fuel value, use, or reuse. This definition does not apply to a condenser that is used to remove materials that would hinder performance of a downstream recovery device as follows:

(1) To remove water vapor that would cause icing in a downstream condenser, or

(2) To remove water vapor that would negatively affect the adsorption capacity of carbon in a downstream carbon adsorber, or

(3) To remove high molecular weight organic compounds or other organic compounds that would be difficult to remove during regeneration of a downstream carbon adsorber.

Process tank means a tank or vessel that is used within a process to collect material discharged from a feedstock storage tank or equipment within the process before the material is transferred to other equipment within the process or a product storage tank. A process tank has emissions that are related to the characteristics of the batch cycle, and it does not accumulate product over multiple batches. Surge control vessels and bottoms receivers are not process tanks.

Production-indexed HAP consumption factor (HAP factor) means the result of dividing the annual consumption of total HAP by the annual production rate, per process.

Production-indexed VOC consumption factor (VOC factor) means the result of dividing the annual consumption of total VOC by the annual production rate, per process.

Quaternary ammonium compounds means a type of organic nitrogen compound in which the molecular structure includes a central nitrogen atom joined to four organic groups as well as an acid radical of some sort.

Recovery device means an individual unit of equipment used for the purpose of recovering chemicals from process vent streams and from wastewater streams for fuel value (i.e., net positive heating value), use, reuse, or for sale for fuel value, use, or reuse. For the purposes of meeting requirements in Table 2 to this subpart, the recovery device must not be a process condenser and must recover chemicals to be reused in a process on site. Examples of equipment

that may be recovery devices include absorbers, carbon adsorbers, condensers, oil-water separators or organic-water separators, or organic removal devices such as decanters, strippers, or thin-film evaporation units. To be a recovery device for a wastewater stream, a decanter and any other equipment based on the operating principle of gravity separation must receive only multi-phase liquid streams.

Responsible official means responsible official as defined in 40 CFR 70.2.

Safety device means a closure device such as a pressure relief valve, frangible disc, fusible plug, or any other type of device which functions exclusively to prevent physical damage or permanent deformation to a unit or its air emission control equipment by venting gases or vapors directly to the atmosphere during unsafe conditions resulting from an unplanned, accidental, or emergency event. For the purposes of this subpart, a safety device is not used for routine venting of gases or vapors from the vapor headspace underneath a cover such as during filling of the unit or to adjust the pressure in response to normal daily diurnal ambient temperature fluctuations. A safety device is designed to remain in a closed position during normal operations and open only when the internal pressure, or another relevant parameter, exceeds the device threshold setting applicable to the air emission control equipment as determined by the owner or operator based on manufacturer recommendations, applicable regulations, fire protection and prevention codes and practices, or other requirements for the safe handling of flammable, combustible, explosive, reactive, or hazardous materials.

Shutdown means the cessation of operation of a continuous operation for any purpose. Shutdown also means the cessation of a batch operation, or any related individual piece of equipment required or used to comply with this subpart, if the steps taken to cease operation differ from those described in a standard batch or nonstandard batch. Shutdown also applies to emptying and degassing storage vessels. Shutdown does not apply to cessation of batch operations at the end of a campaign or between batches within a campaign when the steps taken are routine operations.

Small control device means a control device that controls total HAP emissions of less than 10 tpy, before control.

Standard batch means a batch process operated within a range of operating conditions that are documented in an operating scenario. Emissions from a standard batch are based on the operating conditions that result in highest emissions. The standard batch defines the uncontrolled and controlled emissions for each emission episode defined under the operating scenario.

Startup means the setting in operation of a continuous operation for any purpose; the first time a new or reconstructed batch operation begins production; for new equipment added, including equipment required or used to comply with this subpart, the first time the equipment is put into operation; or for the introduction of a new product/process, the first time the product or process is run in equipment. For batch operations, startup applies to the first time the equipment is put into operation at the start of a campaign to produce a product that has been produced in the past if the steps taken to begin production differ from those specified in a standard batch or nonstandard batch. Startup does not apply when the equipment is put into operation as part of a batch within a campaign when the steps taken are routine operations.

Storage tank means a tank or other vessel that is used to store liquids that contain organic HAP and/or hydrogen halide and halogen HAP and that has been assigned to an MCPU according to the procedures in 40 CFR 63.2435(d). The following are not considered storage tanks for the purposes of this subpart:

(1) Vessels permanently attached to motor vehicles such as trucks, railcars, barges, or ships;

(2) Pressure vessels designed to operate in excess of 204.9 kilopascals and without emissions to the atmosphere;

(3) Vessels storing organic liquids that contain HAP only as impurities;

(4) Wastewater storage tanks;

(5) Bottoms receivers;

(6) Surge control vessels; and

(7) Process tanks.

Supplemental gases means the air that is added to a vent stream after the vent stream leaves the unit operation. Air that is part of the vent stream as a result of the nature of the unit operation is not considered supplemental gases. Air required to operate combustion device burner(s) is not considered supplemental gases.

Surge control vessel means feed drums, recycle drums, and intermediate vessels as part of any continuous operation. Surge control vessels are used within an MCPU when in-process storage, mixing, or management of flowrates or volumes is needed to introduce material into continuous operations.

Total organic compounds or (TOC) means the total gaseous organic compounds (minus methane and ethane) in a vent stream.

Transfer rack means the collection of loading arms and loading hoses, at a single loading rack, that are assigned to an MCPU according to the procedures specified in 40 CFR 63.2435(d) and are used to fill tank trucks and/or rail cars with organic liquids that contain one or more of the organic HAP listed in section 112(b) of the CAA of this subpart. Transfer rack includes the associated pumps, meters, shutoff valves, relief valves, and other piping and valves.

Unit operation means those processing steps that occur within distinct equipment that are used, among other things, to prepare reactants, facilitate reactions, separate and purify products, and recycle materials. Equipment used for these purposes includes, but is not limited to, reactors, distillation columns, extraction columns, absorbers, decanters, dryers, condensers, and filtration equipment.

Waste management unit means the equipment, structure(s), and/or device(s) used to convey, store, treat, or dispose of wastewater streams or residuals. Examples of waste management units include wastewater tanks, air flotation units, surface impoundments, containers, oil-water or organic-water separators, individual drain systems, biological wastewater treatment units, waste incinerators, and organic removal devices such as steam and air stripper units, and thin film evaporation units. If such equipment is being operated as a recovery device, then it is part of a miscellaneous organic chemical manufacturing process and is not a waste management unit.

Wastewater means water that is discarded from an MCPU or control device through a POD and that contains either: an annual average concentration of compounds in Tables 8 and 9 to this subpart of at least 5 ppmw and has an annual average flowrate of 0.02 liters per minute or greater; or an annual average concentration of compounds in Tables 8 and 9 to this subpart of at least 10,000 ppmw at any flowrate. Wastewater means process wastewater or maintenance wastewater. The following are not considered wastewater for the purposes of this subpart:

(1) Stormwater from segregated sewers;

(2) Water from fire-fighting and deluge systems, including testing of such systems;

(3) Spills;

(4) Water from safety showers;

(5) Samples of a size not greater than reasonably necessary for the method of analysis that is used;

(6) Equipment leaks;

(7) Wastewater drips from procedures such as disconnecting hoses after cleaning lines; and

(8) Noncontact cooling water.

Wastewater stream means a stream that contains only wastewater as defined in this paragraph (i).

Work practice standard means any design, equipment, work practice, or operational standard, or combination thereof, that is promulgated pursuant to section 112(h) of the CAA.

Tables to Subpart FFFF of Part 63

As required in 40 CFR 63.2455, you must meet each emission limit and work practice standard in the following table that applies to your continuous process vents:

Table 1 to Subpart FFFF of Part 63-Emission Limits and Work Practice Standards for Continuous Process Vents

For Each	For which	Then you must
1. Group 1 continuous process vent	a. Not applicable	i. Reduce emissions of total organic HAP by =98 percent by weight or to an outlet process concentration <=20 ppmv as organic HAP or TOC by venting emissions through a closed-vent system to any combination of control devices (except a flare); or ii. Reduce emissions of total organic HAP by venting emissions through a closed vent system to a flare; or iii. Use a recovery device to maintain the TRE above 1.9 for an existing source or above 5.0 for a new source.
2. Halogenated Group 1 continuous process vent stream.	a. You use a combustion control device to control organic HAP emissions.	i. Use a halogen reduction device after the combustion device to reduce emissions of hydrogen halide and halogen HAP by =99 percent by weight, or to <=0.45 kg/hr, or to <=20 ppmv; or ii. Use a halogen reduction device before the combustion device to reduce the halogen atom mass emission rate to <=0.45 kg/hr or to a concentration <=2 ppmv.
3. Group 2 continuous process vent at an existing source.	You use a recovery device to maintain the TRE level >1.9 but ≤5.0.	Comply with the requirements in 40 CFR 63.993 and the requirements referenced
4. Group 2 continuous process vent at a new source.	You use a recovery device to maintain the TRE level >5.0 but ≤8.0.	Comply with the requirements in 40 CFR 63.993 and the requirements referenced

As required in 40 CFR 63.2460, you must meet each emission limit and work practice standard in the following table that applies to your batch process vents:

TABLE 2 TO SUBPART FFFF OF PART 63-EMISSION LIMITS AND WORK PRACTICE STANDARDS FOR BATCH PROCESS VENTS

For each	Then you must	And you must
1. Process with Group 1 batch process vents.	a. Reduce collective uncontrolled organic HAP emissions from the sum of all batch process vents within the process by ≥98 percent by weight by venting emissions from a sufficient number of the vents through one or more closed-vent systems to any combination of control devices (except a flare); or	Not applicable.
	b. Reduce collective uncontrolled organic HAP emissions from the sum of all batch process vents within the process by ≥95 percent by weight by venting emissions from a sufficient number of the vents through one or more closed-vent systems to any combination of recovery devices or a biofilter, except you may elect to comply with the requirements of subpart WW of this part for any process tank; or	Not applicable.
	c. Reduce uncontrolled organic HAP emissions from one or more batch process vents within the process by venting through a closed-vent system to a flare or by venting through one or more closed-vent systems to any combination of control devices (excluding a flare) that reduce organic HAP to an outlet concentration ≤20 ppmv as TOC or total organic HAP.	For all other batch process vents within the process, reduce collective organic HAP emissions as specified in item 1.a and/or item 1.b of this table.
2. Halogenated Group 1 batch	a. Use a halogen reduction device after the combustion control device; or	i. Reduce overall emissions of hydrogen halide and halogen HAP by ≥99 percent; or ii. Reduce overall emissions of hydrogen

process vent for which you use a combustion device to control organic HAP emissions.		halide and halogen HAP to ≤0.45 kg/hr; or iii. Reduce overall emissions of hydrogen halide and halogen HAP to a concentration ≤20 ppmv.
	b. Use a halogen reduction device before the combustion control device.	Reduce the halogen atom mass emission rate to ≤0.45 kg/hr or to a concentration ≤20 ppmv.

As required in 40 CFR 63.2465, you must meet each emission limit in the following table that applies to your process vents that contain hydrogen halide and halogen HAP emissions or PM HAP emissions:

TABLE 3 TO SUBPART FFFF OF PART 63—EMISSION LIMITS FOR HYDROGEN HALIDE AND HALOGEN HAP EMISSIONS OR PM HAP EMISSIONS FROM PROCESS VENTS

For Each	You must
1. Process with uncontrolled hydrogen halide and halogen HAP emissions from process vents ≥1,000 lb/yr.	a. Reduce collective hydrogen halide and halogen HAP emissions by ≥99 percent by weight or to an outlet concentration ≤20 ppmv by venting through one or more closed-vent systems to any combination of control devices, or b. Reduce the halogen atom mass emission rate from the sum of all batch process vents and each individual continuous process vent to ≤0.45 kg/hr by venting through one or more closed-vent systems to a halogen reduction device.
2. Process at a new source with uncontrolled emissions from process vents ≥150 lb/yr of HAP metals.	Reduce overall emissions of HAP metals by ≥97 percent by weight.

As required in 40 CFR 63.2470, you must meet each emission limit in the following table that applies to your storage tanks:

TABLE 4 TO SUBPART FFFF OF PART 63—EMISSION LIMITS FOR STORAGE TANKS

For Each	For which	Then you must
1. Group 1 storage tank	a. The maximum true vapor pressure of total HAP at the storage temperature is ≥76.6 kilopascals.	i. Reduce total HAP emissions by ≥95 percent by weight or to ≤20 ppmv of TOC or organic HAP and ≤20 ppmv of hydrogen halide and halogen HAP by venting emissions through a closed vent system to any combination of control devices (excluding a flare); or ii. Reduce total organic HAP emissions by venting emissions through a closed vent system to a flare; or iii. Reduce total HAP emissions by venting emissions to a fuel gas system or process in accordance with 40 CFR 63.982(d) and the requirements referenced therein.
	b. The maximum true vapor pressure of total HAP at the storage temperature is ≤76.6 kilopascals.	i. Comply with the requirements of subpart WW of this part, except as specified in 40 CFR 63.2470; or ii. Reduce total HAP emissions by ≥95 percent by weight or to ≤20 ppmv of TOC or organic HAP and ≤20 ppmv of hydrogen halide and halogen HAP by venting emissions through a closed vent system to any combination of control devices (excluding a flare); or iii. Reduce total organic HAP emissions by venting emissions through a closed vent system to a flare; or iv. Reduce total HAP emissions by venting emissions to a fuel gas system or process in accordance with 40 CFR 63.982(d) and the requirements referenced therein.
2. Halogenated vent stream from a Group 1 storage tank.	You use a combustion control device to control organic HAP emissions.	Meet one of the emission limit options specified in Item 2.a.i or ii. in Table 1 to this subpart.

As required in 40 CFR 63.2475, you must meet each emission limit and work practice standard in the following table that applies to your transfer racks:

TABLE 5 TO SUBPART FFFF OF PART 63—EMISSION LIMITS AND WORK PRACTICE STANDARDS FOR TRANSFER RACKS

For Each	You must
1. Group 1 transfer rack	a. Reduce emissions of total organic HAP by ≥98 percent by weight or to an outlet concentration ≤20 ppmv as organic HAP or TOC by venting emissions through a closed-vent system to any combination of control devices (except a flare); or b. Reduce emissions of total organic HAP by venting emissions through a closed-vent system to a flare; or c. Reduce emissions of total organic HAP by venting emissions to a fuel gas system or process in accordance with 40 CFR 63.982(d) and the requirements referenced therein; or d. Use a vapor balancing system designed and operated to collect organic HAP vapors displaced from tank trucks and railcars during loading and route the collected HAP vapors to the storage tank from which the liquid being loaded originated or to another storage tank connected by a common header.
2. Halogenated Group 1 transfer rack vent stream for which you use a combustion device to control organic HAP emissions.	a. Use a halogen reduction device after the combustion device to reduce emissions of hydrogen halide and halogen HAP by ≥99 percent by weight, to ≤0.45 kg/hr, or to ≤20 ppmv; or b. Use a halogen reduction device before the combustion device to reduce the halogen atom mass emission rate to ≤0.45 kg/hr or to a concentration ≤20 ppmv.

As required in 40 CFR 63.2480, you must meet each requirement in the following table that applies to your equipment leaks:

TABLE 6 TO SUBPART FFFF OF PART 63—REQUIREMENTS FOR EQUIPMENT LEAKS

For all	And that is part of	You must
1. Equipment that is in organic HAP service.	a. An MCPU with no continuous process vents.	a. Comply with the requirements of subpart UU of this Part 63 and the requirements referenced therein, except as specified in 40 CFR 63.2480(b) and (d); or b. Comply with the requirements of subpart H of this Part 63 and the requirements referenced therein, except as specified in 40 CFR 63.2480(b) and (d); or c. Comply with the requirements of 40 CFR 65 Subpart F and the requirements referenced therein, except as specified in 40 CFR 63.2480(c) and (d).
	b. An MCPU with at least one continuous process vent.	
2. Equipment that is in organic HAP service at a new source.	a. Any MCPU	i. Comply with the requirements of Subpart UU of this Part 63 and the requirements referenced therein; or ii. Comply with the requirements of 40 CFR 65 Subpart F.

As required in 40 CFR 63.2485, you must meet each requirement in the following table that applies to your wastewater streams and liquid streams in open systems within an MCPU:

TABLE 7 TO SUBPART FFFF OF PART 63—REQUIREMENTS FOR WASTEWATER STREAMS AND LIQUID STREAMS IN OPEN SYSTEMS WITHIN AN MCPU

For each	You must
1. Process wastewater stream	Comply with the requirements in 40 CFR 63.132 through 63.148 and the requirements referenced therein, except as specified in 40 CFR 63.2485.
2. Maintenance wastewater stream	Comply with the requirements in 40 CFR 63.105 and the requirements referenced therein, except as specified in 40 CFR 63.2485.
3. Liquid streams in an open system within an MCPU.	Comply with the requirements in 40 CFR 63.149 and the requirements referenced therein, except as specified in 40 CFR 63.2485.

As specified in 40 CFR 63.2485, the partially soluble HAP in wastewater that are subject to management and treatment requirements in this Subpart FFFF are listed in the following table:

TABLE 8 TO SUBPART FFFF OF PART 63—PARTIALLY SOLUBLE HAZARDOUS AIR POLLUTANTS

Chemical Name and CAS No.
1. 1,1,1–Trichloroethane (methyl chloroform) 71556 2. 1,1,2,2–Tetrachloroethane 79345 3. 1,1,2–Trichloroethane 4. 1,1–Dichloroethylene (vinylidene chloride) 75354 5. 1,2–Dibromoethane 106934 6. 1,2–Dichloroethane (ethylene dichloride) 107062 7. 1,2–Dichloropropane 78875 8. 1,3–Dichloropropene 542756

9. 2,4,5–Trichlorophenol 95954
10. 1,4–Dichlorobenzene 106467
11. 2–Nitropropane 79469
12. 4–Methyl-2-pentanone (MIBK) 108101
13. Acetaldehyde 75070
14. Acrolein 107028
15. Acrylonitrile 107131
16. Allyl chloride 107051
17. Benzene 71432
18. Benzyl chloride 100447
19. Biphenyl 92524
20. Bromoform (tribromomethane) 75252
21. Bromomethane 74839
22. Butadiene 106990
23. Carbon disulfide. 75150
24. Chlorobenzene 108907
25. Chloroethane (ethyl chloride) 75003
26. Chloroform 67663
27. Chloromethane 74873
28. Chloroprene 126998
29. Cumene 98828
30. Dichloroethyl ether111444
31. Dinitrophenol 51285
32. Epichlorohydrin 106898
33. Ethyl acrylate 140885
34. Ethylbenzene 100414
35. Ethylene oxide 75218
36. Ethylidene dichloride 75343
37. Hexachlorobenzene 118741
38. Hexachlorobutadiene 87683
39. Hexachloroethane 67721
40. Methyl methacrylate 80626
41. Methyl-t-butyl ether 1634044
42. Methylene chloride 75092
43. N-hexane 110543
44. N,N-dimethylaniline 121697
45. Naphthalene 91203
46. Phosgene 75445
47. Propionaldehyde 123386
48. Propylene oxide 75569
49. Styrene 100425
50. Tetrachloroethylene (perchloroethylene) 127184
51. Tetrachloromethane (carbon tetrachloride) 56235
52. Toluene 108883
53. Trichlorobenzene (1,2,4-) 120821
54. Trichloroethylene 79016
55. Trimethylpentane 540841
56. Vinyl acetate 108054
57. Vinyl chloride 75014
58. Xylene (m) 108383
59. Xylene (o) 95476
60. Xylene (p) 106423

As specified in 40 CFR 63.2485, the soluble HAP in wastewater that are subject to management and treatment requirements of this Subpart FFFF are listed in the following table:

TABLE 9 TO SUBPART FFFF OF PART 63—SOLUBLE HAZARDOUS AIR POLLUTANTS

Chemical Name and CAS No.
1. Acetonitrile 75058
2. Acetophenone 98862
3. Diethyl sulfate 64675
4. Dimethyl hydrazine (1,1) 57147
5. Dimethyl sulfate 77781
6. Dinitrotoluene (2,4) 121142
7. Dioxane (1,4) 123911
8. Ethylene glycol dimethyl ether 110714
9. Ethylene glycol monobutyl ether acetate 112072
10. Ethylene glycol monomethyl ether acetate 110496

11. Isophorone 78591 12. Methanol 67561 13. Nitrobenzene 98953 14. Toluidine (o-) 95534 15. Triethylamine 121448

As required in 40 CFR 63.2490, you mustmeet each requirement in the followingtable that applies to your heat exchangesystems:

TABLE 10 TO SUBPART FFFF OF PART 63—WORK PRACTICE STANDARDS FOR HEAT EXCHANGE SYSTEMS

For Each	You must
Heat exchange system, as defined in 40 CFR 63.101	Comply with the requirements of 40 CFR 63.104 and the requirements referenced therein, except as specified in 40 CFR 63.2490.

As required in 40 CFR 63.2520(a) and (b), you must submit each report that applies to you on the schedule shown in the following table:

TABLE 11 TO SUBPART FFFF OF PART 63—REQUIREMENTS FOR REPORTS

You must submit a(n)	The report must contain	You must submit the report
1. Precompliance report	The information specified in 40 CFR 63.2520(c).	At least 6 months prior to the compliance date; or for new sources, with the application for approval of construction or reconstruction.
2. Notification of compliance status report.	The information specified in 40 CFR 63.2520(d).	No later than 150 days after the compliance date specified in 40 CFR 63.2445.
3. Compliance report	The information specified in 40 CFR 63.2520(e).	Semiannually according to the requirements in 40 CFR 63.2520(b).

Title 40: Protection of Environment
PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES (CONTINUED)
Browse Next

Subpart ZZZZ - National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines
Source: 69 FR 33506, June 15, 2004, unless otherwise noted.

