

standard, the Administrator will establish and promulgate in the FEDERAL REGISTER an opacity standard for the blowing still that will be the opacity standard when fuel oil is used to fire the afterburner. When the afterburner is fired with natural gas, the zero percent opacity remains the applicable opacity standard.

[54 FR 6677, Feb. 14, 1989, as amended 54 FR 27016, June 27, 1989; 65 FR 61762, Oct. 17, 2000]

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.* (1) Owners or operators that start a new, reconstructed, or modified affected source prior to November 16, 2007 are not required to comply with the requirements in this paragraph until August 1, 2008.

(i) The definition of “capital expenditure” in § 60.481a of this subpart. While the definition of “capital expenditure” is stayed, owners or operators should

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use the definition found in § 60.481 of subpart VV of this part.

(2) Owners or operators are not required to comply with the requirements in this paragraph until August 1, 2008.

(i) The definition of “process unit” in § 60.481a of this subpart. 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.

(ii) The method of allocation of shared storage vessels in § 60.482–1a(g) of this subpart.

(iii) The standards for connectors in gas/vapor service and in light liquid service in § 60.482–11a of this subpart.

[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]

EFFECTIVE DATE NOTES: 1. At 73 FR 31379, June 2, 2008, § 60.480 was amended by adding paragraph (f), effective June 2, 2008 to Aug. 1, 2008.

2. At 73 FR 31375, June 2, 2008, § 60.480 was amended by adding a new paragraph (f), effective Aug. 1, 2008. For the convenience of the user, the new paragraph (f) is set forth below.

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(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 independ-

ently if supplied with sufficient feed or raw materials and sufficient storage facilities for the product.

§ 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