

## Environmental Protection Agency

## § 63.929

the owner or operator shall repair the defect in accordance with the requirements of paragraph (a)(3) of this section.

(3) When a defect is detected for the container, cover, or closure devices, the owner or operator must either empty the regulated-material from the defective container in accordance with paragraph (a)(3)(i) of this section or repair the defective container in accordance with paragraph (a)(3)(ii) of this section.

(i) If the owner or operator elects to empty the regulated-material from the defective container, the owner or operator must remove the regulated-material from the defective container to meet the conditions for an empty container (as defined in §63.921 of this subpart) and transfer the removed regulated-material to either a container that meets the applicable standards under this subpart or to a tank, process, or treatment unit that meets the applicable standards under the subpart referencing this subpart. Transfer of the regulated-material must be completed no later than 5 calendar days after detection of the defect. The emptied defective container must be either repaired, destroyed, or used for purposes other than management of regulated-material.

(ii) If the owner or operator elects not to empty the regulated-material from the defective container, the owner or operator must repair the defective container. First efforts at repair of the defect must be made no later than 24 hours after detection and repair must be completed as soon as possible but no later than 5 calendar days after detection. If repair of a defect cannot be completed within 5 calendar days, then the regulated-material must be emptied from the container and the container must not be used to manage regulated-material until the defect is repaired.

(b) Owners and operators using Container Level 3 controls in accordance with the provisions of §63.924 of this subpart shall inspect and monitor the closed-vent systems and control devices in accordance with the requirements of §63.693 in 40 CFR part 63, Subpart DD—National Emission Standards

for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations.

[61 FR 34186, July 1, 1996, as amended at 64 FR 38988, July 20, 1999]

### § 63.927 Recordkeeping requirements.

(a) Owners and operators that use Container Level 3 controls in accordance with the provisions of §63.924 of this subpart shall prepare and maintain the following records:

(1) Records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure as specified in “Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure” under 40 CFR 52.741, appendix B.

(2) Records required for the closed-vent system and control device in accordance with the requirements of §63.693 in 40 CFR part 63, Subpart DD—National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations.

(b) [Reserved]

### § 63.928 Reporting requirements.

(a) For owners and operators that use Container Level 3 controls in accordance with the provisions of §63.924 of this subpart, the owner or operator shall prepare and submit to the Administrator the reports required for closed-vent systems and control devices in accordance with the requirements of §63.693 in 40 CFR part 63, Subpart DD—National Emission Standards for Hazardous Air Pollutant Standards from Off-Site Waste and Recovery Operations.

(b) [Reserved]

### § 63.929 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 this subpart

is delegated to a State, local, or Tribal agency.

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

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

(1) Approval of alternatives to the requirements in §§ 63.920 and 63.922 through 63.924. 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 § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart.

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

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

[68 FR 37355, June 23, 2003]

### Subpart QQ—National Emission Standards for Surface Impoundments

SOURCE: 61 FR 34190, July 1, 1996, unless otherwise noted.

#### § 63.940 Applicability.

The provisions of this subpart apply to the control of air emissions from surface impoundments for which another subpart of 40 CFR parts 60, 61, or 63 references the use of this subpart for such air emission control. These air emission standards for surface impoundments are placed here for administrative convenience and only apply to those owners and operators of facilities subject to the other subparts that reference this subpart. The provisions of 40 CFR part 63, subpart AA—General Provisions do not apply to this subpart

except as noted in the subpart that references this subpart.

#### § 63.941 Definitions.

All terms used in this subpart shall have the meaning given to them in the Act and in this section. If a term is defined in both this section and in another subpart that references the use of this subpart, then the definition in this subpart shall take precedence when implementing this subpart.

*Closure device* means a cap, hatch, lid, plug, seal, valve, or other type of fitting that prevents or reduces air emissions to the atmosphere by blocking an opening in a surface impoundment cover when the device is secured in the closed position. Closure devices include devices that are detachable from the cover (e.g., a sampling port cap), manually operated (e.g., a hinged access lid or hatch), or automatically operated (e.g., a spring loaded pressure relief valve).

*Cover* means a device or system that provides a continuous barrier over the material managed in a surface impoundment to prevent or reduce air pollutant emissions to the atmosphere. A cover may have openings needed for operation, inspection, sampling, maintenance, and repair of the surface impoundment provided that each opening is closed when not in use (e.g., access hatches, sampling ports). Examples of a cover for a surface impoundment include, but are not limited to, a floating membrane cover placed on the surface of the material in the surface impoundment or an air-supported structure installed over the surface impoundment.

*No detectable organic emissions* means no escape of organics to the atmosphere as determined using the procedure specified in § 63.944(a) of this subpart.

*Regulated-material* means the material (e.g. waste, wastewater, off-site material) required to be managed in containers using air emission controls in accordance with the standards specified in this subpart.

*Safety device* means a closure device such as a pressure relief valve, frangible disc, fusible plug, or any other type of device which functions to prevent physical damage or permanent deformation to equipment by venting