What This Subpart Covers

40 CFR 63.6580 - What is the purpose of Subpart ZZZZ?
Subpart ZZZZ establishes national emission limitations and operating limitations for hazardous air pollutants (HAP) emitted from stationary reciprocating internal combustion engines (RICE) located at major and area sources of HAP emissions. This Subpart also establishes requirements to demonstrate initial and continuous compliance with the emission limitations and operating limitations.
[73 FR 3603, Jan. 18, 2008]

40 CFR 63.6585 - Am I subject to this Subpart?
You are subject to this Subpart if you own or operate a stationary RICE at a major or area source of HAP emissions, except if the stationary RICE is being tested at a stationary RICE test cell/stand.
(a) A stationary RICE is any internal combustion engine which uses reciprocating motion to convert heat energy into mechanical work and which is not mobile. Stationary RICE differ from mobile RICE in that a stationary RICE is not a non-road engine as defined at 40 CFR 1068.30, and is not used to propel a motor vehicle or a vehicle used solely for competition.
(b) A major source of HAP emissions is a plant site that emits or has the potential to emit any single HAP at a rate of 10 tons (9.07 megagrams) or more per year or any combination of HAP at a rate of 25 tons (22.68 megagrams) or more per year, except that for oil and gas production facilities, a major source of HAP emissions is determined for each surface site.
(c) An area source of HAP emissions is a source that is not a major source.
(d) If you are an owner or operator of an area source subject to this Subpart, your status as an entity subject to a standard or other requirements under this Subpart does not subject you to the obligation to obtain a permit under 40 CFR 70 or 71, provided you are not required to obtain a permit under 40 CFR 70.3(a) or 40 CFR 71.3(a) for a reason other than your status as an area source under this Subpart. Notwithstanding the previous sentence, you must continue to comply with the provisions of this Subpart as applicable.
(e) If you are an owner or operator of a stationary RICE used for national security purposes, you may be eligible to request an exemption from the requirements of this Subpart as described in 40 CFR 1068 Subpart C.
[69 FR 33506, June 15, 2004, as amended at 73 FR 3603, Jan. 18, 2008]

40 CFR63.6590 - What parts of my plant does this Subpart cover?
This Subpart applies to each affected source.
(a) Affected source. An affected source is any existing, new, or reconstructed stationary RICE located at a major or area source of HAP emissions, excluding stationary RICE being tested at a stationary RICE test cell/stand.
(1) Existing stationary RICE.
(i) For stationary RICE with a site rating of more than 500 brake horsepower (HP) located at a major source of HAP emissions, a stationary RICE is existing if you commenced construction or reconstruction of the stationary RICE before December 19, 2002.
(ii) For stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions, a stationary RICE is existing if you commenced construction or reconstruction of the stationary RICE before June 12, 2006.

(iii) For stationary RICE located at an area source of HAP emissions, a stationary RICE is existing if you commenced construction or reconstruction of the stationary RICE before June 12, 2006.

(iv) A change in ownership of an existing stationary RICE does not make that stationary RICE a new or reconstructed stationary RICE.

(2) New stationary RICE.

(i) A stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions is new if you commenced construction of the stationary RICE on or after December 19, 2002.

(ii) A stationary RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions is new if you commenced construction of the stationary RICE on or after June 12, 2006.

(iii) A stationary RICE located at an area source of HAP emissions is new if you commenced construction of the stationary RICE on or after June 12, 2006.

(3) Reconstructed stationary RICE.

(i) A stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions is reconstructed if you meet the definition of reconstruction in 40 CFR 63.2 and reconstruction is commenced on or after December 19, 2002.

(ii) A stationary RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions is reconstructed if you meet the definition of reconstruction in 40 CFR 63.2 and reconstruction is commenced on or after June 12, 2006.

(iii) A stationary RICE located at an area source of HAP emissions is reconstructed if you meet the definition of reconstruction in 40 CFR 63.2 and reconstruction is commenced on or after June 12, 2006.

(b) Stationary RICE subject to limited requirements.

(1) An affected source which meets either of the criteria in paragraphs (b)(1)(i) through (ii) of this section does not have to meet the requirements of this Subpart and of Subpart A of this part except for the initial notification requirements of 40 CFR 63.6645(f).

(i) The stationary RICE is a new or reconstructed emergency stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions.

(ii) The stationary RICE is a new or reconstructed limited use stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions.

(2) A new or reconstructed stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions which combusts landfill or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis must meet the initial notification requirements of 40 CFR 63.6645(f) and the requirements of 40 CFR 63.6625(c), 63.6650(g), and 63.6655(c). These stationary RICE do not have to meet the emission limitations and operating limitations of this Subpart.

(3) The following stationary RICE do not have to meet the requirements of this Subpart and of Subpart A of this part, including initial notification requirements:

(i) Existing spark ignition 2 stroke lean burn (2SLB) stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions;

(ii) Existing spark ignition 4 stroke lean burn (4SLB) stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions;

(iii) Existing emergency stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions;

(iv) Existing limited use stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions;

(v) Existing stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions that combusts landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis;

(vi) Existing residential emergency stationary RICE located at an area source of HAP emissions;

(vii) Existing commercial emergency stationary RICE located at an area source of HAP emissions; or

(viii) Existing institutional emergency stationary RICE located at an area source of HAP emissions.

(c) Stationary RICE subject to Regulations under 40 CFR Part 60. An affected source that meets any of the criteria in paragraphs (c)(1) through (7) of this section must meet the requirements of this part by meeting the requirements of 40 CFR 60 Subpart IIII, for compression ignition engines or 40 CFR 60 Subpart JJJJ, for spark ignition engines. No further requirements apply for such engines under this part.

(1) A new or reconstructed stationary RICE located at an area source;

(2) A new or reconstructed 2SLB stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions;

(3) A new or reconstructed 4SLB stationary RICE with a site rating of less than 250 brake HP located at a major source of HAP emissions;

(4) A new or reconstructed spark ignition 4 stroke rich burn (4SRB) stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions;

(5) A new or reconstructed stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions which combusts landfill or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis;

(6) A new or reconstructed emergency or limited use stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions;

(7) A new or reconstructed compression ignition (CI) stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions.

[69 FR 33506, June 15, 2004, as amended at 73 FR 3604, Jan. 18, 2008; 75 FR 9674, Mar. 3, 2010; 75 FR 37733, June 30, 2010; 75 FR 51588, Aug. 20, 2010]

<u>40 CFR63.6595 - When do I have to comply with this Subpart?</u>

(a) *Affected sources.*

(1) If you have an existing stationary RICE, excluding existing non-emergency CI stationary RICE, with a site rating of more than 500 brake HP located at a major source of HAP emissions, you must comply with the applicable emission limitations and operating limitations no later than June 15, 2007. If you have an existing non-emergency CI stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, an existing stationary CI RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions, or an existing stationary CI RICE located at an area source of HAP emissions, you must comply with the applicable emission limitations and operating limitations no later than May 3, 2013. If you have an existing stationary SI RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions, or an existing stationary SI RICE located at an area source of HAP emissions, you must comply with the applicable emission limitations and operating limitations no later than October 19, 2013.

(2) If you start up your new or reconstructed stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions before August 16, 2004, you must comply with the applicable emission limitations and operating limitations in this Subpart no later than August 16, 2004.

(3) If you start up your new or reconstructed stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions after August 16, 2004, you must comply with the applicable emission limitations and operating limitations in this Subpart upon startup of your affected source.

(4) If you start up your new or reconstructed stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions before January 18, 2008, you must comply with the applicable emission limitations and operating limitations in this Subpart no later than January 18, 2008.

(5) If you start up your new or reconstructed stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions after January 18, 2008, you must comply with the applicable emission limitations and operating limitations in this Subpart upon startup of your affected source.

(6) If you start up your new or reconstructed stationary RICE located at an area source of HAP emissions before January 18, 2008, you must comply with the applicable emission limitations and operating limitations in this Subpart no later than January 18, 2008.

(7) If you start up your new or reconstructed stationary RICE located at an area source of HAP emissions after January 18, 2008, you must comply with the applicable emission limitations and operating limitations in this Subpart upon startup of your affected source.

(b) Area sources that become major sources. If you have an area source that increases its emissions or its potential to emit such that it becomes a major source of HAP, the compliance dates in paragraphs (b)(1) and (2) of this section apply to you.

(1) Any stationary RICE for which construction or reconstruction is commenced after the date when your area source becomes a major source of HAP must be in compliance with this Subpart upon startup of your affected source.

(2) Any stationary RICE for which construction or reconstruction is commenced before your area source becomes a major source of HAP must be in compliance with the provisions of this Subpart that are applicable to RICE located at major sources within 3 years after your area source becomes a major source of HAP.

(c) If you own or operate an affected source, you must meet the applicable notification requirements in §63.6645 and in 40 CFR 63 Subpart A.

[69 FR 33506, June 15, 2004, as amended at 73 FR 3604, Jan. 18, 2008; 75 FR 9675, Mar. 3, 2010; 75 FR 51589, Aug. 20, 2010]

Emission and Operating Limitations

<u>40 CFR63.6600 - What emission limitations and operating limitations must I meet if I own or operate a stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions?</u>

Compliance with the numerical emission limitations established in this Subpart is based on the results of testing the average of three 1-hour runs using the testing requirements and procedures in 40 CFR 63.6620 and Table 4 to this Subpart.

(a) If you own or operate an existing, new, or reconstructed spark ignition 4SRB stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you must comply with the emission limitations in Table 1a to this Subpart and the operating limitations in Table 1b to this Subpart which apply to you.

(b) If you own or operate a new or reconstructed 2SLB stationary RICE with a site rating of more than 500 brake HP located at major source of HAP emissions, a new or reconstructed 4SLB stationary RICE with a site rating of more than 500 brake HP located at major source of HAP emissions, or a new or reconstructed CI stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you must comply with the emission limitations in Table 2a to this Subpart and the operating limitations in Table 2b to this Subpart which apply to you.

(c) If you own or operate any of the following stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you do not need to comply with the emission limitations in Tables 1a, 2a, 2c, and 2d to this Subpart or operating limitations in Tables 1b and 2b to this Subpart: an existing 2SLB stationary RICE; an existing 4SLB stationary RICE; a stationary RICE that combusts landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis; an emergency stationary RICE; or a limited use stationary RICE.

(d) If you own or operate an existing non-emergency stationary CI RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you must comply with the emission limitations in Table 2c to this Subpart and the operating limitations in Table 2b to this Subpart which apply to you.

[73 FR 3605, Jan. 18, 2008, as amended at 75 FR 9675, Mar. 3, 2010]

<u>40 CFR63.6601 - What emission limitations must I meet if I own or operate a new or reconstructed 4SLB stationary RICE with a site rating of greater than or equal to 250 brake HP and less than or equal to 500 brake HP located at a major source of HAP emissions?</u>

Compliance with the numerical emission limitations established in this Subpart is based on the results of testing the average of three 1-hour runs using the testing requirements and procedures in 40 CFR 63.6620 and Table 4 to this Subpart. If you own or operate a new or reconstructed 4SLB stationary RICE with a site rating of greater than or equal to 250 and less than or equal to 500 brake HP located at major source of HAP emissions manufactured on or after January 1, 2008, you must comply with the emission limitations in Table 2a to this Subpart and the operating limitations in Table 2b to this Subpart which apply to you.

[73 FR 3605, Jan. 18, 2008, as amended at 75 FR 9675, Mar. 3, 2010; 75 FR 51589, Aug. 20, 2010]

40 CFR63.6602 - What emission limitations must I meet if I own or operate an existing stationary RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions?

If you own or operate an existing stationary RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions, you must comply with the emission limitations in Table 2c to this Subpart which apply to you. Compliance with the numerical emission limitations established in this Subpart is based on the results of testing the average of three 1-hour runs using the testing requirements and procedures in 40 CFR 63.6620 and Table 4 to this Subpart.

[75 FR 51589, Aug. 20, 2010]

40 CFR63.6603 - What emission limitations and operating limitations must I meet if I own or operate an existing stationary RICE located at an area source of HAP emissions?

Compliance with the numerical emission limitations established in this Subpart is based on the results of testing the average of three 1-hour runs using the testing requirements and procedures in 40 CFR 63.6620 and Table 4 to this Subpart.

(a) If you own or operate an existing stationary RICE located at an area source of HAP emissions, you must comply with the requirements in Table 2d to this Subpart and the operating limitations in Table 1b and Table 2b to this Subpart that apply to you.

(b) If you own or operate an existing stationary non-emergency CI RICE greater than 300 HP located at area sources in areas of Alaska not accessible by the Federal Aid Highway System (FAHS) you do not have to meet the numerical CO emission limitations specified in Table 2d to this Subpart. Existing stationary non-emergency CI RICE greater than 300 HP located at area sources in areas of Alaska not accessible by the FAHS must meet the management practices that are shown for stationary non-emergency CI RICE less than or equal to 300 HP in Table 2d to this Subpart.

[75 FR 9675, Mar. 3, 2010, as amended at 75 FR 51589, Aug. 20, 2010; 76 FR 12866, Mar. 9, 2011]

40 CFR63.6604 - What fuel requirements must I meet if I own or operate an existing stationary CI RICE?

If you own or operate an existing non-emergency, non-black start CI stationary RICE with a site rating of more than 300 brake HP with a displacement of less than 30 liters per cylinder that uses diesel fuel, you must use diesel fuel that meets the requirements in 40 CFR 80.510(b) for nonroad diesel fuel. Existing non-emergency CI stationary RICE located in Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or at area sources in areas of Alaska not accessible by the FAHS are exempt from the requirements of this section.

[75 FR 51589, Aug. 20, 2010]

General Compliance Requirements

40 CFR63.6605 - What are my general requirements for complying with this Subpart?

(a) You must be in compliance with the emission limitations and operating limitations in this Subpart that apply to you at all times.

(b) At all times you must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require you to make any further efforts to reduce emissions if levels required by this standard have been achieved. Determination of whether such 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.

[75 FR 9675, Mar. 3, 2010]

Testing and Initial Compliance Requirements

40 CFR63.6610 - By what date must I conduct the initial performance tests or other initial compliance demonstrations if I own or operate a stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions?

If you own or operate a stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions you are subject to the requirements of this section.

(a) You must conduct the initial performance test or other initial compliance demonstrations in Table 4 to this Subpart that apply to you within 180 days after the compliance date that is specified for your stationary RICE in 40 CFR 63.6595 and according to the provisions in 40 CFR 63.7(a)(2).

(b) If you commenced construction or reconstruction between December 19, 2002 and June 15, 2004 and own or operate stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you must demonstrate initial compliance with either the proposed emission limitations or the promulgated emission limitations no later than February 10, 2005 or no later than 180 days after startup of the source, whichever is later, according to 40 CFR 63.7(a)(2)(ix).

(c) If you commenced construction or reconstruction between December 19, 2002 and June 15, 2004 and own or operate stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, and you chose to comply with the proposed emission limitations when demonstrating initial compliance, you must conduct a second performance test to demonstrate compliance with the promulgated emission limitations by December 13, 2007 or after startup of the source, whichever is later, according to 40 CFR 63.7(a)(2)(ix).

(d) An owner or operator is not required to conduct an initial performance test on units for which a performance test has been previously conducted, but the test must meet all of the conditions described in paragraphs (d)(1) through (5) of this section.

(1) The test must have been conducted using the same methods specified in this Subpart, and these methods must have been followed correctly.

(2) The test must not be older than 2 years.

(3) The test must be reviewed and accepted by the Administrator.

(4) Either no process or equipment changes must have been made since the test was performed, or the owner or operator must be able to demonstrate that the results of the performance test, with or without adjustments, reliably demonstrate compliance despite process or equipment changes.

(5) The test must be conducted at any load condition within plus or minus 10 percent of 100 percent load.

[69 FR 33506, June 15, 2004, as amended at 73 FR 3605, Jan. 18, 2008]

40 CFR63.6611 - By what date must I conduct the initial performance tests or other initial compliance demonstrations if I own or operate a new or reconstructed 4SLB SI stationary RICE with a site rating of greater than or equal to 250 and less than or equal to 500 brake HP located at a major source of HAP emissions?

If you own or operate a new or reconstructed 4SLB stationary RICE with a site rating of greater than or equal to 250 and less than or equal to 500 brake HP located at a major source of HAP emissions, you must conduct an initial performance test within 240 days after the compliance date that is specified for your stationary RICE in 40 CFR 63.6595 and according to the provisions specified in Table 4 to this Subpart, as appropriate.

[73 FR 3605, Jan. 18, 2008, as amended at 75 FR 51589, Aug. 20, 2010]

40 CFR63.6612 - By what date must I conduct the initial performance tests or other initial compliance demonstrations if I own or operate an existing stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions or an existing stationary RICE located at an area source of HAP emissions?

If you own or operate an existing stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions or an existing stationary RICE located at an area source of HAP emissions you are subject to the requirements of this section.

(a) You must conduct any initial performance test or other initial compliance demonstration according to Tables 4 and 5 to this Subpart that apply to you within 180 days after the compliance date that is specified for your stationary RICE in 40 CFR 63.6595 and according to the provisions in 40 CFR 63.7(a)(2).

(b) An owner or operator is not required to conduct an initial performance test on a unit for which a performance test has been previously conducted, but the test must meet all of the conditions described in paragraphs (b)(1) through (4) of this section.

(1) The test must have been conducted using the same methods specified in this Subpart, and these methods must have been followed correctly.

(2) The test must not be older than 2 years.

(3) The test must be reviewed and accepted by the Administrator.

(4) Either no process or equipment changes must have been made since the test was performed, or the owner or operator must be able to demonstrate that the results of the performance test, with or without adjustments, reliably demonstrate compliance despite process or equipment changes.

[75 FR 9676, Mar. 3, 2010, as amended at 75 FR 51589, Aug. 20, 2010]

40 CFR63.6615 - When must I conduct subsequent performance tests?

If you must comply with the emission limitations and operating limitations, you must conduct subsequent performance tests as specified in Table 3 of this Subpart.

40 CFR63.6620 - What performance tests and other procedures must I use?

(a) You must conduct each performance test in Tables 3 and 4 of this Subpart that applies to you.

(b) Each performance test must be conducted according to the requirements that this Subpart specifies in Table 4 to this Subpart. If you own or operate a non-operational stationary RICE that is subject to performance testing, you do not need to start up the engine solely to conduct the performance test. Owners and operators of a non-operational engine can conduct the performance test when the engine is started up again.

(c) [Reserved]

(d) You must conduct three separate test runs for each performance test required in this section, as specified in 40 CFR 63.7(e)(3). Each test run must last at least 1 hour.

(e)

(1) You must use Equation 1 of this section to determine compliance with the percent reduction requirement:

$$\frac{C_i - C_o}{C_i} \times 100 = R \qquad \text{(Eq. 1)}$$

Where:

C_i = concentration of CO or formaldehyde at the control device inlet,
C_o = concentration of CO or formaldehyde at the control device outlet, and
R = percent reduction of CO or formaldehyde emissions.

(2) You must normalize the carbon monoxide (CO) or formaldehyde concentrations at the inlet and outlet of the control device to a dry basis and to 15 percent oxygen, or an equivalent percent carbon dioxide (CO_2). If pollutant concentrations are to be corrected to 15 percent oxygen and CO_2concentration is measured in lieu of oxygen concentration measurement, a CO_2 correction factor is needed. Calculate the CO_2 correction factor as described in paragraphs (e)(2)(i) through (iii) of this section.

(i) Calculate the fuel-specific F_o value for the fuel burned during the test using values obtained from Method 19, section 5.2, and the following equation:

$$F_o = \frac{0.209\, F_d}{F_c} \qquad \text{(Eq. 2)}$$

Where:

F_o = Fuel factor based on the ratio of oxygen volume to the ultimate CO_2 volume produced by the fuel at zero percent excess air.

0.209 = Fraction of air that is oxygen, percent/100.
F_d = Ratio of the volume of dry effluent gas to the gross calorific value of the fuel from Method 19, dsm^3 /J (dscf/10^6 Btu).
F_c = Ratio of the volume of CO_2produced to the gross calorific value of the fuel from Method 19, dsm^3 /J (dscf/10^6 Btu).

(ii) Calculate the CO_2 correction factor for correcting measurement data to 15 percent oxygen, as follows:

$$X_{co_2} = \frac{5.9}{F_o} \qquad \text{(Eq. 3)}$$

Where:

X_{co2} = CO_2correction factor, percent.
5.9 = 20.9 percent O_2 - 15 percent O_2, the defined O_2 correction value, percent.

(iii) Calculate the NO_X and SO_2 gas concentrations adjusted to 15 percent O_2 using CO_2 as follows:

$$C_{adj} = C_d \frac{X_{co_2}}{\%CO_2} \qquad \text{(Eq. 4)}$$

Where:

$\%CO_2$ = Measured CO_2 concentration measured, dry basis, percent.

(f) If you comply with the emission limitation to reduce CO and you are not using an oxidation catalyst, if you comply with the emission limitation to reduce formaldehyde and you are not using NSCR, or if you comply with the emission limitation to limit the concentration of formaldehyde in the stationary RICE exhaust and you are not using an oxidation catalyst or NSCR, you must petition the Administrator for operating limitations to be established during the initial performance test and continuously monitored thereafter; or for approval of no operating limitations. You must not conduct the initial performance test until after the petition has been approved by the Administrator.
(g) If you petition the Administrator for approval of operating limitations, your petition must include the information described in paragraphs (g)(1) through (5) of this section.

(1) Identification of the specific parameters you propose to use as operating limitations;
(2) A discussion of the relationship between these parameters and HAP emissions, identifying how HAP emissions change with changes in these parameters, and how limitations on these parameters will serve to limit HAP emissions;
(3) A discussion of how you will establish the upper and/or lower values for these parameters which will establish the limits on these parameters in the operating limitations;
(4) A discussion identifying the methods you will use to measure and the instruments you will use to monitor these parameters, as well as the relative accuracy and precision of these methods and instruments; and
(5) A discussion identifying the frequency and methods for recalibrating the instruments you will use for monitoring these parameters.

(h) If you petition the Administrator for approval of no operating limitations, your petition must include the information described in paragraphs (h)(1) through (7) of this section.

(1) Identification of the parameters associated with operation of the stationary RICE and any emission control device which could change intentionally (e.g., operator adjustment, automatic controller adjustment, etc.) or unintentionally (e.g., wear and tear, error, etc.) on a routine basis or over time;
(2) A discussion of the relationship, if any, between changes in the parameters and changes in HAP emissions;
(3) For the parameters which could change in such a way as to increase HAP emissions, a discussion of whether establishing limitations on the parameters would serve to limit HAP emissions;
(4) For the parameters which could change in such a way as to increase HAP emissions, a discussion of how you could establish upper and/or lower values for the parameters which would establish limits on the parameters in operating limitations;
(5) For the parameters, a discussion identifying the methods you could use to measure them and the instruments you could use to monitor them, as well as the relative accuracy and precision of the methods and instruments;
(6) For the parameters, a discussion identifying the frequency and methods for recalibrating the instruments you could use to monitor them; and
(7) A discussion of why, from your point of view, it is infeasible or unreasonable to adopt the parameters as operating limitations.

(i) The engine percent load during a performance test must be determined by documenting the calculations, assumptions, and measurement devices used to measure or estimate the percent load in a specific application. A written report of the average percent load determination must be included in the notification of compliance status. The following information must be included in the written report: the engine model number, the engine manufacturer, the year of purchase, the manufacturer's site-rated brake horsepower, the ambient temperature, pressure, and humidity during the performance test, and all assumptions that were made to estimate or calculate percent load during the performance test must be clearly explained. If measurement devices such as flow meters, kilowatt meters, beta analyzers, stain gauges, etc. are used, the model number of the measurement device, and an estimate of its accurate in percentage of true value must be provided.
[69 FR 33506, June 15, 2004, as amended at 75 FR 9676, Mar. 3, 2010]

<u>40 CFR63.6625 - What are my monitoring, installation, collection, operation, and maintenance requirements?</u>

(a) If you elect to install a CEMS as specified in Table 5 of this Subpart, you must install, operate, and maintain a CEMS to monitor CO and either oxygen or CO_2 at both the inlet and the outlet of the control device according to the requirements in paragraphs (a)(1) through (4) of this section.
(1) Each CEMS must be installed, operated, and maintained according to the applicable performance specifications of 40 CFR 60 Appendix B.
(2) You must conduct an initial performance evaluation and an annual relative accuracy test audit (RATA) of each CEMS according to the requirements in 40 CFR 63.8 and according to the applicable performance specifications of 40 CFR 60 Appendix B as well as daily and periodic data quality checks in accordance with 40 CFR 60 Appendix F, procedure 1.
(3) As specified in 40 CFR 63.8(c)(4)(ii), each CEMS must complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period. You must have at least two data points, with each representing a different 15-minute period, to have a valid hour of data.
(4) The CEMS data must be reduced as specified in 40 CFR 63.8(g)(2) and recorded in parts per million or parts per billion (as appropriate for the applicable limitation) at 15 percent oxygen or the equivalent CO_2concentration.

(b) If you are required to install a continuous parameter monitoring system (CPMS) as specified in Table 5 of this Subpart, you must install, operate, and maintain each CPMS according to the requirements in paragraphs (b)(1) through (5) of this section. For an affected source that is complying with the emission limitations and operating limitations on March 9, 2011, the requirements in paragraph (b) of this section are applicable September 6, 2011.
(1) You must prepare a site-specific monitoring plan that addresses the monitoring system design, data collection, and the quality assurance and quality control elements outlined in paragraphs (b)(1)(i) through (v) of this section and in 40 CFR 63.8(d). As specified in §63.8(f)(4), you may request approval of monitoring system quality assurance and quality control procedures alternative to those specified in paragraphs (b)(1) through (5) of this section in your site-specific monitoring plan.
(i) The performance criteria and design specifications for the monitoring system equipment, including the sample interface, detector signal analyzer, and data acquisition and calculations;
(ii) Sampling interface (e.g., thermocouple) location such that the monitoring system will provide representative measurements;
(iii) Equipment performance evaluations, system accuracy audits, or other audit procedures;

(iv) Ongoing operation and maintenance procedures in accordance with provisions in 40 CFR 63.8(c)(1) and (c)(3); and

(v) Ongoing reporting and recordkeeping procedures in accordance with provisions in 40 CFR 63.10(c), (e)(1), and (e)(2)(i).

(2) You must install, operate, and maintain each CPMS in continuous operation according to the procedures in your site-specific monitoring plan.

(3) The CPMS must collect data at least once every 15 minutes (see also 40 CFR 63.6635).

(4) For a CPMS for measuring temperature range, the temperature sensor must have a minimum tolerance of 2.8 degrees Celsius (5 degrees Fahrenheit) or 1 percent of the measurement range, whichever is larger.

(5) You must conduct the CPMS equipment performance evaluation, system accuracy audits, or other audit procedures specified in your site-specific monitoring plan at least annually.

(6) You must conduct a performance evaluation of each CPMS in accordance with your site-specific monitoring plan.

(c) If you are operating a new or reconstructed stationary RICE which fires landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, you must monitor and record your fuel usage daily with separate fuel meters to measure the volumetric flow rate of each fuel. In addition, you must operate your stationary RICE in a manner which reasonably minimizes HAP emissions.

(d) If you are operating a new or reconstructed emergency 4SLB stationary RICE with a site rating of greater than or equal to 250 and less than or equal to 500 brake HP located at a major source of HAP emissions, you must install a non-resettable hour meter prior to the startup of the engine.

(e) If you own or operate any of the following stationary RICE, you must operate and maintain the stationary RICE and after-treatment control device (if any) according to the manufacturer's emission-related written instructions or develop your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions:

(1) An existing stationary RICE with a site rating of less than 100 HP located at a major source of HAP emissions;

(2) An existing emergency or black start stationary RICE with a site rating of less than or equal to 500 HP located at a major source of HAP emissions;

(3) An existing emergency or black start stationary RICE located at an area source of HAP emissions;

(4) An existing non-emergency, non-black start stationary CI RICE with a site rating less than or equal to 300 HP located at an area source of HAP emissions;

(5) An existing non-emergency, non-black start 2SLB stationary RICE located at an area source of HAP emissions;

(6) An existing non-emergency, non-black start landfill or digester gas stationary RICE located at an area source of HAP emissions;

(7) An existing non-emergency, non-black start 4SLB stationary RICE with a site rating less than or equal to 500 HP located at an area source of HAP emissions;

(8) An existing non-emergency, non-black start 4SRB stationary RICE with a site rating less than or equal to 500 HP located at an area source of HAP emissions;

(9) An existing, non-emergency, non-black start 4SLB stationary RICE with a site rating greater than 500 HP located at an area source of HAP emissions that is operated 24 hours or less per calendar year; and

(10) An existing, non-emergency, non-black start 4SRB stationary RICE with a site rating greater than 500 HP located at an area source of HAP emissions that is operated 24 hours or less per calendar year.

(f) If you own or operate an existing emergency stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions or an existing emergency stationary RICE located at an area source of HAP emissions, you must install a non-resettable hour meter if one is not already installed.

(g) If you own or operate an existing non-emergency, non-black start CI engine greater than or equal to 300 HP that is not equipped with a closed crankcase ventilation system, you must comply with either paragraph (g)(1) or paragraph (g)(2) of this section. Owners and operators must follow the manufacturer's specified maintenance requirements for operating and maintaining the open or closed crankcase ventilation systems and replacing the crankcase filters, or can request the Administrator to approve different maintenance requirements that are as protective as manufacturer requirements. Existing CI engines located at area sources in areas of Alaska not accessible by the FAHS do not have to meet the requirements of paragraph (g) of this section.

(1) Install a closed crankcase ventilation system that prevents crankcase emissions from being emitted to the atmosphere, or

(2) Install an open crankcase filtration emission control system that reduces emissions from the crankcase by filtering the exhaust stream to remove oil mist, particulates, and metals.

(h) If you operate a new, reconstructed, or existing stationary engine, you must minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the emission standards applicable to all times other than startup in Tables 1a, 2a, 2c, and 2d to this Subpart apply.

(i) If you own or operate a stationary CI engine that is subject to the work, operation or management practices in items 1 or 2 of Table 2c to this Subpart or in items 1 or 4 of Table 2d to this Subpart, you have the option of utilizing an oil analysis program in order to extend the specified oil change requirement in Tables 2c and 2d to this Subpart. The oil analysis must be performed at the same frequency specified for changing the oil in Table 2c or 2d to this Subpart. The analysis program must at a minimum analyze the following three parameters: Total Base Number, viscosity, and percent water content. The condemning limits for these parameters are as follows: Total Base Number is less than 30 percent of the Total Base Number of the oil when new; viscosity of the oil has changed by more than 20 percent from the viscosity of the oil when new; or percent water content (by volume) is greater than 0.5. If all of these condemning limits are not exceeded, the engine owner or operator is not required to change the oil. If any of the limits are exceeded, the engine owner or operator must change the oil within 2 days of receiving the results of the analysis; if the engine is not in operation when the results of the analysis are received, the engine owner or operator must change the oil within 2 days or before commencing operation, whichever is later. The owner or operator must keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program must be part of the maintenance plan for the engine.

(j) If you own or operate a stationary SI engine that is subject to the work, operation or management practices in items 6, 7, or 8 of Table 2c to this Subpart or in items 5, 6, 7, 9, or 11 of Table 2d to this Subpart, you have the option of utilizing an oil analysis program in order to extend the specified oil change requirement in Tables 2c and 2d to this Subpart. The oil analysis must be performed at the same frequency specified for changing the oil in Table 2c or 2d to this Subpart. The analysis program must at a minimum analyze the following three parameters: Total Acid Number, viscosity, and percent water content. The condemning limits for these parameters are as follows: Total Acid Number increases by more than 3.0 milligrams of potassium hydroxide (KOH) per gram from Total Acid Number of the oil when new; viscosity of the oil has changed by more than 20 percent from the viscosity of the oil when new; or percent water content (by volume) is greater than 0.5. If all of these condemning limits are not exceeded, the engine owner or operator is not required to change the oil. If any of the limits are exceeded, the engine owner or operator must change the oil within 2 days of receiving the results of the analysis; if the engine is not in operation when the results of the analysis are received, the engine owner or operator must change the oil within 2 days or before commencing operation, whichever is later. The owner or operator must keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program must be part of the maintenance plan for the engine.

[69 FR 33506, June 15, 2004, as amended at 73 FR 3606, Jan. 18, 2008; 75 FR 9676, Mar. 3, 2010; 75 FR 51589, Aug. 20, 2010; 76 FR 12866, Mar. 9, 2011]

40 CFR63.6630 - How do I demonstrate initial compliance with the emission limitations and operating limitations?

(a) You must demonstrate initial compliance with each emission and operating limitation that applies to you according to Table 5 of this Subpart.

(b) During the initial performance test, you must establish each operating limitation in Tables 1b and 2b of this Subpart that applies to you.

(c) You must submit the Notification of Compliance Status containing the results of the initial compliance demonstration according to the requirements in 40 CFR 63.6645.

Continuous Compliance Requirements

40 CFR63.6635 - How do I monitor and collect data to demonstrate continuous compliance?

(a) If you must comply with emission and operating limitations, you must monitor and collect data according to this section.

(b) Except for monitor malfunctions, associated repairs, required performance evaluations, and required quality assurance or control activities, you must monitor continuously at all times that the stationary RICE is operating. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions.

(c) You may not use data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities in data averages and calculations used to report emission or operating levels. You must, however, use all the valid data collected during all other periods.
[69 FR 33506, June 15, 2004, as amended at 76 FR 12867, Mar. 9, 2011]

40 CFR63.6640 - How do I demonstrate continuous compliance with the emission limitations and operating limitations?

(a) You must demonstrate continuous compliance with each emission limitation and operating limitation in Tables 1a and 1b, Tables 2a and 2b, Table 2c, and Table 2d to this Subpart that apply to you according to methods specified in Table 6 to this Subpart.

(b) You must report each instance in which you did not meet each emission limitation or operating limitation in Tables 1a and 1b, Tables 2a and 2b, Table 2c, and Table 2d to this Subpart that apply to you. These instances are deviations from the emission and operating limitations in this Subpart. These deviations must be reported according to the requirements in 40 CFR 63.6650. If you change your catalyst, you must reestablish the values of the operating parameters measured during the initial performance test. When you reestablish the values of your operating parameters, you must also conduct a performance test to demonstrate that you are meeting the required emission limitation applicable to your stationary RICE.

(c) [Reserved]

(d) For new, reconstructed, and rebuilt stationary RICE, deviations from the emission or operating limitations that occur during the first 200 hours of operation from engine startup (engine burn-in period) are not violations. Rebuilt stationary RICE means a stationary RICE that has been rebuilt as that term is defined in 40 CFR 94.11(a).

(e) You must also report each instance in which you did not meet the requirements in Table 8 to this Subpart that apply to you. If you own or operate a new or reconstructed stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions (except new or reconstructed 4SLB engines greater than or equal to 250 and less than or equal to 500 brake HP), a new or reconstructed stationary RICE located at an area source of HAP emissions, or any of the following RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you do not need to comply with the requirements in Table 8 to this Subpart: An existing 2SLB stationary RICE, an existing 4SLB stationary RICE, an existing emergency stationary RICE, an existing limited use stationary RICE, or an existing stationary RICE which fires landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis. If you own or operate any of the following RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you do not need to comply with the requirements in Table 8 to this Subpart, except for the initial notification requirements: a new or reconstructed stationary RICE that combusts landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, a new or reconstructed emergency stationary RICE, or a new or reconstructed limited use stationary RICE.

(f) Requirements for emergency stationary RICE.

(1) If you own or operate an existing emergency stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions, a new or reconstructed emergency stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions that was installed on or after June 12, 2006, or an existing emergency stationary RICE located at an area source of HAP emissions, you must operate the emergency stationary RICE according to the requirements in paragraphs (f)(1)(i) through (iii) of this section. Any operation other than emergency operation, maintenance and testing, and operation in non-emergency situations for 50 hours per year, as described in paragraphs (f)(1)(i) through (iii) of this section, is prohibited. If you do not operate the engine according to the requirements in paragraphs (f)(1)(i) through (iii) of this section, the engine will not be considered an emergency engine under this Subpart and will need to meet all requirements for non-emergency engines.

(i) There is no time limit on the use of emergency stationary RICE in emergency situations.

(ii) You may operate your emergency stationary RICE for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by Federal, State or local government, the manufacturer, the vendor, or the insurance company associated with the engine. Maintenance checks and readiness testing of such units is limited to 100 hours per year. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that Federal, State, or local standards require maintenance and testing of emergency RICE beyond 100 hours per year.

(iii) You may operate your emergency stationary RICE up to 50 hours per year in non-emergency situations, but those 50 hours are counted towards the 100 hours per year provided for maintenance and testing. The 50 hours per year for non-emergency situations cannot be used for peak

shaving or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity; except that owners and operators may operate the emergency engine for a maximum of 15 hours per year as part of a demand response program if the regional transmission organization or equivalent balancing authority and transmission operator has determined there are emergency conditions that could lead to a potential electrical blackout, such as unusually low frequency, equipment overload, capacity or energy deficiency, or unacceptable voltage level. The engine may not be operated for more than 30 minutes prior to the time when the emergency condition is expected to occur, and the engine operation must be terminated immediately after the facility is notified that the emergency condition is no longer imminent. The 15 hours per year of demand response operation are counted as part of the 50 hours of operation per year provided for non-emergency situations. The supply of emergency power to another entity or entities pursuant to financial arrangement is not limited by this paragraph (f)(1)(iii), as long as the power provided by the financial arrangement is limited to emergency power.

(2) If you own or operate an emergency stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions that was installed prior to June 12, 2006, you must operate the engine according to the conditions described in paragraphs (f)(2)(i) through (iii) of this section. If you do not operate the engine according to the requirements in paragraphs (f)(2)(i) through (iii) of this section, the engine will not be considered an emergency engine under this Subpart and will need to meet all requirements for non-emergency engines.

(i) There is no time limit on the use of emergency stationary RICE in emergency situations.

(ii) You may operate your emergency stationary RICE for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by the manufacturer, the vendor, or the insurance company associated with the engine. Required testing of such units should be minimized, but there is no time limit on the use of emergency stationary RICE in emergency situations and for routine testing and maintenance.

(iii) You may operate your emergency stationary RICE for an additional 50 hours per year in non-emergency situations. The 50 hours per year for non-emergency situations cannot be used for peak shaving or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity.

[69 FR 33506, June 15, 2004, as amended at 71 FR 20467, Apr. 20, 2006; 73 FR 3606, Jan. 18, 2008; 75 FR 9676, Mar. 3, 2010; 75 FR 51591, Aug. 20, 2010]

Notifications, Reports, and Records

<u>40 CFR63.6645 - What notifications must I submit and when?</u>

(a) You must submit all of the notifications in §§63.7(b) and (c), 63.8(e), (f)(4) and (f)(6), 63.9(b) through (e), and (g) and (h) that apply to you by the dates specified if you own or operate any of the following;

(1) An existing stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions.

(2) An existing stationary RICE located at an area source of HAP emissions.

(3) A stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions.

(4) A new or reconstructed 4SLB stationary RICE with a site rating of greater than or equal to 250 HP located at a major source of HAP emissions.

(5) This requirement does not apply if you own or operate an existing stationary RICE less than 100 HP, an existing stationary emergency RICE, or an existing stationary RICE that is not subject to any numerical emission standards.

(b) As specified in 40 CFR 63.9(b)(2), if you start up your stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions before the effective date of this Subpart, you must submit an Initial Notification not later than December 13, 2004.

(c) If you start up your new or reconstructed stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions on or after August 16, 2004, you must submit an Initial Notification not later than 120 days after you become subject to this Subpart.

(d) As specified in 40 CFR 63.9(b)(2), if you start up your stationary RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions before the effective date of this Subpart and you are required to submit an initial notification, you must submit an Initial Notification not later than July 16, 2008.

(e) If you start up your new or reconstructed stationary RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions on or after March 18, 2008 and you are required to submit an initial notification, you must submit an Initial Notification not later than 120 days after you become subject to this Subpart.
(f) If you are required to submit an Initial Notification but are otherwise not affected by the requirements of this Subpart, in accordance with 40 CFR 63.6590(b), your notification should include the information in 40 CFR 63.9(b)(2)(i) through (v), and a statement that your stationary RICE has no additional requirements and explain the basis of the exclusion (for example, that it operates exclusively as an emergency stationary RICE if it has a site rating of more than 500 brake HP located at a major source of HAP emissions).
(g) If you are required to conduct a performance test, you must submit a Notification of Intent to conduct a performance test at least 60 days before the performance test is scheduled to begin as required in 40 CFR 63.7(b)(1).
(h) If you are required to conduct a performance test or other initial compliance demonstration as specified in Tables 4 and 5 to this Subpart, you must submit a Notification of Compliance Status according to 40 CFR 63.9(h)(2)(ii).

(1) For each initial compliance demonstration required in Table 5 to this Subpart that does not include a performance test, you must submit the Notification of Compliance Status before the close of business on the 30th day following the completion of the initial compliance demonstration.

(2) For each initial compliance demonstration required in Table 5 to this Subpart that includes a performance test conducted according to the requirements in Table 3 to this Subpart, you must submit the Notification of Compliance Status, including the performance test results, before the close of business on the 60th day following the completion of the performance test according to 40 CFR 63.10(d)(2).

[73 FR 3606, Jan. 18, 2008, as amended at 75 FR 9677, Mar. 3, 2010; 75 FR 51591, Aug. 20, 2010]

<u>40 CFR63.6650 - What reports must I submit and when?</u>

(a) You must submit each report in Table 7 of this Subpart that applies to you.
(b) Unless the Administrator has approved a different schedule for submission of reports under 40 CFR 63.10(a), you must submit each report by the date in Table 7 of this Subpart and according to the requirements in paragraphs (b)(1) through (b)(9) of this section.

(1) For semiannual Compliance reports, the first Compliance report must cover the period beginning on the compliance date that is specified for your affected source in 40 CFR 63.6595 and ending on June 30 or December 31, whichever date is the first date following the end of the first calendar half after the compliance date that is specified for your source in 40 CFR 63.6595.

(2) For semiannual Compliance reports, the first Compliance report must be postmarked or delivered no later than July 31 or January 31, whichever date follows the end of the first calendar half after the compliance date that is specified for your affected source in 40 CFR 63.6595.

(3) For semiannual Compliance reports, each subsequent Compliance report must cover the semiannual reporting period from January 1 through June 30 or the semiannual reporting period from July 1 through December 31.

(4) For semiannual Compliance reports, each subsequent Compliance report must be postmarked or delivered no later than July 31 or January 31, whichever date is the first date following the end of the semiannual reporting period.

(5) For each stationary RICE that is subject to permitting regulations pursuant to 40 CFR 70 or 71, and if the permitting authority has established dates for submitting semiannual reports pursuant to 40 CFR 70.6(a)(3)(iii)(A) or 40 CFR 71.6 (a)(3)(iii)(A), you may submit the first and subsequent Compliance reports according to the dates the permitting authority has established instead of according to the dates in paragraphs (b)(1) through (b)(4) of this section.

(6) For annual Compliance reports, the first Compliance report must cover the period beginning on the compliance date that is specified for your affected source in 40 CFR 63.6595 and ending on December 31.

(7) For annual Compliance reports, the first Compliance report must be postmarked or delivered no later than January 31 following the end of the first calendar year after the compliance date that is specified for your affected source in 40 CFR 63.6595.

(8) For annual Compliance reports, each subsequent Compliance report must cover the annual reporting period from January 1 through December 31.

(9) For annual Compliance reports, each subsequent Compliance report must be postmarked or delivered no later than January 31.

(c) The Compliance report must contain the information in paragraphs (c)(1) through (6) of this section.

(1) Company name and address.

(2) Statement by a responsible official, with that official's name, title, and signature, certifying the accuracy of the content of the report.

(3) Date of report and beginning and ending dates of the reporting period.

(4) If you had a malfunction during the reporting period, the compliance report must include 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. 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 40 CFR 63.6605(b), including actions taken to correct a malfunction.

(5) If there are no deviations from any emission or operating limitations that apply to you, a statement that there were no deviations from the emission or operating limitations during the reporting period.

(6) If there were no periods during which the continuous monitoring system (CMS), including CEMS and CPMS, was out-of-control, as specified in 40 CFR 63.8(c)(7), a statement that there were no periods during which the CMS was out-of-control during the reporting period.

(d) For each deviation from an emission or operating limitation that occurs for a stationary RICE where you are not using a CMS to comply with the emission or operating limitations in this Subpart, the Compliance report must contain the information in paragraphs (c)(1) through (4) of this section and the information in paragraphs (d)(1) and (2) of this section.

(1) The total operating time of the stationary RICE at which the deviation occurred during the reporting period.

(2) Information on the number, duration, and cause of deviations (including unknown cause, if applicable), as applicable, and the corrective action taken.

(e) For each deviation from an emission or operating limitation occurring for a stationary RICE where you are using a CMS to comply with the emission and operating limitations in this Subpart, you must include information in paragraphs (c)(1) through (4) and (e)(1) through (12) of this section.

(1) The date and time that each malfunction started and stopped.

(2) The date, time, and duration that each CMS was inoperative, except for zero (low-level) and high-level checks.

(3) The date, time, and duration that each CMS was out-of-control, including the information in 40 CFR 63.8(c)(8).

(4) The date and time that each deviation started and stopped, and whether each deviation occurred during a period of malfunction or during another period.

(5) A summary of the total duration of the deviation during the reporting period, and the total duration as a percent of the total source operating time during that reporting period.

(6) A breakdown of the total duration of the deviations during the reporting period into those that are due to control equipment problems, process problems, other known causes, and other unknown causes.

(7) A summary of the total duration of CMS downtime during the reporting period, and the total duration of CMS downtime as a percent of the total operating time of the stationary RICE at which the CMS downtime occurred during that reporting period.

(8) An identification of each parameter and pollutant (CO or formaldehyde) that was monitored at the stationary RICE.

(9) A brief description of the stationary RICE.

(10) A brief description of the CMS.

(11) The date of the latest CMS certification or audit.

(12) A description of any changes in CMS, processes, or controls since the last reporting period.

(f) Each affected source that has obtained a Title V operating permit pursuant to 40 CFR 70 or 71 must report all deviations as defined in this Subpart in the semiannual monitoring report required by 40 CFR 70.6 (a)(3)(iii)(A) or 40 CFR 71.6(a)(3)(iii)(A). If an affected source submits a Compliance report pursuant to Table 7 of this Subpart along with, or as part of, the semiannual monitoring report required by 40 CFR 70.6(a)(3)(iii)(A) or 40 CFR 71.6(a)(3)(iii)(A), and the Compliance report includes all required information concerning deviations from any emission or operating limitation in this Subpart, submission of the Compliance report shall be deemed to satisfy any obligation to report the same deviations in the semiannual monitoring report. However, submission of a Compliance report shall not otherwise affect any obligation the affected source may have to report deviations from permit requirements to the permit authority.

(g) If you are operating as a new or reconstructed stationary RICE which fires landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, you must submit an annual report according to Table 7 of this Subpart by the date specified unless the Administrator has approved a different

schedule, according to the information described in paragraphs (b)(1) through (b)(5) of this section. You must report the data specified in (g)(1) through (g)(3) of this section.

(1) Fuel flow rate of each fuel and the heating values that were used in your calculations. You must also demonstrate that the percentage of heat input provided by landfill gas or digester gas is equivalent to 10 percent or more of the total fuel consumption on an annual basis.

(2) The operating limits provided in your federally enforceable permit, and any deviations from these limits.

(3) Any problems or errors suspected with the meters.

[69 FR 33506, June 15, 2004, as amended at 75 FR 9677, Mar. 3, 2010]

40 CFR63.6655 - What records must I keep?

(a) If you must comply with the emission and operating limitations, you must keep the records described in paragraphs (a)(1) through (a)(5), (b)(1) through (b)(3) and (c) of this section.

(1) A copy of each notification and report that you submitted to comply with this Subpart, including all documentation supporting any Initial Notification or Notification of Compliance Status that you submitted, according to the requirement in 40 CFR 63.10(b)(2)(xiv).

(2) Records of the occurrence and duration of each malfunction of operation (i.e., process equipment) or the air pollution control and monitoring equipment.

(3) Records of performance tests and performance evaluations as required in 40 CFR 63.10(b)(2)(viii).

(4) Records of all required maintenance performed on the air pollution control and monitoring equipment.

(5) Records of actions taken during periods of malfunction to minimize emissions in accordance with 40 CFR 63.6605(b), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.

(b) For each CEMS or CPMS, you must keep the records listed in paragraphs (b)(1) through (3) of this section.

(1) Records described in 40 CFR 63.10(b)(2)(vi) through (xi).

(2) Previous (i.e., superseded) versions of the performance evaluation plan as required in 40 CFR 63.8(d)(3).

(3) Requests for alternatives to the relative accuracy test for CEMS or CPMS as required in 40 CFR 63.8(f)(6)(i), if applicable.

(c) If you are operating a new or reconstructed stationary RICE which fires landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, you must keep the records of your daily fuel usage monitors.

(d) You must keep the records required in Table 6 of this Subpart to show continuous compliance with each emission or operating limitation that applies to you.

(e) You must keep records of the maintenance conducted on the stationary RICE in order to demonstrate that you operated and maintained the stationary RICE and after-treatment control device (if any) according to your own maintenance plan if you own or operate any of the following stationary RICE;

(1) An existing stationary RICE with a site rating of less than 100 brake HP located at a major source of HAP emissions.

(2) An existing stationary emergency RICE.

(3) An existing stationary RICE located at an area source of HAP emissions subject to management practices as shown in Table 2d to this Subpart.

(f) If you own or operate any of the stationary RICE in paragraphs (f)(1) or (2) of this section, you must keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. The owner or operator must document how many hours are spent for emergency operation, including what classified the operation as emergency and how many hours are spent for non-emergency operation. If the engines are used for demand response operation, the owner or operator must keep records of the notification of the emergency situation, and the time the engine was operated as part of demand response.

(1) An existing emergency stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions that does not meet the standards applicable to non-emergency engines.

(2) An existing emergency stationary RICE located at an area source of HAP emissions that does not meet the standards applicable to non-emergency engines.

[69 FR 33506, June 15, 2004, as amended at 75 FR 9678, Mar. 3, 2010; 75 FR 51592, Aug. 20, 2010]

40 CFR63.6660 - In what form and how long must I keep my records?
(a) Your records must be in a form suitable and readily available for expeditious review according to 40 CFR 63.10(b)(1).
(b) As specified in 40 CFR 63.10(b)(1), you must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.
(c) You must keep each record readily accessible in hard copy or electronic form for at least 5 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to 40 CFR 63.10(b)(1).
[69 FR 33506, June 15, 2004, as amended at 75 FR 9678, Mar. 3, 2010]

Other Requirements and Information

40 CFR63.6665 - What parts of the General Provisions apply to me?
Table 8 to this Subpart shows which parts of the General Provisions in 40 CFR 63.1 through 63.15 apply to you. If you own or operate a new or reconstructed stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions (except new or reconstructed 4SLB engines greater than or equal to 250 and less than or equal to 500 brake HP), a new or reconstructed stationary RICE located at an area source of HAP emissions, or any of the following RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you do not need to comply with any of the requirements of the General Provisions specified in Table 8: An existing 2SLB stationary RICE, an existing 4SLB stationary RICE, an existing stationary RICE that combusts landfill or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, an existing emergency stationary RICE, or an existing limited use stationary RICE. If you own or operate any of the following RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you do not need to comply with the requirements in the General Provisions specified in Table 8 except for the initial notification requirements: A new stationary RICE that combusts landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, a new emergency stationary RICE, or a new limited use stationary RICE.
[75 FR 9678, Mar. 3, 2010]

40 CFR63.6670 - Who implements and enforces this Subpart?
(a) This Subpart is implemented and enforced by the U.S. EPA, or a delegated authority such as your State, local, or tribal agency. If the U.S. EPA Administrator has delegated authority to your State, local, or tribal agency, then that agency (as well as the U.S. EPA) has the authority to implement and enforce this Subpart. You should contact your U.S. EPA Regional Office to find out whether this Subpart is delegated to your State, local, or tribal agency.
(b) In delegating implementation and enforcement authority of this Subpart to a State, local, or tribal agency under 40 CFR 63 Subpart E, the authorities contained in paragraph (c) of this section are retained by the Administrator of the U.S. EPA and are not transferred to the State, local, or tribal agency.
(c) The authorities that will not be delegated to State, local, or tribal agencies are:
(1) Approval of alternatives to the non-opacity emission limitations and operating limitations in 40 CFR 63.6600 under 40 CFR 63.6(g).
(2) Approval of major alternatives to test methods under 40 CFR 63.7(e)(2)(ii) and (f) and as defined in 40 CFR 63.90.
(3) Approval of major alternatives to monitoring under 40 CFR 63.8(f) and as defined in 40 CFR 63.90.
(4) Approval of major alternatives to recordkeeping and reporting under 40 CFR 63.10(f) and as defined in 40 CFR 63.90.
(5) Approval of a performance test which was conducted prior to the effective date of the rule, as specified in 40 CFR 63.6610(b).

40 CFR63.6675 - What definitions apply to this Subpart?
Terms used in this Subpart are defined in the Clean Air Act (CAA); in 40 CFR 63.2, the General Provisions of this part; and in this section as follows:
Area source means any stationary source of HAP that is not a major source as defined in part 63.
Associated equipment as used in this Subpart and as referred to in section 112(n)(4) of the CAA, means equipment associated with an oil or natural gas exploration or production well, and includes all equipment from the well bore to the point of custody transfer, except glycol dehydration units, storage vessels with potential for flash emissions, combustion turbines, and stationary RICE.

Black start engine means an engine whose only purpose is to start up a combustion turbine.

CAA means the Clean Air Act (42 U.S.C. 7401 et seq., as amended by Public Law 101-549, 104 Stat. 2399).

Commercial emergency stationary RICE means an emergency stationary RICE used in commercial establishments such as office buildings, hotels, stores, telecommunications facilities, restaurants, financial institutions such as banks, doctor's offices, and sports and performing arts facilities.

Compression ignition means relating to a type of stationary internal combustion engine that is not a spark ignition engine.

Custody transfer means the transfer of hydrocarbon liquids or natural gas: After processing and/or treatment in the producing operations, or from storage vessels or automatic transfer facilities or other such equipment, including product loading racks, to pipelines or any other forms of transportation. For the purposes of this Subpart, the point at which such liquids or natural gas enters a natural gas processing plant is a point of custody transfer.

Deviation means any instance in which an affected source subject to this Subpart, or an owner or operator of such a source:

(1) Fails to meet any requirement or obligation established by this Subpart, including but not limited to any emission limitation or operating limitation;

(2) Fails to meet any term or condition that is adopted to implement an applicable requirement in this Subpart and that is included in the operating permit for any affected source required to obtain such a permit; or

(3) Fails to meet any emission limitation or operating limitation in this Subpart during malfunction, regardless or whether or not such failure is permitted by this Subpart.

(4) Fails to satisfy the general duty to minimize emissions established by 40 CFR 63.6(e)(1)(i).

Diesel engine means any stationary RICE in which a high boiling point liquid fuel injected into the combustion chamber ignites when the air charge has been compressed to a temperature sufficiently high for auto-ignition. This process is also known as compression ignition.

Diesel fuel means any liquid obtained from the distillation of petroleum with a boiling point of approximately 150 to 360 degrees Celsius. One commonly used form is fuel oil number 2. Diesel fuel also includes any non-distillate fuel with comparable physical and chemical properties (e.g. biodiesel) that is suitable for use in compression ignition engines.

Digester gas means any gaseous by-product of wastewater treatment typically formed through the anaerobic decomposition of organic waste materials and composed principally of methane and CO_2.

Dual-fuel engine means any stationary RICE in which a liquid fuel (typically diesel fuel) is used for compression ignition and gaseous fuel (typically natural gas) is used as the primary fuel.

Emergency stationary RICE means any stationary internal combustion engine whose operation is limited to emergency situations and required testing and maintenance. Examples include stationary RICE used to produce power for critical networks or equipment (including power supplied to portions of a facility) when electric power from the local utility (or the normal power source, if the facility runs on its own power production) is interrupted, or stationary RICE used to pump water in the case of fire or flood, etc. Stationary RICE used for peak shaving are not considered emergency stationary RICE. Stationary RICE used to supply power to an electric grid or that supply non-emergency power as part of a financial arrangement with another entity are not considered to be emergency engines, except as permitted under 40 CFR 63.6640(f). All emergency stationary RICE must comply with the requirements specified in 40 CFR 63.6640(f) in order to be considered emergency stationary RICE. If the engine does not comply with the requirements specified in 40 CFR 63.6640(f), then it is not considered to be an emergency stationary RICE under this Subpart.

Engine startup means the time from initial start until applied load and engine and associated equipment reaches steady state or normal operation. For stationary engine with catalytic controls, engine startup means the time from initial start until applied load and engine and associated equipment, including the catalyst, reaches steady state or normal operation.

Four-stroke engine means any type of engine which completes the power cycle in two crankshaft revolutions, with intake and compression strokes in the first revolution and power and exhaust strokes in the second revolution.

Gaseous fuel means a material used for combustion which is in the gaseous state at standard atmospheric temperature and pressure conditions.

Gasoline means any fuel sold in any State for use in motor vehicles and motor vehicle engines, or nonroad or stationary engines, and commonly or commercially known or sold as gasoline.

Glycol dehydration unit means a device in which a liquid glycol (including, but not limited to, ethylene glycol, diethylene glycol, or triethylene glycol) absorbent directly contacts a natural gas stream and absorbs water in a contact tower or absorption column (absorber). The glycol contacts and absorbs water vapor and other gas stream constituents from the natural gas and becomes "rich" glycol. This glycol is then regenerated in the glycol dehydration unit reboiler. The "lean" glycol is then recycled.

Hazardous air pollutants (HAP) means any air pollutants listed in or pursuant to section 112(b) of the CAA.

Institutional emergency stationary RICE means an emergency stationary RICE used in institutional establishments such as medical centers, nursing homes, research centers, institutions of higher education, correctional facilities, elementary and secondary schools, libraries, religious establishments, police stations, and fire stations.

ISO standard day conditions means 288 degrees Kelvin (15 degrees Celsius), 60 percent relative humidity and 101.3 kilopascals pressure.

Landfill gas means a gaseous by-product of the land application of municipal refuse typically formed through the anaerobic decomposition of waste materials and composed principally of methane and CO_2.

Lean burn engine means any two-stroke or four-stroke spark ignited engine that does not meet the definition of a rich burn engine.

Limited use stationary RICE means any stationary RICE that operates less than 100 hours per year.

Liquefied petroleum gas means any liquefied hydrocarbon gas obtained as a by-product in petroleum refining of natural gas production.

Liquid fuel means any fuel in liquid form at standard temperature and pressure, including but not limited to diesel, residual/crude oil, kerosene/naphtha (jet fuel), and gasoline.

Major Source, as used in this Subpart, shall have the same meaning as in §63.2, except that:

(1) Emissions from any oil or gas exploration or production well (with its associated equipment (as defined in this section)) and emissions from any pipeline compressor station or pump station shall not be aggregated with emissions from other similar units, to determine whether such emission points or stations are major sources, even when emission points are in a contiguous area or under common control;

(2) For oil and gas production facilities, emissions from processes, operations, or equipment that are not part of the same oil and gas production facility, as defined in 40 CFR 63.1271 of Subpart HHH of this part, shall not be aggregated;

(3) For production field facilities, only HAP emissions from glycol dehydration units, storage vessel with the potential for flash emissions, combustion turbines and reciprocating internal combustion engines shall be aggregated for a major source determination; and

(4) Emissions from processes, operations, and equipment that are not part of the same natural gas transmission and storage facility, as defined in 40 CFR 63.1271 of Subpart HHH of this part, shall not be aggregated.

Malfunction means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner which causes, or has the potential to cause, the emission limitations in an applicable standard to be exceeded. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

Natural gas means a naturally occurring mixture of hydrocarbon and non-hydrocarbon gases found in geologic formations beneath the Earth's surface, of which the principal constituent is methane. Natural gas may be field or pipeline quality.

Non-selective catalytic reduction (NSCR) means an add-on catalytic nitrogen oxides (NO_X) control device for rich burn engines that, in a two-step reaction, promotes the conversion of excess oxygen, NO_X, CO, and volatile organic compounds (VOC) into CO_2, nitrogen, and water.

Oil and gas production facility as used in this Subpart means any grouping of equipment where hydrocarbon liquids are processed, upgraded (i.e., remove impurities or other constituents to meet contract specifications), or stored prior to the point of custody transfer; or where natural gas is processed, upgraded, or stored prior to entering the natural gas transmission and storage source category. For purposes of a major source determination, facility (including a building, structure, or installation) means oil and natural gas production and processing equipment that is located within the boundaries of an individual surface site as defined in this section. Equipment that is part of a facility will typically be located within close proximity to other equipment located at the same facility. Pieces of production equipment or groupings of equipment located on different oil and gas leases, mineral fee tracts, lease tracts, subsurface or surface unit areas, surface fee tracts, surface lease tracts, or separate surface sites, whether or not connected by a road, waterway, power line or pipeline, shall not be considered part of the

same facility. Examples of facilities in the oil and natural gas production source category include, but are not limited to, well sites, satellite tank batteries, central tank batteries, a compressor station that transports natural gas to a natural gas processing plant, and natural gas processing plants.

Oxidation catalyst means an add-on catalytic control device that controls CO and VOC by oxidation.

Peaking unit or engine means any standby engine intended for use during periods of high demand that are not emergencies.

Percent load means the fractional power of an engine compared to its maximum manufacturer's design capacity at engine site conditions. Percent load may range between 0 percent to above 100 percent.

Potential to emit means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the stationary source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable. For oil and natural gas production facilities subject to Subpart HH of this part, the potential to emit provisions in 40 CFR 63.760(a) may be used. For natural gas transmission and storage facilities subject to Subpart HHH of this part, the maximum annual facility gas throughput for storage facilities may be determined according to 40 CFR 63.1270(a)(1) and the maximum annual throughput for transmission facilities may be determined according to 40 CFR 63.1270(a)(2).

Production field facility means those oil and gas production facilities located prior to the point of custody transfer.

Production well means any hole drilled in the earth from which crude oil, condensate, or field natural gas is extracted.

Propane means a colorless gas derived from petroleum and natural gas, with the molecular structure C_3H_8.

Residential emergency stationary RICE means an emergency stationary RICE used in residential establishments such as homes or apartment buildings.

Responsible official means responsible official as defined in 40 CFR 70.2.

Rich burn engine means any four-stroke spark ignited engine where the manufacturer's recommended operating air/fuel ratio divided by the stoichiometric air/fuel ratio at full load conditions is less than or equal to 1.1. Engines originally manufactured as rich burn engines, but modified prior to December 19, 2002 with passive emission control technology for NO_X (such as pre-combustion chambers) will be considered lean burn engines. Also, existing engines where there are no manufacturer's recommendations regarding air/fuel ratio will be considered a rich burn engine if the excess oxygen content of the exhaust at full load conditions is less than or equal to 2 percent.

Site-rated HP means the maximum manufacturer's design capacity at engine site conditions.

Spark ignition means relating to either: A gasoline-fueled engine; or any other type of engine with a spark plug (or other sparking device) and with operating characteristics significantly similar to the theoretical Otto combustion cycle. Spark ignition engines usually use a throttle to regulate intake air flow to control power during normal operation. Dual-fuel engines in which a liquid fuel (typically diesel fuel) is used for CI and gaseous fuel (typically natural gas) is used as the primary fuel at an annual average ratio of less than 2 parts diesel fuel to 100 parts total fuel on an energy equivalent basis are spark ignition engines.

Stationary reciprocating internal combustion engine (RICE) means any reciprocating internal combustion engine which uses reciprocating motion to convert heat energy into mechanical work and which is not mobile. Stationary RICE differ from mobile RICE in that a stationary RICE is not a non-road engine as defined at 40 CFR 1068.30, and is not used to propel a motor vehicle or a vehicle used solely for competition.

Stationary RICE test cell/stand means an engine test cell/stand, as defined in Subpart PPPPP of this part, that tests stationary RICE.

Stoichiometric means the theoretical air-to-fuel ratio required for complete combustion.

Storage vessel with the potential for flash emissions means any storage vessel that contains a hydrocarbon liquid with a stock tank gas-to-oil ratio equal to or greater than 0.31 cubic meters per liter and an American Petroleum Institute gravity equal to or greater than 40 degrees and an actual annual average hydrocarbon liquid throughput equal to or greater than 79,500 liters per day. Flash emissions occur when dissolved hydrocarbons in the fluid evolve from solution when the fluid pressure is reduced.

Subpart means 40 CFR 63 Subpart ZZZZ.

Surface site means any combination of one or more graded pad sites, gravel pad sites, foundations, platforms, or the immediate physical location upon which equipment is physically affixed.

Two-stroke engine means a type of engine which completes the power cycle in single crankshaft revolution by combining the intake and compression operations into one stroke and the power and exhaust operations into a second stroke. This system requires auxiliary scavenging and inherently runs lean of stoichiometric.
[69 FR 33506, June 15, 2004, as amended at 71 FR 20467, Apr. 20, 2006; 73 FR 3607, Jan. 18, 2008; 75 FR 9679, Mar. 3, 2010; 75 FR 51592, Aug. 20, 2010; 76 FR 12867, Mar. 9, 2011]

Table 1a to Subpart ZZZZ of 40 CFR 63 - Emission Limitations for Existing, New, and Reconstructed Spark Ignition, 4SRB Stationary RICE > 500 HP Located at a Major Source of HAP Emissions
As stated in 40 CFR 63.6600 and 63.6640, you must comply with the following emission limitations at 100 percent load plus or minus 10 percent for existing, new and reconstructed 4SRB stationary RICE > 500 HP located at a major source of HAP emissions:

For each	You must meet the following emission limitation, except during periods of startup	During periods of startup you must
1. 4SRB stationary RICE	a. Reduce formaldehyde emissions by 76 percent or more. If you commenced construction or reconstruction between December 19, 2002 and June 15, 2004, you may reduce formaldehyde emissions by 75 percent or more until June 15, 2007 or	Minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply.[1]
	b. Limit the concentration of formaldehyde in the stationary RICE exhaust to 350 ppbvd or less at 15 percent O_2	

[1]Sources can petition the Administrator pursuant to the requirements of 40 CFR 63.6(g) for alternative work practices.
[75 FR 9679, Mar. 3, 2010, as amended at 75 FR 51592, Aug. 20, 2010]

Table 1b to Subpart ZZZZ of 40 CFR 63 - Operating Limitations for Existing, New, and Reconstructed Spark Ignition 4SRB Stationary RICE > 500 HP Located at a Major Source of HAP Emissions and Existing Spark Ignition 4SRB Stationary RICE > 500 HP Located at an Area Source of HAP Emissions
As stated in 40 CFR 63.6600, 63.6603, 63.6630 and 63.6640, you must comply with the following operating limitations for existing, new and reconstructed 4SRB stationary RICE > 500 HP located at a major source of HAP emissions and existing 4SRB stationary RICE > 500 HP located at an area source of HAP emissions that operate more than 24 hours per calendar year:

For each	You must meet the following operating limitation
1. 4SRB stationary RICE complying with the requirement to reduce formaldehyde emissions by 76 percent or more (or by 75 percent or more, if applicable) and using NSCR; or 4SRB stationary RICE complying with the requirement to limit the concentration of formaldehyde in the stationary RICE exhaust to 350 ppbvd or less at 15 percent O2 and using NSCR; or 4SRB stationary RICE complying with the requirement to limit the concentration of formaldehyde in the stationary RICE exhaust to 2.7 ppmvd or less at 15 percent O2 and using NSCR.	a. Maintain your catalyst so that the pressure drop across the catalyst does not change by more than 2 inches of water at 100 percent load plus or minus 10 percent from the pressure drop across the catalyst measured during the initial performance test; and b. Maintain the temperature of your stationary RICE exhaust so that the catalyst inlet temperature is greater than or equal to 750 °F and less than or equal to 1250 °F.
2. 4SRB stationary RICE complying with the requirement to reduce	Comply with any operating limitations approved by the Administrator.

formaldehyde emissions by 76 percent or more (or by 75 percent or more, if applicable) and not using NSCR; or 4SRB stationary RICE complying with the requirement to limit the concentration of formaldehyde in the stationary RICE exhaust to 350 ppbvd or less at 15 percent O2 and not using NSCR; or 4SRB stationary RICE complying with the requirement to limit the concentration of formaldehyde in the stationary RICE exhaust to 2.7 ppmvd or less at 15 percent O2 and not using NSCR.	

[76 FR 12867, Mar. 9, 2011]

Table 2a to Subpart ZZZZ of 40 CFR 63 - Emission Limitations for New and Reconstructed 2SLB and Compression Ignition Stationary RICE > 500 HP and New and Reconstructed 4SLB Stationary RICE ≥ 250 HP Located at a Major Source of HAP Emissions

As stated in 40 CFR 63.6600 and 63.6640, you must comply with the following emission limitations for new and reconstructed lean burn and new and reconstructed compression ignition stationary RICE at 100 percent load plus or minus 10 percent:

For each	You must meet the following emission limitation, except during periods of startup	During periods of startup you must
1. 2SLB stationary RICE	a. Reduce CO emissions by 58 percent or more; or b. Limit concentration of formaldehyde in the stationary RICE exhaust to 12 ppmvd or less at 15 percent O_2. If you commenced construction or reconstruction between December 19, 2002 and June 15, 2004, you may limit concentration of formaldehyde to 17 ppmvd or less at 15 percent O_2 until June 15, 2007	Minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply.[1]
2. 4SLB stationary RICE	a. Reduce CO emissions by 93 percent or more; or	
	b. Limit concentration of formaldehyde in the stationary RICE exhaust to 14 ppmvd or less at 15 percent O_2	
3. CI stationary RICE	a. Reduce CO emissions by 70 percent or more; or	
	b. Limit concentration of formaldehyde in the stationary RICE exhaust to 580 ppbvd or less at 15 percent O_2	

[1]Sources can petition the Administrator pursuant to the requirements of 40 CFR 63.6(g) for alternative work practices.

[75 FR 9680, Mar. 3, 2010]

Table 2b to Subpart ZZZZ of 40 CFR 63 - Operating Limitations for New and Reconstructed 2SLB and Compression Ignition Stationary RICE > 500 HP Located at a Major Source of HAP Emissions, New and Reconstructed 4SLB Stationary RICE ≥ 250 HP Located at a Major Source of HAP Emissions, Existing Compression Ignition Stationary RICE > 500 HP, and Existing 4SLB Stationary RICE > 500 HP Located at an Area Source of HAP Emissions

As stated in 40 CFR 63.6600, 63.6601, 63.6603, 63.6630, and 63.6640, you must comply with the following operating limitations for new and reconstructed 2SLB and compression ignition stationary RICE located at a major source of HAP emissions; new and reconstructed 4SLB stationary RICE ≥ 250 HP located at a major source of HAP emissions; existing compression ignition stationary RICE > 500 HP; and existing 4SLB stationary RICE > 500 HP located at an area source of HAP emissions that operate more than 24 hours per calendar year:

For each	You must meet the following operating limitation
1. 2SLB and 4SLB stationary RICE and CI stationary RICE complying with the requirement to reduce CO emissions and using an oxidation catalyst; or 2SLB and 4SLB stationary RICE and CI stationary RICE complying with the requirement to limit the concentration of formaldehyde in the stationary RICE exhaust and using an oxidation catalyst; or 4SLB stationary RICE and CI stationary RICE complying with the requirement to limit the concentration of CO in the stationary RICE exhaust and using an oxidation catalyst	a. maintain your catalyst so that the pressure drop across the catalyst does not change by more than 2 inches of water at 100 percent load plus or minus 10 percent from the pressure drop across the catalyst that was measured during the initial performance test; and b. maintain the temperature of your stationary RICE exhaust so that the catalyst inlet temperature is greater than or equal to 450 °F and less than or equal to 1350 °F.[1]
2. 2SLB and 4SLB stationary RICE and CI stationary RICE complying with the requirement to reduce CO emissions and not using an oxidation catalyst; or 2SLB and 4SLB stationary RICE and CI stationary RICE complying with the requirement to limit the concentration of formaldehyde in the stationary RICE exhaust and not using an oxidation catalyst; or 4SLB stationary RICE and CI stationary RICE complying with the requirement to limit the concentration of CO in the stationary RICE exhaust and not using an oxidation catalyst	Comply with any operating limitations approved by the Administrator.

[1]Sources can petition the Administrator pursuant to the requirements of 40 CFR 63.8(g) for a different temperature range.

[75 FR 51593, Aug. 20, 2010, as amended at 76 FR 12867, Mar. 9, 2011]

Table 2c to Subpart ZZZZ of 40 CFR 63 - Requirements for Existing Compression Ignition Stationary RICE Located at a Major Source of HAP Emissions and Existing Spark Ignition Stationary RICE ≤ 500 HP Located at a Major Source of HAP Emissions

As stated in 40 CFR 63.6600, 63.6602, and 63.6640, you must comply with the following requirements for existing compression ignition stationary RICE located at a major source of HAP emissions and existing spark ignition stationary RICE ≤ 500 HP located at a major source of HAP emissions:

For each	You must meet the following requirement, except during periods of startup	During periods of startup you must
1. Emergency stationary CI RICE and black start stationary CI RICE.[1]	a. Change oil and filter every 500 hours of operation or annually, whichever comes first;[2] b. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first; c. Inspect all hoses and belts every 500 hours	Minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply.[3]

	of operation or annually, whichever comes first, and replace as necessary.[3]	
2. Non-Emergency, non-black start stationary CI RICE < 100 HP	a. Change oil and filter every 1,000 hours of operation or annually, whichever comes first;[2]	
	b. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first;	
	c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.[3]	
3. Non-Emergency, non-black start CI stationary RICE 100 ≤ HP ≤ 300 HP	Limit concentration of CO in the stationary RICE exhaust to 230 ppmvd or less at 15 percent O_2	
4. Non-Emergency, non-black start CI stationary RICE 300 < HP ≤ 500	a. Limit concentration of CO in the stationary RICE exhaust to 49 ppmvd or less at 15 percent O_2; or	
	b. Reduce CO emissions by 70 percent or more.	
5. Non-Emergency, non-black start stationary CI RICE > 500 HP	a. Limit concentration of CO in the stationary RICE exhaust to 23 ppmvd or less at 15 percent O_2; or	
	b. Reduce CO emissions by 70 percent or more.	
6. Emergency stationary SI RICE and black start stationary SI RICE.[1]	a. Change oil and filter every 500 hours of operation or annually, whichever comes first;[2]	
	b. Inspect spark plugs every 1,000 hours of operation or annually, whichever comes first;	
	c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.[3]	
7. Non-Emergency, non-black start stationary SI RICE < 100 HP that are not 2SLB stationary RICE	a. Change oil and filter every 1,440 hours of operation or annually, whichever comes first;[2]	

	b. Inspect spark plugs every 1,440 hours of operation or annually, whichever comes first;	
	c. Inspect all hoses and belts every 1,440 hours of operation or annually, whichever comes first, and replace as necessary.[3]	
8. Non-Emergency, non-black start 2SLB stationary SI RICE < 100 HP	a. Change oil and filter every 4,320 hours of operation or annually, whichever comes first;[2]	
	b. Inspect spark plugs every 4,320 hours of operation or annually, whichever comes first;	
	c. Inspect all hoses and belts every 4,320 hours of operation or annually, whichever comes first, and replace as necessary.[3]	
9. Non-emergency, non-black start 2SLB stationary RICE 100 ≤ HP ≤ 500	Limit concentration of CO in the stationary RICE exhaust to 225 ppmvd or less at 15 percent O_2	
10. Non-emergency, non-black start 4SLB stationary RICE 100 ≤ HP ≤ 500	Limit concentration of CO in the stationary RICE exhaust to 47 ppmvd or less at 15 percent O_2	
11. Non-emergency, non-black start 4SRB stationary RICE 100 ≤ HP ≤ 500	Limit concentration of formaldehyde in the stationary RICE exhaust to 10.3 ppmvd or less at 15 percent O_2	
12. Non-emergency, non-black start landfill or digester gas-fired stationary RICE 100 ≤ HP ≤ 500	Limit concentration of CO in the stationary RICE exhaust to 177 ppmvd or less at 15 percent O_2	

[1]If an emergency engine is operating during an emergency and it is not possible to shut down the engine in order to perform the work practice requirements on the schedule required in Table 2c of this Subpart, or if performing the work practice on the required schedule would otherwise pose an unacceptable risk under Federal, State, or local law, the work practice can be delayed until the emergency is over or the unacceptable risk under Federal, State, or local law has abated. The work practice should be performed as soon as practicable after the emergency has ended or the unacceptable risk under Federal, State, or local law has abated. Sources must report any failure to perform the work practice on the schedule required and the Federal, State or local law under which the risk was deemed unacceptable.

[2]Sources have the option to utilize an oil analysis program as described in 40 CFR 63.6625(i) in order to extend the specified oil change requirement in Table 2c of this Subpart.

[3]Sources can petition the Administrator pursuant to the requirements of 40 CFR 63.6(g) for alternative work practices.

[75 FR 51593, Aug. 20, 2010]

Table 2d to Subpart ZZZZ of 40 CFR 63 - Requirements for Existing Stationary RICE Located at Area Sources of HAP Emissions

As stated in 40 CFR 63.6603 and 63.6640, you must comply with the following requirements for existing stationary RICE located at area sources of HAP emissions:

For each	You must meet the following requirement, except during periods of startup	During periods of startup you must
1. Non-Emergency, non-black start CI stationary RICE ≤ 300 HP	a. Change oil and filter every 1,000 hours of operation or annually, whichever comes first;[1]	Minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply.
	b. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first; c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.	
2. Non-Emergency, non-black start CI stationary RICE 300 < HP ≤ 500	a. Limit concentration of CO in the stationary RICE exhaust to 49 ppmvd at 15 percent O_2; or	
	b. Reduce CO emissions by 70 percent or more.	
3. Non-Emergency, non-black start CI stationary RICE > 500 HP	a. Limit concentration of CO in the stationary RICE exhaust to 23 ppmvd at 15 percent O_2; or	
	b. Reduce CO emissions by 70 percent or more.	
4. Emergency stationary CI RICE and black start stationary CI RICE.[2]	a. Change oil and filter every 500 hours of operation or annually, whichever comes first;[1]	
	b. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first; and	
	c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace	

	as necessary.	
5. Emergency stationary SI RICE; black start stationary SI RICE; non-emergency, non-black start 4SLB stationary RICE > 500 HP that operate 24 hours or less per calendar year; non-emergency, non-black start 4SRB stationary RICE > 500 HP that operate 24 hours or less per calendar year.[2]	a. Change oil and filter every 500 hours of operation or annually, whichever comes first;[1] b. Inspect spark plugs every 1,000 hours of operation or annually, whichever comes first; and c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.	
6. Non-emergency, non-black start 2SLB stationary RICE	a. Change oil and filter every 4,320 hours of operation or annually, whichever comes first;[1]	
	b. Inspect spark plugs every 4,320 hours of operation or annually, whichever comes first; and	
	c. Inspect all hoses and belts every 4,320 hours of operation or annually, whichever comes first, and replace as necessary.	
7. Non-emergency, non-black start 4SLB stationary RICE ≤ 500 HP	a. Change oil and filter every 1,440 hours of operation or annually, whichever comes first;[1]	
	b. Inspect spark plugs every 1,440 hours of operation or annually, whichever comes first; and	
	c. Inspect all hoses and belts every 1,440 hours of operation or annually, whichever comes first, and replace as necessary.	
8. Non-emergency, non-black start 4SLB stationary RICE > 500 HP	a. Limit concentration of CO in the stationary RICE exhaust to 47 ppmvd at 15 percent O_2; or	
	b. Reduce CO emissions by 93 percent or more.	

9. Non-emergency, non-black start 4SRB stationary RICE ≤ 500 HP	a. Change oil and filter every 1,440 hours of operation or annually, whichever comes first;[1]	
	b. Inspect spark plugs every 1,440 hours of operation or annually, whichever comes first; and	
	c. Inspect all hoses and belts every 1,440 hours of operation or annually, whichever comes first, and replace as necessary.	
10. Non-emergency, non-black start 4SRB stationary RICE > 500 HP	a. Limit concentration of formaldehyde in the stationary RICE exhaust to 2.7 ppmvd at 15 percent O_2; or	
	b. Reduce formaldehyde emissions by 76 percent or more.	
11. Non-emergency, non-black start landfill or digester gas-fired stationary RICE	a. Change oil and filter every 1,440 hours of operation or annually, whichever comes first;[1]	
	b. Inspect spark plugs every 1,440 hours of operation or annually, whichever comes first; and	
	c. Inspect all hoses and belts every 1,440 hours of operation or annually, whichever comes first, and replace as necessary.	

[1]Sources have the option to utilize an oil analysis program as described in 40 CFR 63.6625(i) in order to extend the specified oil change requirement in Table 2d of this Subpart.

[2]If an emergency engine is operating during an emergency and it is not possible to shut down the engine in order to perform the management practice requirements on the schedule required in Table 2d of this Subpart, or if performing the management practice on the required schedule would otherwise pose an unacceptable risk under Federal, State, or local law, the management practice can be delayed until the emergency is over or the unacceptable risk under Federal, State, or local law has abated. The management practice should be performed as soon as practicable after the emergency has ended or the unacceptable risk under Federal, State, or local law has abated. Sources must report any failure to perform the management practice on the schedule required and the Federal, State or local law under which the risk was deemed unacceptable.

[75 FR 51595, Aug. 20, 2010]

Table 3 to Subpart ZZZZ of 40 CFR 63 - Subsequent Performance Tests

As stated in 40 CFR 63.6615 and 63.6620, you must comply with the following subsequent performance test requirements:

For each	Complying with the requirement to	You must
1. New or reconstructed 2SLB stationary RICE with a brake horsepower > 500 located at major sources; new or reconstructed 4SLB stationary RICE with a brake horsepower ≥ 250 located at major sources; and new or reconstructed CI stationary RICE with a brake horsepower > 500 located at major sources	Reduce CO emissions and not using a CEMS	Conduct subsequent performance tests semiannually.[1]
2. 4SRB stationary RICE with a brake horsepower ≥ ,000 located at major sources	Reduce formaldehyde emissions	Conduct subsequent performance tests semiannually.[1]
3. Stationary RICE with a brake horsepower > 500 located at major sources and new or reconstructed 4SLB stationary RICE with a brake horsepower 250 ≤ HP ≤ 500 located at major sources	Limit the concentration of formaldehyde in the stationary RICE exhaust	Conduct subsequent performance tests semiannually.[1]
4. Existing non-emergency, non-black start CI stationary RICE with a brake horsepower > 500 that are not limited use stationary RICE; existing non-emergency, non-black start 4SLB and 4SRB stationary RICE located at an area source of HAP emissions with a brake horsepower > 500 that are operated more than 24 hours per calendar year that are not limited use stationary RICE	Limit or reduce CO or formaldehyde emissions	Conduct subsequent performance tests every 8,760 hrs. or 3 years, whichever comes first.
5. Existing non-emergency, non-black start CI stationary RICE with a brake horsepower > 500 that are limited use stationary RICE; existing non-emergency, non-black start 4SLB and 4SRB stationary RICE located at an area source of HAP emissions with a brake horsepower > 500 that are operated more than 24 hours per calendar year and are limited use stationary RICE	Limit or reduce CO or formaldehyde emissions	Conduct subsequent performance tests every 8,760 hrs. or 5 years, whichever comes first.

[1]After you have demonstrated compliance for two consecutive tests, you may reduce the frequency of subsequent performance tests to annually. If the results of any subsequent annual performance test indicate the stationary RICE is not in compliance with the CO or formaldehyde emission limitation, or you deviate from any of your operating limitations, you must resume semiannual performance tests.

[75 FR 51596, Aug. 20, 2010]

Table 4 to Subpart ZZZZ of 40 CFR 63 - Requirements for Performance Tests

As stated in 40 CFR 63.6610, 63.6611, 63.6612, 63.6620, and 63.6640, you must comply with the following requirements for performance tests for stationary RICE:

For each	Complying with the requirement to	You must	Using	According to the following requirements
1. 2SLB, 4SLB, and CI stationary RICE	a. Reduce CO emissions	i. Measure the O_2 at the inlet and outlet of the control device; and	(1) Portable CO and O_2 analyzer	(a) Using ASTM D6522-00 (2005)[a] (incorporated by reference, see 40 CFR 63.14). Measurements to determine O_2must be made at the same time as the measurements for CO concentration.

		ii. Measure the CO at the inlet and the outlet of the control device	(1) Portable CO and O_2 analyzer	(a) Using ASTM D6522-00 (2005)[ab] (incorporated by reference, see 40 CFR 63.14) or Method 10 of 40 CFR Appendix A. The CO concentration must be at 15 percent O_2, dry basis.
2. 4SRB stationary RICE	a. Reduce formaldehyde emissions	i. Select the sampling port location and the number of traverse points; and	(1) Method 1 or 1A of 40 CFR 60 Appendix A 40 CFR 63.7(d)(1)(i)	(a) Sampling sites must be located at the inlet and outlet of the control device.
		ii. Measure O_2 at the inlet and outlet of the control device; and	(1) Method 3 or 3A or 3B of 40 CFR 60 Appendix A, or ASTM Method D6522-00m (2005)	(a) Measurements to determine O_2 concentration must be made at the same time as the measurements for formaldehyde concentration.
		iii. Measure moisture content at the inlet and outlet of the control device; and	(1) Method 4 of 40 CFR 60 Appendix A, or Test Method 320 of 40 CFR 63 Appendix A, or ASTM D 6348-03	(a) Measurements to determine moisture content must be made at the same time and location as the measurements for formaldehyde concentration.
		iv. Measure formaldehyde at the inlet and the outlet of the control device	(1) Method 320 or 323 of 40 CFR 63 Appendix A; or ASTM D6348-03,[c]provided in ASTM D6348-03 Annex A5 (Analyte Spiking Technique), the percent R must be greater than or equal to 70 and less than or equal to 130	(a) Formaldehyde concentration must be at 15 percent O_2, dry basis. Results of this test consist of the average of the three 1-hour or longer runs.
3. Stationary RICE	a. Limit the concentration of formaldehyde or CO in the stationary RICE exhaust	i. Select the sampling port location and the number of traverse points; and	(1) Method 1 or 1A of 40 CFR 60 Appendix A 40 CFR 63.7(d)(1)(i)	(a) If using a control device, the sampling site must be located at the outlet of the control device.
		ii. Determine the O_2concentration of the stationary RICE exhaust at the sampling port location; and	(1) Method 3 or 3A or 3B of 40 CFR 60 Appendix A, or ASTM Method D6522-00 (2005)	(a) Measurements to determine O_2 concentration must be made at the same time and location as the measurements for formaldehyde concentration.
		iii. Measure moisture content of the stationary RICE exhaust at the sampling port location; and	(1) Method 4 of 40 CFR 60 Appendix A, or Test Method 320 of 40 CFR 63 Appendix A, or ASTM D 6348-03	(a) Measurements to determine moisture content must be made at the same time and location as the measurements for formaldehyde concentration.
		iv. Measure formaldehyde at the exhaust of the stationary	(1) Method 320 or 323 of 40 CFR 63 Appendix A; or ASTM D6348-03,[c]provided in ASTM	(a) Formaldehyde concentration must be at 15 percent O_2, dry basis. Results of this

		RICE; or	D6348-03 Annex A5 (Analyte Spiking Technique), the percent R must be greater than or equal to 70 and less than or equal to 130	test consist of the average of the three 1-hour or longer runs.
		v. Measure CO at the exhaust of the stationary RICE	(1) Method 10 of 40 CFR 60 Appendix A, ASTM Method D6522-00 (2005),[a]Method 320 of 40 CFR 63 Appendix A, or ASTM D6348-03	(a) CO Concentration must be at 15 percent O_2, dry basis. Results of this test consist of the average of the three 1-hour longer runs.

[a]You may also use Methods 3A and 10 as options to ASTM-D6522-00 (2005). You may obtain a copy of ASTM-D6522-00 (2005) from at least one of the following addresses: American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, or University Microfilms International, 300 North Zeeb Road, Ann Arbor, MI 48106. ASTM-D6522-00 (2005) may be used to test both CI and SI stationary RICE.
[b]You may also use Method 320 of 40 CFR 63 Appendix A, or ASTM D6348-03.
[c]You may obtain a copy of ASTM-D6348-03 from at least one of the following addresses: American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, or University Microfilms International, 300 North Zeeb Road, Ann Arbor, MI 48106.
[75 FR 51597, Aug. 20, 2010]

Table 5 to Subpart ZZZZ of 40 CFR 63 - Initial Compliance With Emission Limitations and Operating Limitations
As stated in 40 CFR 63.6612, 63.6625 and 63.6630, you must initially comply with the emission and operating limitations as required by the following:

For each	Complying with the requirement to	You have demonstrated initial compliance if
1. New or reconstructed non-emergency 2SLB stationary RICE > 500 HP located at a major source of HAP, new or reconstructed non-emergency 4SLB stationary RICE ≥ 250 HP located at a major source of HAP, non-emergency stationary CI RICE > 500 HP located at a major source of HAP, existing non-emergency stationary CI RICE > 500 HP located at an area source of HAP, and existing non-emergency 4SLB stationary RICE > 500 HP located at an area source of HAP that are operated more than 24 hours per calendar year	a. Reduce CO emissions and using oxidation catalyst, and using a CPMS	i. The average reduction of emissions of CO determined from the initial performance test achieves the required CO percent reduction; and ii. You have installed a CPMS to continuously monitor catalyst inlet temperature according to the requirements in 40 CFR 63.6625(b); and iii. You have recorded the catalyst pressure drop and catalyst inlet temperature during the initial performance test.
2. Non-emergency stationary CI RICE > 500 HP located at a major source of HAP, existing non-emergency stationary CI RICE > 500 HP located at an area source of HAP, and existing non-emergency 4SLB stationary RICE > 500 HP located at an area source of HAP that are operated more than 24 hours per calendar year	a. Limit the concentration of CO, using oxidation catalyst, and using a CPMS	i. The average CO concentration determined from the initial performance test is less than or equal to the CO emission limitation; and ii. You have installed a CPMS to continuously monitor catalyst inlet temperature according to the requirements in 40 CFR 63.6625(b); and iii. You have recorded the catalyst pressure drop and catalyst inlet temperature during the initial performance test.
3. New or reconstructed non-emergency 2SLB stationary RICE > 500 HP located at a major source of HAP, new or reconstructed non-emergency 4SLB stationary RICE ≥ 250 HP located at a major source	a. Reduce CO emissions and not using oxidation catalyst	i. The average reduction of emissions of CO determined from the initial performance test achieves the required CO percent reduction; and

of HAP, non-emergency stationary CI RICE > 500 HP located at a major source of HAP, existing non-emergency stationary CI RICE > 500 HP located at an area source of HAP, and existing non-emergency 4SLB stationary RICE > 500 HP located at an area source of HAP that are operated more than 24 hours per calendar year		ii. You have installed a CPMS to continuously monitor operating parameters approved by the Administrator (if any) according to the requirements in 40 CFR 63.6625(b); and iii. You have recorded the approved operating parameters (if any) during the initial performance test.
4. Non-emergency stationary CI RICE > 500 HP located at a major source of HAP, existing non-emergency stationary CI RICE > 500 HP located at an area source of HAP, and existing non-emergency 4SLB stationary RICE > 500 HP located at an area source of HAP that are operated more than 24 hours per calendar year	a. Limit the concentration of CO, and not using oxidation catalyst	i. The average CO concentration determined from the initial performance test is less than or equal to the CO emission limitation; and ii. You have installed a CPMS to continuously monitor operating parameters approved by the Administrator (if any) according to the requirements in 40 CFR 63.6625(b); and iii. You have recorded the approved operating parameters (if any) during the initial performance test.
5. New or reconstructed non-emergency 2SLB stationary RICE > 500 HP located at a major source of HAP, new or reconstructed non-emergency 4SLB stationary RICE ≥ 250 HP located at a major source of HAP, non-emergency stationary CI RICE > 500 HP located at a major source of HAP, existing non-emergency stationary CI RICE > 500 HP located at an area source of HAP, and existing non-emergency 4SLB stationary RICE > 500 HP located at an area source of HAP that are operated more than 24 hours per calendar year	a. Reduce CO emissions, and using a CEMS	i. You have installed a CEMS to continuously monitor CO and either O_2 or CO_2 at both the inlet and outlet of the oxidation catalyst according to the requirements in 40 CFR 63.6625(a); and ii. You have conducted a performance evaluation of your CEMS using PS 3 and 4A of 40 CFR 60 Appendix B; and iii. The average reduction of CO calculated using 40 CFR 63.6620 equals or exceeds the required percent reduction. The initial test comprises the first 4-hour period after successful validation of the CEMS. Compliance is based on the average percent reduction achieved during the 4-hour period.
6. Non-emergency stationary CI RICE > 500 HP located at a major source of HAP, existing non-emergency stationary CI RICE > 500 HP located at an area source of HAP, and existing non-emergency 4SLB stationary RICE > 500 HP located at an area source of HAP that are operated more than 24 hours per calendar year	a. Limit the concentration of CO, and using a CEMS	i. You have installed a CEMS to continuously monitor CO and either O_2 or CO_2 at the outlet of the oxidation catalyst according to the requirements in 40 CFR 63.6625(a); and ii. You have conducted a performance evaluation of your CEMS using PS 3 and 4A of 40 CFR 60 Appendix B; and
		iii. The average concentration of CO calculated using 40 CFR 63.6620 is less than or equal to the CO emission limitation. The initial test comprises the first 4-hour period after successful validation of the CEMS. Compliance is based on the average concentration measured during the 4-hour period.
7. Non-emergency 4SRB stationary RICE > 500 HP located at a major source of HAP, and existing non-emergency 4SRB stationary RICE > 500 HP located at an area source of HAP that are operated	a. Reduce formaldehyde emissions and using NSCR	i. The average reduction of emissions of formaldehyde determined from the initial performance test is equal to or greater than the required formaldehyde percent reduction;

more than 24 hours per calendar year		and ii. You have installed a CPMS to continuously monitor catalyst inlet temperature according to the requirements in 40 CFR 63.6625(b); and
		iii. You have recorded the catalyst pressure drop and catalyst inlet temperature during the initial performance test.
8. Non-emergency 4SRB stationary RICE > 500 HP located at a major source of HAP, and existing non-emergency 4SRB stationary RICE > 500 HP located at an area source of HAP that are operated more than 24 hours per calendar year	a. Reduce formaldehyde emissions and not using NSCR	i. The average reduction of emissions of formaldehyde determined from the initial performance test is equal to or greater than the required formaldehyde percent reduction; and ii. You have installed a CPMS to continuously monitor operating parameters approved by the Administrator (if any) according to the requirements in 40 CFR 63.6625(b); and
		iii. You have recorded the approved operating parameters (if any) during the initial performance test.
9. Existing non-emergency 4SRB stationary RICE > 500 HP located at an area source of HAP that are operated more than 24 hours per calendar year	a. Limit the concentration of formaldehyde and not using NSCR	i. The average formaldehyde concentration determined from the initial performance test is less than or equal to the formaldehyde emission limitation; and
		ii. You have installed a CPMS to continuously monitor operating parameters approved by the Administrator (if any) according to the requirements in 40 CFR 63.6625(b); and
		iii. You have recorded the approved operating parameters (if any) during the initial performance test.
10. New or reconstructed non-emergency stationary RICE > 500 HP located at a major source of HAP, new or reconstructed non-emergency 4SLB stationary RICE 250 ≤ HP ≤ 500 located at a major source of HAP, and existing non-emergency 4SRB stationary RICE > 500 HP	a. Limit the concentration of formaldehyde in the stationary RICE exhaust and using oxidation catalyst or NSCR	i. The average formaldehyde concentration, corrected to 15 percent O_2, dry basis, from the three test runs is less than or equal to the formaldehyde emission limitation; and ii. You have installed a CPMS to continuously monitor catalyst inlet temperature according to the requirements in 40 CFR 63.6625(b); and
		iii. You have recorded the catalyst pressure drop and catalyst inlet temperature during the initial performance test.
11. New or reconstructed non-emergency stationary RICE > 500 HP located at a major source of HAP, new or reconstructed non-emergency 4SLB stationary RICE 250 ≤ HP ≤ 500 located at a major source of HAP, and existing non-emergency 4SRB stationary RICE > 500 HP	a. Limit the concentration of formaldehyde in the stationary RICE exhaust and not using oxidation catalyst or NSCR	i. The average formaldehyde concentration, corrected to 15 percent O_2, dry basis, from the three test runs is less than or equal to the formaldehyde emission limitation; and ii. You have installed a CPMS to continuously monitor operating parameters approved by the Administrator (if any) according to the requirements in 40 CFR 63.6625(b); and

		iii. You have recorded the approved operating parameters (if any) during the initial performance test.
12. Existing non-emergency stationary RICE 100 ≤ HP ≤ 500 located at a major source of HAP, and existing non-emergency stationary CI RICE 300 < HP ≤ 500 located at an area source of HAP	a. Reduce CO or formaldehyde emissions	i. The average reduction of emissions of CO or formaldehyde, as applicable determined from the initial performance test is equal to or greater than the required CO or formaldehyde, as applicable, percent reduction.
13. Existing non-emergency stationary RICE 100 ≤ HP ≤ 500 located at a major source of HAP, and existing non-emergency stationary CI RICE 300 < HP ≤5 00 located at an area source of HAP	a. Limit the concentration of formaldehyde or CO in the stationary RICE exhaust	i. The average formaldehyde or CO concentration, as applicable, corrected to 15 percent O_2, dry basis, from the three test runs is less than or equal to the formaldehyde or CO emission limitation, as applicable.

[76 FR 12867, Mar. 9, 2011]

Table 6 to Subpart ZZZZ of 40 CFR 63 - Continuous Compliance With Emission Limitations, Operating Limitations, Work Practices, and Management Practices

As stated in 40 CFR 63.6640, you must continuously comply with the emissions and operating limitations and work or management practices as required by the following:

For each	Complying with the requirement to	You must demonstrate continuous compliance by
1. New or reconstructed non-emergency 2SLB stationary RICE > 500 HP located at a major source of HAP, new or reconstructed non-emergency 4SLB stationary RICE ≥ 250 HP located at a major source of HAP, and new or reconstructed non-emergency CI stationary RICE > 500 HP located at a major source of HAP	a. Reduce CO emissions and using an oxidation catalyst, and using a CPMS	i. Conducting semiannual performance tests for CO to demonstrate that the required CO percent reduction is achieved;[a]and ii. Collecting the catalyst inlet temperature data according to 40 CFR 63.6625(b); and iii. Reducing these data to 4-hour rolling averages; and iv. Maintaining the 4-hour rolling averages within the operating limitations for the catalyst inlet temperature; and
		v. Measuring the pressure drop across the catalyst once per month and demonstrating that the pressure drop across the catalyst is within the operating limitation established during the performance test.
2. New or reconstructed non-emergency 2SLB stationary RICE > 500 HP located at a major source of HAP, new or reconstructed non-emergency 4SLB stationary RICE ≥ 250 HP located at a major source of HAP, and new or reconstructed non-emergency CI stationary RICE > 500 HP located at a major source of HAP	a. Reduce CO emissions and not using an oxidation catalyst, and using a CPMS	i. Conducting semiannual performance tests for CO to demonstrate that the required CO percent reduction is achieved;[a]and ii. Collecting the approved operating parameter (if any) data according to 40 CFR 63.6625(b); and iii. Reducing these data to 4-hour rolling averages; and
		iv. Maintaining the 4-hour rolling averages within the

		operating limitations for the operating parameters established during the performance test.
3. New or reconstructed non-emergency 2SLB stationary RICE > 500 HP located at a major source of HAP, new or reconstructed non-emergency 4SLB stationary RICE ≥ 250 HP located at a major source of HAP, new or reconstructed non-emergency stationary CI RICE > 500 HP located at a major source of HAP, existing non-emergency stationary CI RICE > 500 HP, existing non-emergency 4SLB stationary RICE > 500 HP located at an area source of HAP that are operated more than 24 hours per calendar year	a. Reduce CO emissions or limit the concentration of CO in the stationary RICE exhaust, and using a CEMS	i. Collecting the monitoring data according to 40 CFR 63.6625(a), reducing the measurements to 1-hour averages, calculating the percent reduction or concentration of CO emissions according to 40 CFR 63.6620; and ii. Demonstrating that the catalyst achieves the required percent reduction of CO emissions over the 4-hour averaging period, or that the emission remain at or below the CO concentration limit; and iii. Conducting an annual RATA of your CEMS using PS 3 and 4A of 40 CFR 60 Appendix B, as well as daily and periodic data quality checks in accordance with 40 CFR 60 Appendix F, procedure 1.
4. Non-emergency 4SRB stationary RICE > 500 HP located at a major source of HAP	a. Reduce formaldehyde emissions and using NSCR	i. Collecting the catalyst inlet temperature data according to 40 CFR 63.6625(b); and
		ii. Reducing these data to 4-hour rolling averages; and
		iii. Maintaining the 4-hour rolling averages within the operating limitations for the catalyst inlet temperature; and
		iv. Measuring the pressure drop across the catalyst once per month and demonstrating that the pressure drop across the catalyst is within the operating limitation established during the performance test.
5. Non-emergency 4SRB stationary RICE > 500 HP located at a major source of HAP	a. Reduce formaldehyde emissions and not using NSCR	i. Collecting the approved operating parameter (if any) data according to 40 CFR 63.6625(b); and ii. Reducing these data to 4-hour rolling averages; and
		iii. Maintaining the 4-hour rolling averages within the operating limitations for the operating parameters established during the performance test.
6. Non-emergency 4SRB stationary RICE with a brake HP ≥ 5,000 located at a major source of HAP	a. Reduce formaldehyde emissions	Conducting semiannual performance tests for formaldehyde to demonstrate that the required formaldehyde percent reduction is achieved.[a]
7. New or reconstructed non-emergency stationary RICE > 500 HP located at a major source of HAP and new or reconstructed non-emergency 4SLB stationary RICE 250 ≤ HP ≤ 500 located at a major source of HAP	a. Limit the concentration of formaldehyde in the stationary RICE exhaust and using oxidation catalyst or NSCR	i. Conducting semiannual performance tests for formaldehyde to demonstrate that your emissions remain at or below the formaldehyde concentration limit;[a]and ii. Collecting the catalyst inlet temperature data according to 40 CFR 63.6625(b); and

		iii. Reducing these data to 4-hour rolling averages; and
		iv. Maintaining the 4-hour rolling averages within the operating limitations for the catalyst inlet temperature; and
		v. Measuring the pressure drop across the catalyst once per month and demonstrating that the pressure drop across the catalyst is within the operating limitation established during the performance test.
8. New or reconstructed non-emergency stationary RICE > 500 HP located at a major source of HAP and new or reconstructed non-emergency 4SLB stationary RICE 250 ≤ HP ≤ 500 located at a major source of HAP	a. Limit the concentration of formaldehyde in the stationary RICE exhaust and not using oxidation catalyst or NSCR	i. Conducting semiannual performance tests for formaldehyde to demonstrate that your emissions remain at or below the formaldehyde concentration limit;[a]and ii. Collecting the approved operating parameter (if any) data according to 40 CFR 63.6625(b); and
		iii. Reducing these data to 4-hour rolling averages; and
		iv. Maintaining the 4-hour rolling averages within the operating limitations for the operating parameters established during the performance test.
9. Existing emergency and black start stationary RICE ≤ 500 HP located at a major source of HAP, existing non-emergency stationary RICE < 100 HP located at a major source of HAP, existing emergency and black start stationary RICE located at an area source of HAP, existing non-emergency stationary CI RICE ≤ 300 HP located at an area source of HAP, existing non-emergency 2SLB stationary RICE located at an area source of HAP, existing non-emergency landfill or digester gas stationary SI RICE located at an area source of HAP, existing non-emergency 4SLB and 4SRB stationary RICE ≤ 500 HP located at an area source of HAP, existing non-emergency 4SLB and 4SRB stationary RICE > 500 HP located at an area source of HAP that operate 24 hours or less per calendar year	a. Work or Management practices	i. Operating and maintaining the stationary RICE according to the manufacturer's emission-related operation and maintenance instructions; or ii. Develop and follow your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions.
10. Existing stationary CI RICE > 500 HP that are not limited use stationary RICE, and existing 4SLB and 4SRB stationary RICE > 500 HP located at an area source of HAP that operate more than 24 hours per calendar year and are not limited use stationary RICE	a. Reduce CO or formaldehyde emissions, or limit the concentration of formaldehyde or CO in the stationary RICE exhaust, and using oxidation catalyst or NSCR	i. Conducting performance tests every 8,760 hours or 3 years, whichever comes first, for CO or formaldehyde, as appropriate, to demonstrate that the required CO or formaldehyde, as appropriate, percent reduction is achieved or that your emissions remain at or below the CO or formaldehyde concentration limit; and
		ii. Collecting the catalyst inlet temperature data according to 40 CFR 63.6625(b); and

		iii. Reducing these data to 4-hour rolling averages; and
		iv. Maintaining the 4-hour rolling averages within the operating limitations for the catalyst inlet temperature; and
		v. Measuring the pressure drop across the catalyst once per month and demonstrating that the pressure drop across the catalyst is within the operating limitation established during the performance test.
11. Existing stationary CI RICE > 500 HP that are not limited use stationary RICE, and existing 4SLB and 4SRB stationary RICE > 500 HP located at an area source of HAP that operate more than 24 hours per calendar year and are not limited use stationary RICE	a. Reduce CO or formaldehyde emissions, or limit the concentration of formaldehyde or CO in the stationary RICE exhaust, and not using oxidation catalyst or NSCR	i. Conducting performance tests every 8,760 hours or 3 years, whichever comes first, for CO or formaldehyde, as appropriate, to demonstrate that the required CO or formaldehyde, as appropriate, percent reduction is achieved or that your emissions remain at or below the CO or formaldehyde concentration limit; and
		ii. Collecting the approved operating parameter (if any) data according to 40 CFR 63.6625(b); and
		iii. Reducing these data to 4-hour rolling averages; and
		iv. Maintaining the 4-hour rolling averages within the operating limitations for the operating parameters established during the performance test.
12. Existing limited use CI stationary RICE > 500 HP and existing limited use 4SLB and 4SRB stationary RICE > 500 HP located at an area source of HAP that operate more than 24 hours per calendar year	a. Reduce CO or formaldehyde emissions or limit the concentration of formaldehyde or CO in the stationary RICE exhaust, and using an oxidation catalyst or NSCR	i. Conducting performance tests every 8,760 hours or 5 years, whichever comes first, for CO or formaldehyde, as appropriate, to demonstrate that the required CO or formaldehyde, as appropriate, percent reduction is achieved or that your emissions remain at or below the CO or formaldehyde concentration limit; and
		ii. Collecting the catalyst inlet temperature data according to 40 CFR 63.6625(b); and
		iii. Reducing these data to 4-hour rolling averages; and
		iv. Maintaining the 4-hour rolling averages within the operating limitations for the catalyst inlet temperature; and
		v. Measuring the pressure drop across the catalyst once per month and demonstrating that the pressure drop across the catalyst is within the operating limitation established during the performance test.
13. Existing limited use CI stationary RICE > 500 HP and	a. Reduce CO or formaldehyde	i. Conducting performance tests every 8,760 hours or 5

existing limited use 4SLB and 4SRB stationary RICE > 500 HP located at an area source of HAP that operate more than 24 hours per calendar year	emissions or limit the concentration of formaldehyde or CO in the stationary RICE exhaust, and not using an oxidation catalyst or NSCR	years, whichever comes first, for CO or formaldehyde, as appropriate, to demonstrate that the required CO or formaldehyde, as appropriate, percent reduction is achieved or that your emissions remain at or below the CO or formaldehyde concentration limit; and
		ii. Collecting the approved operating parameter (if any) data according to 40 CFR 63.6625(b); and
		iii. Reducing these data to 4-hour rolling averages; and
		iv. Maintaining the 4-hour rolling averages within the operating limitations for the operating parameters established during the performance test.

[a]After you have demonstrated compliance for two consecutive tests, you may reduce the frequency of subsequent performance tests to annually. If the results of any subsequent annual performance test indicate the stationary RICE is not in compliance with the CO or formaldehyde emission limitation, or you deviate from any of your operating limitations, you must resume semiannual performance tests.
[76 FR 12870, Mar. 9, 2011]

Table 7 to Subpart ZZZZ of 40 CFR 63 - Requirements for Reports
As stated in 40 CFR 63.6650, you must comply with the following requirements for reports:

For each	You must submit a	The report must contain	You must submit the report
1. Existing non-emergency, non-black start stationary RICE 100 ≤ HP ≤ 500 located at a major source of HAP; existing non-emergency, non-black start stationary CI RICE > 500 HP located at a major source of HAP; existing non-emergency 4SRB stationary RICE > 500 HP located at a major source of HAP; existing non-emergency, non-black start stationary CI RICE > 300 HP located at an area source of HAP; existing non-emergency, non-black start 4SLB and 4SRB stationary RICE > 500 HP located at an area source of HAP and operated more than 24 hours per calendar year; new or reconstructed non-emergency stationary RICE > 500 HP located at a major source of HAP; and new or reconstructed non-emergency 4SLB stationary RICE 250 ≤ HP ≤5 00 located at a major source of HAP	Compliance report	a. If there are no deviations from any emission limitations or operating limitations that apply to you, a statement that there were no deviations from the emission limitations or operating limitations during the reporting period. If there were no periods during which the CMS, including CEMS and CPMS, was out-of-control, as specified in 40 CFR 63.8(c)(7), a statement that there were not periods during which the CMS was out-of-control during the reporting period; or b. If you had a deviation from any emission limitation or operating limitation during the reporting period, the information in 40 CFR 63.6650(d). If there were periods during which the CMS, including CEMS and CPMS, was out-of-control, as specified in 40 CFR 63.8(c)(7), the information in 40 CFR 63.6650(e); or c. If you had a malfunction during the reporting period, the information in 40 CFR 63.6650(c)(4) i. Semiannually according to the requirements in 40 CFR 63.6650(b)(1)-(5) for engines that are not limited use stationary	

		RICE subject to numerical emission limitations; and ii. Annually according to the requirements in 40 CFR 63.6650(b)(6)-(9) for engines that are limited use stationary RICE subject to numerical emission limitations. i. Semiannually according to the requirements in 40 CFR 63.6650(b). i. Semiannually according to the requirements in 40 CFR 63.6650(b).	
2. New or reconstructed non-emergency stationary RICE that combusts landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis	Report	a. The fuel flow rate of each fuel and the heating values that were used in your calculations, and you must demonstrate that the percentage of heat input provided by landfill gas or digester gas, is equivalent to 10 percent or more of the gross heat input on an annual basis; and i. Annually, according to the requirements in 40 CFR 63.6650.	
		b. The operating limits provided in your federally enforceable permit, and any deviations from these limits; and i. See item 2.a.i.	
		c. Any problems or errors suspected with the meters. i. See item 2.a.i.	

[75 FR 51603, Aug. 20, 2010]

Table 8 to Subpart ZZZZ of 40 CFR 63 - Applicability of General Provisions to Subpart ZZZZ.

As stated in 40 CFR 63.6665, you must comply with the following applicable general provisions.

General provisions citation	Subject of citation	Applies to Subpart	Explanation
40 CFR 63.1	General applicability of the General Provisions	Yes	
40 CFR 63.2	Definitions	Yes	Additional terms defined in 40 CFR 63.6675.
40 CFR 63.3	Units and abbreviations	Yes	
40 CFR 63.4	Prohibited activities and circumvention	Yes	
40 CFR 63.5	Construction and reconstruction	Yes	
40 CFR 63.6(a)	Applicability	Yes	
40 CFR 63.6(b)(1)-(4)	Compliance dates for new and reconstructed sources	Yes	
40 CFR 63.6(b)(5)	Notification	Yes	
40 CFR 63.6(b)(6)	[Reserved]		
40 CFR 63.6(b)(7)	Compliance dates for new and reconstructed area sources	Yes	

	that become major sources		
40 CFR 63.6(c)(1)-(2)	Compliance dates for existing sources	Yes	
40 CFR 63.6(c)(3)-(4)	[Reserved]		
40 CFR 63.6(c)(5)	Compliance dates for existing area sources that become major sources	Yes	
40 CFR 63.6(d)	[Reserved]		
40 CFR 63.6(e)	Operation and maintenance	No	
40 CFR 63.6(f)(1)	Applicability of standards	No	
40 CFR 63.6(f)(2)	Methods for determining compliance	Yes	
40 CFR 63.6(f)(3)	Finding of compliance	Yes	
40 CFR 63.6(g)(1)-(3)	Use of alternate standard	Yes	
40 CFR 63.6(h)	Opacity and visible emission standards	No	Subpart ZZZZ does not contain opacity or visible emission standards.
40 CFR 63.6(i)	Compliance extension procedures and criteria	Yes	
40 CFR 63.6(j)	Presidential compliance exemption	Yes	
40 CFR 63.7(a)(1)-(2)	Performance test dates	Yes	Subpart ZZZZ contains performance test dates at 40 CFR 63.6610, 63.6611, and 63.6612.
40 CFR 63.7(a)(3)	CAA section 114 authority	Yes	
40 CFR 63.7(b)(1)	Notification of performance test	Yes	Except that 40 CFR 63.7(b)(1) only applies as specified in 40 CFR 63.6645.
40 CFR 63.7(b)(2)	Notification of rescheduling	Yes	Except that 40 CFR 63.7(b)(2) only applies as specified in 40 CFR 63.6645.
40 CFR 63.7(c)	Quality assurance/test plan	Yes	Except that 40 CFR 63.7(c) only applies as specified in 40 CFR 63.6645.
40 CFR 63.7(d)	Testing facilities	Yes	
40 CFR 63.7(e)(1)	Conditions for conducting performance tests	No	Subpart ZZZZ specifies conditions for conducting performance tests at 40 CFR 63.6620.
40 CFR 63.7(e)(2)	Conduct of performance tests and reduction of data	Yes	Subpart ZZZZ specifies test methods at 40 CFR 63.6620.

40 CFR 63.7(e)(3)	Test run duration	Yes	
40 CFR 63.7(e)(4)	Administrator may require other testing under section 114 of the CAA	Yes	
40 CFR 63.7(f)	Alternative test method provisions	Yes	
40 CFR 63.7(g)	Performance test data analysis, recordkeeping, and reporting	Yes	
40 CFR 63.7(h)	Waiver of tests	Yes	
40 CFR 63.8(a)(1)	Applicability of monitoring requirements	Yes	Subpart ZZZZ contains specific requirements for monitoring at 40 CFR 63.6625.
40 CFR 63.8(a)(2)	Performance specifications	Yes	
40 CFR 63.8(a)(3)	[Reserved]		
40 CFR 63.8(a)(4)	Monitoring for control devices	No	
40 CFR 63.8(b)(1)	Monitoring	Yes	
40 CFR 63.8(b)(2)-(3)	Multiple effluents and multiple monitoring systems	Yes	
40 CFR 63.8(c)(1)	Monitoring system operation and maintenance	Yes	
40 CFR 63.8(c)(1)(i)	Routine and predictable SSM	Yes	
40 CFR 63.8(c)(1)(ii)	SSM not in Startup Shutdown Malfunction Plan	Yes	
40 CFR 63.8(c)(1)(iii)	Compliance with operation and maintenance requirements	Yes	
40 CFR 63.8(c)(2)-(3)	Monitoring system installation	Yes	
40 CFR 63.8(c)(4)	Continuous monitoring system (CMS) requirements	Yes	Except that Subpart ZZZZ does not require Continuous Opacity Monitoring System (COMS).
40 CFR 63.8(c)(5)	COMS minimum procedures	No	Subpart ZZZZ does not require COMS.
40 CFR 63.8(c)(6)-(8)	CMS requirements	Yes	Except that Subpart ZZZZ does not require COMS.
40 CFR 63.8(d)	CMS quality control	Yes	
40 CFR 63.8(e)	CMS performance evaluation	Yes	Except for 40 CFR 63.8(e)(5)(ii), which applies to COMS.
		Except that 40 CFR 63.8(e)	

		only applies as specified in 40 CFR 63.6645.	
40 CFR 63.8(f)(1)-(5)	Alternative monitoring method	Yes	Except that 40 CFR 63.8(f)(4) only applies as specified in 40 CFR 63.6645.
40 CFR 63.8(f)(6)	Alternative to relative accuracy test	Yes	Except that 40 CFR 63.8(f)(6) only applies as specified in 40 CFR 63.6645.
40 CFR 63.8(g)	Data reduction	Yes	Except that provisions for COMS are not applicable. Averaging periods for demonstrating compliance are specified at 40 CFR 63.6635 and 63.6640.
40 CFR 63.9(a)	Applicability and State delegation of notification requirements	Yes	
40 CFR 63.9(b)(1)-(5)	Initial notifications	Yes	Except that 40 CFR 63.9(b)(3) is reserved.
		Except that 40 CFR 63.9(b) only applies as specified in 40 CFR 63.6645.	
40 CFR 63.9(c)	Request for compliance extension	Yes	Except that 40 CFR 63.9(c) only applies as specified in 40 CFR 63.6645.
40 CFR 63.9(d)	Notification of special compliance requirements for new sources	Yes	Except that 40 CFR 63.9(d) only applies as specified in 40 CFR 63.6645.
40 CFR 63.9(e)	Notification of performance test	Yes	Except that 40 CFR 63.9(e) only applies as specified in 40 CFR 63.6645.
40 CFR 63.9(f)	Notification of visible emission (VE)/opacity test	No	Subpart ZZZZ does not contain opacity or VE standards.
40 CFR 63.9(g)(1)	Notification of performance evaluation	Yes	Except that 40 CFR 63.9(g) only applies as specified in 40 CFR 63.6645.
40 CFR 63.9(g)(2)	Notification of use of COMS data	No	Subpart ZZZZ does not contain opacity or VE standards.
40 CFR 63.9(g)(3)	Notification that criterion for alternative to RATA is exceeded	Yes	If alternative is in use.
		Except that 40 CFR 63.9(g) only applies as specified in 40 CFR 63.6645.	

40 CFR 63.9(h)(1)-(6)	Notification of compliance status	Yes	Except that notifications for sources using a CEMS are due 30 days after completion of performance evaluations. 40 CFR 63.9(h)(4) is reserved.
			Except that 40 CFR 63.9(h) only applies as specified in 40 CFR 63.6645.
40 CFR 63.9(i)	Adjustment of submittal deadlines	Yes	
40 CFR 63.9(j)	Change in previous information	Yes	
40 CFR 63.10(a)	Administrative provisions for recordkeeping/reporting	Yes	
40 CFR 63.10(b)(1)	Record retention	Yes	
40 CFR 63.10(b)(2)(i)-(v)	Records related to SSM	No	
40 CFR 63.10(b)(2)(vi)-(xi)	Records	Yes	
40 CFR 63.10(b)(2)(xii)	Record when under waiver	Yes	
40 CFR 63.10(b)(2)(xiii)	Records when using alternative to RATA	Yes	For CO standard if using RATA alternative.
40 CFR 63.10(b)(2)(xiv)	Records of supporting documentation	Yes	
40 CFR 63.10(b)(3)	Records of applicability determination	Yes	
40 CFR 63.10(c)	Additional records for sources using CEMS	Yes	Except that 40 CFR 63.10(c)(2)-(4) and (9) are reserved.
40 CFR 63.10(d)(1)	General reporting requirements	Yes	
40 CFR 63.10(d)(2)	Report of performance test results	Yes	
40 CFR 63.10(d)(3)	Reporting opacity or VE observations	No	Subpart ZZZZ does not contain opacity or VE standards.
40 CFR 63.10(d)(4)	Progress reports	Yes	
40 CFR 63.10(d)(5)	Startup, shutdown, and malfunction reports	No	
40 CFR 63.10(e)(1) and (2)(i)	Additional CMS Reports	Yes	
40 CFR 63.10(e)(2)(ii)	COMS-related report	No	Subpart ZZZZ does not require COMS.
40 CFR 63.10(e)(3)	Excess emission and parameter exceedances reports	Yes	Except that 40 CFR 63.10(e)(3)(i) (C) is reserved.
40 CFR 63.10(e)(4)	Reporting COMS data	No	Subpart ZZZZ does not require COMS.

40 CFR 63.10(f)	Waiver for recordkeeping/reporting	Yes	
40 CFR 63.11	Flares	No	
40 CFR 63.12	State authority and delegations	Yes	
40 CFR 63.13	Addresses	Yes	
40 CFR 63.14	Incorporation by reference	Yes	
40 CFR 63.15	Availability of information	Yes	

Title V Air Operation Permit Revision
Permit No. 1130004-021-AV

APPLICANT

The applicant for this project is Taminco Inc. The applicant's responsible official and mailing address are: Mr. Robert Dwane Brumfield, Site Manager, Taminco, Inc., 4575 Highway 90 East, Pace, Florida 32571.

FACILITY DESCRIPTION

The applicant operates the Taminco Pace Plant, which is located in Santa Rosa County at 4575 Highway 90 East, Pace, Florida.

The existing facility consists of five chemical processing plants. The No. 1 and No. 4 Plants produce Methylamines. The No. 2 Plant produces a variety of higher amines, including alkylamines and amylamines. In the No. 3 Plant, a 72-inch distillation column processes higher amines and crude methanol. The recently permitted DIMLA plant produces Dimethyl laurylamine (DIMLA 12), Dimethyl Myristylamine (DIMLA 14), Dimethyl hexadecylamine (DIMLA 16) and a blend of DIMLA 12 and DIMLA 14 (DIMLA 1214). The Utility Area contains two boilers and three cogeneration units. The cogeneration units are owned by Gulf Power, but operated by Taminco.

Methanol Storage (remaining from old Methanol Plant) (EU 029, 047 and 048)
The Methanol Plant was shut down and decommissioned, effective November 3, 2003. The storage tanks were retained for continued use storing incoming raw material. Methanol is no longer loaded from the facility, so the facility has requested the removal of EU 028, the Methanol Loading Scrubber.

Boilers
Boilers manufactured by Riley Stoker (EU 001) and B&W (EU 003) have boilerplate capacities of 90,000 pounds per hour of steam at 600 psig, which is considered equivalent to 128 MMBtu heat input with 80 percent boiler efficiency and 1,134 Btu per pound of steam. The B&W boiler is fueled by natural gas and process off-gases. The Riley Stoker boiler is fueled by natural gas, process off-gases, non-hazardous liquids, used oil, ROH evaporation residue and DIMLA purification residue. Process liquids originate from methylamines and higher amines production plants and used oil is from on-site compressors and other equipment. Gulf Power owns a cogeneration facility located within the Taminco Pace Plant boundaries. Taminco personnel operate the unit; however, Gulf Power maintains compliance with Title V air permit 1130173-009-AV.

Methylamines (Plants Nos. 1 and 4)
At the Methylamines Plant No. 1 (EU 005, 006, 036, 046, 049, 050, 051 and 054), and No. 4 (EU 060, 033, 034, 035, 037 and 053), methanol is continuously reacted with ammonia to yield methylamines. A natural gas-fired preheater is used to reach reaction temperature. Volatile off-gases from the product scrubbers are controlled with the Amines Plants Flare (EU 005), which operates with a natural gas pilot. Process gas from the high pressure absorber vents can also be controlled in the Riley Stoker or B&W boilers. Visible emissions from the gas-fired heater and the flare are controlled by proper combustion. Methylamines Plant No. 1 also has the capability to produce Dimethylurea from a reaction of monomethylamine and urea.

Higher Amines Plants (Plants Nos. 2 and 3)
At the Higher Amines Plants (EU 007, 055, 056, 057, 058, 059, 066, 070, 071, 072, 073 and 074), alcohols, ammonia, ethers, aldehydes, ketones and other amines are reacted to yield various alkylamines and amylamines. A natural gas-fired preheater is used to bring the mixture to reaction temperature. The volatile off-gases from the product scrubbers are controlled in the Amines Plants Flare. Process gas from the high pressure absorber vent in the Higher Amines Plant (No. 2) can also be controlled in the Riley Stoker or B&W Boilers. Visible emissions from the gas-fired heater and the flare are controlled by proper combustion.

DIMLA Plant
At the recently-permitted DIMLA Plant (EU 076, 077, 078 and 079), dimethyl laurylamine is manufactured from either C12 alcohol (lauryl alcohol) or C14 alcohol (myristyl alcohol) or a mixture of the two. The alcohol feed (ROH) is reacted with dimethylamine (DMA) in a catalyzed reaction with hydrogen present. A second

methylation reaction using formalin and possibly formic acid completes the conversion of any partially-reacted dimethyl laurylamine. Vent streams from the amines absorption column, the methylation reactor and the amines desorption column are sent to the existing low pressure absorber in the No. 1 Methylamines plant, which vents to the existing flare. Wastewater from the amines desorption column goes to the existing wastewater treatment system. The water phase from the decanters is also sent to the existing wastewater treatment system via a new wastewater recycle tank, TK-62057. Residue from the ROH evaporator and a portion of the DIMLA purification column residue are burned for energy recovery in the existing Riley Stoker Boiler or disposed of offsite. Off gases from the vacuum system are recovered using a new atmospheric scrubber that feeds the amines absorption column.

The Taminco Pace Plant operates five emergency diesel, compression ignition, reciprocating internal combustion engines (CI RICE): B-area emergency fire water pump and No. 2 well water pump, each at 234 Hp; plant emergency generator at 330 Hp; north foxtrot at 380 Hp; and, south foxtrot at 340 Hp. Regarding regulatory applicability to new source performance standards (NSPS) 40 CFR 60 Subpart IIII (manufacturers, owners, and operators of Stationary, Compression Ignition (Diesel) ICE), all engines listed were manufactured prior to July 11, 2005, and are therefore not subject to this subpart per 40 CFR 60.4200(a)(2). Regarding regulatory applicability to the national emission standards for hazardous air pollutants (NESHAP) 40 CFR 63 Subpart ZZZZ (owners or operators of Stationary, Reciprocating ICE), all engines listed are *existing* stationary reciprocating internal combustion engines [per 40 CFR 63.6590(a)(1)(ii)] with a rating of less than 500 brake Hp, located at a major source of hazardous air pollutants (HAP) emissions and constructed before June 12, 2006. These *existing* emergency stationary CI RICE are subject to 40 CFR 63 Subpart ZZZZ and must comply with the emission limitations in Table 2c to 40 CFR 63 Subpart ZZZZ which apply to Emergency Stationary CI RICE.

Also included in this permit are miscellaneous unregulated/insignificant emissions units and/or activities.

This facility is considered a major stationary source with respect to Prevention of Significant Deterioration (PSD), because it emits or has the potential to emit 100 tons/year or more of any regulated air pollutant and the facility is a chemical process plant, one of the 28 PSD-major facility categories.

Based on the Title-V Air Operation Permit Revision application, received November 26, 2012, this facility is a major source of HAP.

PROJECT DESCRIPTION

This permit revises Title V air operation permit 1130004-018-AV, issued July 13, 2011 and incorporates the terms and conditions of air construction permit 1130004-019-AC, issued March 7, 2011, to construct a dimethyl laurylamine manufacturing unit (DIMLA Plant). New process equipment consisted of reactors, separators, storage tanks and ancillary equipment such as pumps, compressors and piping for transporting materials from one vessel to another.

DIMLA Process Overview

The DIMLA Plant was constructed as proposed in the construction application 1130004-019-AC, issued March 7, 2011. The only change was to the number of components in the line; the number of components was reduced, thus, reducing the fugitive equipment leak emissions estimate for VOC. A PE conformity inspection of the DIMLA Plant was completed on September 26, 2012 to certify that the DIMLA Plant construction conformed to the permit application and associated documents (Per Air Construction Permit No. 1130004-019-AC, Section 4, Appendix C, Common Condition 14). A copy of the letter submitted to the Department on September 28, 2012 is attached as Exhibit A.

The DIMLA project consisted of the construction of a new process unit, a new storage tank farm, three new loading racks for product and residue loading, raw material unloading facilities, a new formalin storage tank and truck unloading system, and tie-ins for utilities, vents, recycle streams, and chemical sewer. The new process area was located on a curbed concrete pad and a new raw material and product storage tank farm located within a concrete secondary containment area. Utilities, including steam, well water, cooling water, nitrogen, instrument

air, and electrical power, are supplied to the new DIMLA Plant from the existing Pace plant. The DIMLA Plant is tied into the plant condensate return system and chemical sewer system. The main raw material can be C12 straight chain alcohol (lauryl alcohol), C14 straight chain alcohol (myristyl alcohol), C16 straight chain alcohol (Hexadecyl alcohol) or a mixture of C12 and C14 alcohols. This raw material is designated as ROH. ROH arrives by railcar and is unloaded into the new ROH storage tanks located in the storage tank farm. DIMLA products [Dimethyl laurylamine (DIMLA12), Dimethyl Myristylamine (DIMLA 14), Dimethyl hexadecylamine (DIMLA 16) , and a blend of DIMLA 12 and DIMLA 14 (DIMLA 1214)] made in the new unit are stored in new storage tanks in the storage tank farm and then loaded into railcars for customer delivery.

DIMLA Process Details

DIMLA is made from a C12, C14 or C16 straight chain alcohol (ROH) reacted with DMA in a catalyst reactor with hydrogen (H_2) present. Both the DMA and the H_2 are supplied to the DIMLA Plant from existing storage tanks at the Pace Plant. After exiting the DIMLA reactor, the unreacted amines and H_2 are separated from the crude DIMLA and water stream. The unreacted amines and H_2 are water scrubbed in the Amines Absorption unit to separate the amines from the H_2. The H_2 is recirculated back to the DIMLA reactor and mixed with fresh DMA feed. This enriched stream is conditioned in the ROH evaporation unit, whereby ROH residue can be removed from the reactant stream. The ROH residue is combined with existing amines liquid waste and burned in the Riley Stoker Boiler (EU 001).

The amines from the Amines Absorption unit are stripped in the Amines Separation unit. The liquid from the Amines Separation unit is recycled to the existing No. 4 Amines Plant and the vapor from the Amines Absorption and Separation units is sent to the existing No. 1 Amines Low Pressure Absorber for recovery and treatment in the existing Flare (EU 005). The water generated in the DIMLA reaction, along with water used for scrubbing the amines from the H_2, is collected in a wastewater storage tank and sent to the wastewater treatment ponds.

From the DIMLA reactor, the crude DIMLA and water stream is sent to a Purification section, where much of the water is removed by decantation. The purification process begins with the methylation reaction, whereby the DIMLA stream is mixed with formalin and reacted with H_2 present in a catalyst reactor to convert any partially-reacted DIMLA. The DIMLA stream then goes through another water removal step before vacuum distillation with the DIMLA product taken as an overhead product. DIMLA is temporarily stored in one of three check tanks and then transferred to one of five DIMLA Storage Tanks. Water removed in DIMLA purification is combined with wastewater from the DIMLA reaction and Amines Recovery and collected in a wastewater storage tank and sent to the equalization basin and wastewater treatment ponds. Residue (heavies) from the DIMLA purification column is sent to a new Residue tank or to the existing Riley Boiler (EU 001). Off-gases from the DIMLA vacuum system along with equipment clean-up water and compressor seal water will be treated in a new scrubber (T-62028) that is vented to the atmosphere. All raw material, product, and residue tanks are vented to the atmosphere or are expected to be under a nitrogen blanket.

The DIMLA process flow diagrams included with the application are on file with the permitting authority.

Description of Calculation Updates

The following changes in emissions calculation methodology are requested with this Title V revision application:

- The potential emissions calculation methodology for the Riley (EU 001) and B&W (EU 003) Boilers has been updated. The Riley Stoker and B & W boilers each have a boilerplate capacity of 90,000 pounds per hour of steam at 600 psig which is considered equivalent to 128 MMBtu heat input with 80 percent boiler efficiency and 1,134 Btu per pound of steam. The previously submitted boiler calculations used an enthalpy value of 1,106 Btu per pound of steam (i.e. 116 MMBtu heat input). The calculations have been updated to reflect the current permitted boiler heat input value of 128 MMBtu/hr that was approved as part of the DIMLA issued Air Construction Permit 1130004-019-AC.

- The PSD emission calculation methodology for the Riley Stoker (EU 001) and B&W (EU 003) Boilers as well as the Cogeneration Boilers has been updated. After review of the measured data collected at Taminco, a more accurate method for calculating the actual steam fuel rates from the boilers was developed. This new methodology uses the measured steam compared to the measured fuel (steam to fuel use ratio) to determine the amount of fuel necessary to generate the steam needed to operate the DIMLA Plant at the maximum production.

- Taminco has revised the maximum steam use for the DIMLA plant from 29,200 lb/hr to 24,500 lb/hr based on review of the actual steam use and production data in the DIMLA Plant since start-up,. A side-by-side comparison of the previous calculation methodology ("old") compared to the updated calculation methodology ("new"), using NOx as an example pollutant, is shown in Exhibit B (attached). The calculations have been updated to reflect this change. The maximum allowable steam feed rate to the DIMLA plant has been changed to 24,500 lb/hr by this permit revision, as requested by the applicant.

- Facility Wide Equipment Leaks emissions estimates have been updated based on a revised equipment count for the DIMLA plant (post construction). The equipment count was greatly reduced compared to the original estimates; therefore, facility-wide fugitive equipment leaks (VOC emissions) have decreased.

- An update to the drift rates for two of the Cooling Towers (EU 063) have been revised based on vendor data. CT-67038 has been revised from a drift rate 0.03% to 0.0005%. CT-32000 has been revised from a drift rate of 0.03% to 0.02%. These changes have reduced the calculated particulate emissions.

Clerical corrections were made, in regard to tank ID numbers listed under DIMLA Storage Tanks and Loading (EU 076), to the process flow diagrams, emission calculations and application forms. Revisions to the tanks list for EU 076 were communicated to the Department; however, the list was not corrected in the construction permit. The construction permit 1130004-019-AC shows the following list:

a. ROH Storage (TK-62101, TK-62102)
b. DIMLA Check Tanks (TK-62090, TK-62091)
c. DIMLA Storage Tanks (TK-62190, TK-62191, TK-62192, TK-62193)
d. DIMLA Residue Storage (TK-62068)
e. DIMLA Wastewater Storage (TK-62099, TK-62057)
f. Formic Acid Storage (TK- 62148)
g. DIMLA Product and Residue Loading Racks

The correct list of units included in EU 076 is as follows:

a. ROH Storage (TK-62101, TK-62102, TK-62103)
b. DIMLA Check Tanks (TK-62090, TK-62091, TK-62092)
c. DIMLA Storage Tanks (TK-62190, TK-62191, TK-62192, TK-62193, TK-62194)
d. DIMLA Residue Storage (TK-62068)
e. Formic Acid Storage (TK- 62148)
f. DIMLA Product and Residue Loading Racks

Please note that tanks TK-62099 and TK-62057 are included in the Wastewater Treatment Plant Fugitives (EU 075) emission calculations, and therefore are not included in EU 076.

A summary of the units affected by this application are shown in Table 1. If a change to the calculation methodology is being requested, a description of this request is also shown in Table 1.

Table 1. Taminco Pace Plant – Summary of DIMLA Project - Emission Unit (EU) Updates

EU No.	Current EU Description	New/ Modified Unit	Affected Unit	Emission Factor or Method Update/ Other	Explanation for project impact or EU Update
001	Riley Stoker Boiler		√	√	PSD emissions affected by change in calculation methodology for steam to fuel usage calculation. The steam usage for the DIMLA plant has also been reduced from 29,200 lb/hr to 24,500 lb/hr maximum. This change has caused a slight reduction in the predicted PSD emissions. Potential to emit calculations corrected to use 128 MMBtu/hr based on maximum permitted rate. This calculation change has increased the maximum potential emissions.
003	B & W Boiler		√	√	PSD emissions affected by change in calculation methodology for steam to fuel usage calculation. The steam usage for the DIMLA plant has also been reduced from 29,200 lb/hr to 24,500 lb/hr maximum. This change has caused a slight reduction in the predicted PSD emissions. Potential to emit calculations corrected to use 128 MMBtu/hr based on maximum permitted rate. This calculation change has increased the maximum potential emissions.
005	Amines Plants Flare		√		No additional changes due to the revision application.
058	Higher Amines/72”Column/DIMLA MON Group 2 Storage Tanks	√			No additional changes due to the revision application.
062	Facility wide Equipment Leak Fugitives		√	√	An equipment count was completed after construction of the DIMLA plant. The emission calculations have been revised to include the updated equipment count. Overall, emissions have been reduced based on this update.
063	Cooling Towers (4) (that do not use chromium-based water treatment chemicals)		√	√	The drift rates for two of the cooling towers have been updated to reflect vendor specific data. CT-67038 has been revised from a drift rate 0.03% to 0.0005%. CT-32000 has been revised from a drift rate of 0.03% to 0.02%. These changes have reduced the calculated particulate emissions
071	Higher Amines/DIMLA MON Maintenance Wastewater	√			No additional changes due to the revision application.
072	Higher Amines/DIMLA MON Wastewater				No additional changes due to the revision application.
074	Sitewide MON Heat Exchangers		√		No additional changes due to the revision application.
075	Wastewater Treatment Plant Fugitives		√		No additional changes due to the revision application.
076	DIMLA Storage Tanks and Loading	√			No additional changes due to the revision application. However, clerical errors found and corrected for tank list and ID Nos.
077	DIMLA MON Equipment Leaks	√			No additional changes due to the revision application.

EU No.	Current EU Description	New/ Modified Unit	Affected Unit	Emission Factor or Method Update/ Other	Explanation for project impact or EU Update
078	DIMLA VOC Equipment Leaks	√			No additional changes due to the revision application.
079	DIMLA Scrubber	√			No additional changes due to the revision application.
INSIG	DIMLA Plant - Non-regulated Storage Tanks	√			No additional changes due to the revision application.

DIMLA PSD Applicability

Based on the revisions outlined above, a revised PSD applicability analysis was performed for the DIMLA Plant to determine if any regulated compounds would be subject to PSD review. Many of the vents from the DIMLA process are vented to the existing No. 1 Methylamines Plant Low Pressure Absorber and ultimately destroyed in the Flare (EU 005). The only sources vented to the atmosphere are the storage tanks (raw material, product, and residue tanks) and DIMLA scrubber (T-62028). In addition, fugitive equipment leaks and maintenance wastewater are accounted for from the new DIMLA Plant (EU 078).

Affected units include the existing Riley Stoker and B&W boilers and on-site Cogen Boilers (steam increase), Riley Boiler (EU 001, ROH and DIMLA residue firing), Flare (EU 005, destruction of amines process gas), Cooling Towers (EU 063, increase in cooling water), and Wastewater Treatment (EU 075, increase in wastewater flow and VOC and HAP loading from the proposed DIMLA Plant). Please note that no physical modifications to the wastewater treatment plant, except for new piping from the DIMLA process wastewater tanks to the equalization basin, were made. In addition, ROH residue is fired with existing amines liquid waste in the Riley Boiler. To burn the heavier DIMLA residue in the Riley Boiler, an additional firing nozzle and controls were added.

Project emissions increases for all sources were calculated using maximum throughput or design information and available emission factors or methodologies. For the steam increase calculation, the maximum steam rate for the DIMLA process was used in conjunction with representative utilization for the Riley and B&W Boilers and the onsite Cogen units and representative emission factors.

The revised PSD applicability is shown in Table 2 below. Based on the revised PSD analysis, there is no change in the outcome of the analysis; the project will not trigger PSD review for any pollutant.

Table 2. PSD Applicability for the Taminco Pace DIMLA Project

EU No.	Emissions Increases	CO tpy	NO_x tpy	PM tpy	PM_{10} tpy	SO_2 tpy	VOC tpy
001	Riley Boiler - ROH Residue Combustion		0.60			0.74	0.03
001	Riley Boiler - DIMLA Purification Residue Combustion		2.35			0.15	0.005
001, 003 & Cogen	Riley and B&W Boilers, Cogen Units - Incremental Steam Increase	11.91	30.37	1.08	1.08	0.09	0.78
005	Flare - DIMLA Streams from Absorber	4.90	6.54				1.85
058	Higher Amines/72”Column/DIMLA MON Group 2 Storage Tanks						0.06
062	Facility wide Equipment Leak Fugitives						5.98
063	Cooling Towers			0.13	0.13		0.01
071	Higher Amines/DIMLA MON Maintenance Wastewater						0.50
075	Wastewater Increases						15.01
076	DIMLA Storage Tanks and Loading						0.07

EU No.	Emissions Increases	CO tpy	NO_x tpy	PM tpy	PM_{10} tpy	SO_2 tpy	VOC tpy
079	DIMLA Scrubber						3.35E-08
	DIMLA Project Increases	16.8	39.87	1.21	1.21	0.99	24.29
	PSD Thresholds	100	40	25	15	40	40
	Threshold Exceeded?	**No**	**No**	**No**	**No**	**No**	**No**

Facility-Wide Potential-to-Emit Emissions (Tons per Year)

Regulated Air Pollutant	Estimated Emissions
CO	169.1
NOx	458.5
PM/PM10	16.6
SO2	14.8
VOC	112.7*
Methanol (HAP)	61.1
Formaldehyde (HAP)	0.94

*Note: The VOC emissions estimate given in the table above is 28.3 TPY less than the projected emissions estimate contained in the construction application. The DIMLA Plant was constructed with fewer components in the process line, and the reduced component count resulted in a decrease in the fugitive equipment leak emissions estimate for VOC.

NOx emissions increased primarily from the burning of additional fuel in the existing boilers and cogen units that supplies the additional steam needed for the DIMLA Plant. There was also an increase in NOx emissions from the flare due to increased production at the facility. To avoid PSD for NOx, the amount of DIMLA purification residue that can be burned in the boiler was limited to 5,356 gallons per year and the total amount of steam fed to the DIMLA Plant was limited to 29,200 lb/hr by Application 1130004-019-AC. (The total amount of steam fed to the DIMLA Plant has been changed to 24,500 lb/hr by this permit revision, as requested by the Applicant).

VOC emissions from the facility increased primarily as a result of increased loading to the existing wastewater treatment system and additional fugitive emissions associated with the new DIMLA Plant.

CO, PM/PM10 and SO_2 increased primarily as a result of increased steam production at the existing boilers and cogen units supplying steam to the new process. There was also an increase in CO and SO_2 emissions from the existing flare due to the new DIMLA process and an increase in PM/PM10 due to an increase in the circulation rate at one of the cooling towers.

Additional Notes

Taminco is considered a major source of greenhouse gases (GHG). GHG emissions were not included in the construction application and were not requested by the US EPA. Similarly, emissions of $PM_{2.5}$ were not requested for the construction application. Therefore, GHG and $PM_{2.5}$ emissions were not submitted with the revision application.

Testing for the Riley Stoker and B&W Boilers was completed on November 9, 2012.

The DIMLA Plant project added or affected the following emissions units:

Facility ID No. 1130004	
ID No.	**Emission Unit Description**
EU001	Riley Stoker Boiler
EU003	B&W Boiler
EU005	Amines Plants Flare
EU058	Higher Amines 72" Batch/DIMLA MON Group 2 Storage Tanks
EU063	Cooling Towers (4) (not regulated)
EU071	Higher Amines/DIMLA MON Maintenance Wastewater
EU072	Higher Amines/DIMLA MON Wastewater
EU074	Sitewide MON Heat Exchangers
EU075	Wastewater Treatment Plant Fugitives
EU076	DIMLA Storage Tanks and Loading (new, unregulated)
EU077	DIMLA MON Equipment Leaks (New)
EU078	DIMLA VOC Equipment Leaks (New)
EU079	DIMLA Scrubber (New)

PROCESSING SCHEDULE AND RELATED DOCUMENTS

Renewed Title V Air Operation Permit issued July 13, 2011
Title V Air Construction Permit issued March 7, 2011
Application for a Title V Air Operation Permit Revision received November 26, 2012
Notice of Intent to Issue Air Permit issued February 15, 2013
Public Notice Published March 25, 2013

PRIMARY REGULATORY REQUIREMENTS

Title III: The facility is identified as a major source of hazardous air pollutants (HAP).

Title V: The facility is a Title V major source of air pollution in accordance with Chapter 62-213, Florida Administrative Code (F.A.C.).

PSD: The facility is a Prevention of Significant Deterioration (PSD)-major stationary source of air pollution in accordance with Rule 62-212.400, F.A.C.

NSPS: The facility does operate units subject to the New Source Performance Standards (NSPS) of 40 Code of Federal Regulations (CFR) 60.

NESHAP: The facility does operate units subject to the National Emissions Standards for Hazardous Air Pollutants (NESHAP) of 40 CFR 63.

CAIR: The facility is not subject to the Clean Air Interstate Rule (CAIR) set forth in Rule 62-296.470, F.A.C.

CAM: Compliance Assurance Monitoring (CAM) does not apply to any of the units at the facility.

PROJECT REVIEW

This Title V permit revision incorporates the provisions of air construction permit 1130004-019-AC, issued March 7, 2011, to construct a new DIMLA manufacturing unit at the Taminco Pace Plant. Equipment modifications and additions documented in the Project Description section are part of this revision.

CONCLUSION

This project revises Title V air operation permit No. 1130004-018-AV, which was issued on July 13, 2011. This Title V air operation permit revision is issued under the provisions of Chapter 403, Florida Statues (F.S.), and Chapters 62-4, 62-210 and 62-213, F.A.C.

Attachments: Exhibits A and B

CERTIFICATION BY
FLORIDA REGISTERED PROFESSIONAL ENGINEER

In accordance with *Title V Air Construction Permit 1130004-019-AC, Section 4, Appendix C, Common Condition 14*, I inspected the recently constructed dimethyl laurylamine (DIMLA) production unit on September 26, 2012. The DIMLA production unit conforms to the permit application and associated documents.

URS Corporation Southern (URS) performed this inspection in accordance with the agreed upon Scope of Services, in a manner consistent with sound engineering practices and the level of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar circumstances. Information provided to URS by client representatives has been accepted in good faith and is assumed to be accurate.

Robert C. Lunardini, Jr., PE
Florida License No. 46657
Expires February 28, 2013

9/28/12
Date

ROBERT C. LUNARDINI, JR.
LICENSE
No. 46657
STATE OF
FLORIDA
PROFESSIONAL ENGINEER

EXAMPLE PSD CALCULATION - STEAM TO NATURAL GAS CONVERSTION, OLD VS. NEW METHODOLOGY

	OLD Methodology			NEW Methodology		
Description	**Value Units**	**Calculation Steps**	**Notes**	**Value Units**	**Calculation Steps**	**Notes**
Total Maximum Steam to DIMLA	29,199 Lb/hr 255,779 Mlbs/yr	29,119 lb/hr X 24 hr/day X 365 X 1 Mlb/1000 lbs = 255,779 Mlb	Assuming 24hr/day, 365 days/yr	24,500 Lb/hr 214,620 Mlbs/yr	24,500 lb/hr X 24 hr/day X 365 X 1 Mlb/1000 lbs = 214,620 Mlb	Assuming 24hr/day, 365 days/yr
Heating Value of NG	1,023 BTU/SCF		Used in DIMLA PSD Calc, not sure of basis	1,028 BTU/SCF		Based on heating value generally used in EPA docs.
Riley and B&W Boilers Example Calc						
Steam Distribution: Steam from Riley/B&W Boilers	58%	Average of actual data	Based on Jan 2009 - Augt 2010 actual steam distribution	58%	Average of actual data	Based on Jan 2009 - Augt 2010 actual steam distribution
Steam Needs - Riley/B&W Boiler	16,935 Lb/hr 148,352 Mlbs/yr	29,119 lb/hr x 0.58 = 16,935 lb/hr 255,779 Mlb/yr x 0.58 = 148,352 Mlb/yr	58% of max steam to DIMLA Assuming 24hr/day, 365 days/yr	14,210 Lb/hr 124,480 Mlbs/yr	29,200 lb/hr x 0.58 = 14,210 lb/hr 214,620 Mlb/yr x 0.58 = 124,480 Mlb/yr	58% of max steam to DIMLA Assuming 24hr/day, 365 days/yr
Actual Ratio of Mlbs of Steam to Mcf				0.74 Mlb Steam/ Mcf NG	Average of actual data	Based on actual 2008-2009 energy accounting data for the Riley and B&W Boilers
Average BTU/lb steam generated	1,106 BTU/lb	Average of actual data	Note from Mike Byram in DIMLA calculations: "Average from Jan 07 - Aug 10. This accounts for boiler efficiency'	1,398 BTU/lb	(1 cf NG/0.74 lb steam)*1,028 Btu/scf = 1,398 Btu/lb steam	Based on actual ratio of steam generated to natural gas used. Therefore, this value is an effective enthalpy, i.e, this already accounts for boiler efficiency
Annual MMBTU to DIMLA	282,892 MMBtu/yr	1106 BTU/lb steam X 255,779 Mlb Steam X 1000 lb/Mlb / 10^6 Btu/MMBtu = 282,892 MMBTU		300,050 MMBtu/yr	1398 BTU/lb steam X 214,620 Mlb Steam X 1000 lb/Mlb / 10^6 Btu/MMBtu = 300,050 MMBTU	This calc is for comparison purposed only, i.e., this step is not needed for the new methodology.
Annual MMBTU from Riley and B&W Boilers	164,077 MMBtu/yr	282,892 MMBtu/yr x 58% = 164,077 MMBTU/yr		174,029 MMBtu/yr	300,050 MMBtu/yr x 58% = 174,029 MMBTU/yr	This calc is for comparison purposed only, i.e., this step is not needed for the new methodology.
Annual MMcf to Riley and B&W Boilers	160.4 MMcf/yr	164,077 MMBTU/yr / 1,023 BTU/SCF = 160.4 MMcf/yr		169.3 MMcf/yr	(124,480 Mlb Steam/yr / 0.74 Mlb Steam/Mcf NG) / 1000 Mcf/MMcf = 168.3 MMcf/yr	
Example NOx Emissions Calc - Riley and B&W Boilers						
NOx Emission factor	280 lb/MM cf		AP-42 Section 1.4, Natural Gas Comubstion	280 lb/MM cf		AP-42 Section 1.4, Natural Gas Comubstion
NOx Emissions	22.45 TPY	280 lb/MMcf X 160.4 MMcf/yr / 2000lb/ton = 22.45 TPY		23.70 TPY	280 lb/MMcf X 169.3 MMcf/yr / 2000lb/ton = 23.70 TPY	
Cogen Units Example Calc						
Steam Distribution: Steam from Cogen Units	42%	Average of actual data	Based on Jan 2009 - Augt 2010 actual steam distribution	42%	Average of actual data	Based on Jan 2009 - Augt 2010 actual steam distribution
Steam Needs - from Cogen Units	12,263 Lb/hr 107,427 Mlbs/yr	29,119 lb/hr x 0.42 = 12,263 lb/hr 255,779 Mlb/yr x 0.42 = 107,427 Mlb/yr	42% of max steam to DIMLA Assuming 24hr/day, 365 days/yr	10,290 Lb/hr 90,140 Mlbs/yr	24,500 lb/hr x 0.42 = 10,290 lb/hr 214,620 Mlb/yr x 0.42 = 90,140 Mlb/yr	42% of max steam to DIMLA Assuming 24hr/day, 365 days/yr
Ratio of Mlbs of Steam to Mcf				0.79 Mlb Steam/ Mcf NG	Average of actual data	Based on actual 2010-2011 energy accounting data for the Cogen Boilers
Average BTU/lb steam generated	1,106 BTU/lb	Average of actual data	Note from Mike Byram in DIMLA calculations: "Average from Jan 07 - Aug 10. This accounts for boiler efficiency'	1,302 BTU/lb	(1 cf NG/0.79 lb steam)*1,028 Btu/scf = 1,302 Btu/lb steam	Based on actual ratio of steam generated to natural gas used. Therefore, this value is an effective enthalpy, i.e, this already accounts for boiler efficiency
Annual MMBTU to DIMLA	282,892 MMBtu/yr	1106 BTU/lb steam X 255,779 Mlb Steam X 1000 lb/Mlb / 10^6 Btu/MMBtu = 282,892 MMBTU		279,450 MMBtu/yr	1302 BTU/lb steam X 214,620 Mlb Steam X 1000 lb/Mlb / 10^6 Btu/MMBtu = 279,450 MMBTU	This calc is for comparison purposed only, i.e., this step is not needed for the new methodology.
Annual MMBTU from Cogen Units	118,815 MMBtu/yr	282,892 MMBtu/yr x 42% = 118,815 MMBTU/yr		117,369 MMBtu/yr	279,450 MMBtu/yr x 58% = 117,369 MMBTU/yr	This calc is for comparison purposed only, i.e., this step is not needed for the new methodology.
Annual MMcf to Cogen Units	116.1 MMcf/yr	118,815 MMBTU/yr / 1,023 BTU/SCF = 116.1 MMcf/yr		114.2 MMcf/yr	(90,140 Mlb Steam/yr / 0.79 Mlb Steam/Mcf NG) / 1000 Mcf/MMcf = 114.2 MMcf/yr	
Example NOx Emissions Calc - Cogen Units						
NOx Emission factor	0.148 lb/ Mlbs steam		Site-specific Test Data for Gogen Units (Annual Air Emissions Test Report Nov 2009 - Jan 2010)	0.148 lb/ Mlbs steam		Site-specific Test Data for Gogen Units (Annual Air Emissions Test Report Nov 2009 - Jan 2010)
NOx Emissions	7.95 TPY	0.148 lb/Mlb Steam X 107,427 Mlbs Steam / 2000lb/ton = 7.95 TPY		6.67 TPY	0.148 lb/Mlb Steam X 90,140 Mlbs Steam / 2000lb/ton = 6.67 TPY	

Difference in NOx emissions (New - Old)	**0.03 TPY**	**Note: Difference is base on total emissions from the Riley, B&W, and cogen boilers.**