

TABLE 4 TO SUBPART H OF PART 63—APPLICABLE 40 CFR PART 63 GENERAL PROVISIONS

40 CFR part 63, subpart A, provisions applicable to subpart H
§ 63.1(a)(1), (a)(2), (a)(3), (a)(13), (a)(14), (b)(2) and (c)(4)
§ 63.2
§ 63.5(a)(1), (a)(2), (b), (d)(1)(ii), (d)(4), (e), (f)(1) and (f)(2)
§ 63.6(a), (b)(3), (c)(5), (i)(1), (i)(2), (i)(4)(i)(A), (i)(5) through (i)(14), (i)(16) and (j)
§ 63.9(a)(2), (b)(4)(i) ^a , (b)(4)(ii), (b)(4)(iii), (b)(5)a, (c) and (d)
§ 63.10(d)(4)
§ 63.11 (c), (d), and (e)
§ 63.12(b)

^a The notifications specified in § 63.9(b)(4)(i) and (b)(5) shall be submitted at the times specified in 40 CFR part 65.

[65 FR 78285, Dec. 14, 2000, as amended at 73 FR 78213, Dec. 22, 2008]

Subpart I—National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks

SOURCE: 59 FR 19587, Apr. 22, 1994, unless otherwise noted.

§ 63.190 Applicability and designation of source.

(a) This subpart provides applicability provisions, definitions, and other general provisions that are applicable to sources subject to this subpart.

(b) Except as provided in paragraph (b)(7) of this section, the provisions of subparts I and H of this part apply to emissions of the designated organic HAP from the processes specified in paragraphs (b)(1) through (b)(6) of this section that are located at a plant site that is a major source as defined in section 112(a) of the Act. The specified processes are further defined in § 63.191.

(1) Styrene-butadiene rubber production (butadiene and styrene emissions only).

(2) Polybutadiene rubber production (butadiene emissions only).

(3) The processes producing the agricultural chemicals listed in paragraphs (b)(3)(i) through (b)(3)(v) of this section (butadiene, carbon tetrachloride, methylene chloride, and ethylene dichloride emissions only).

- (i) Captafol [supreg],
- (ii) Captan [supreg],
- (iii) Chlorothalonil,
- (iv) Dacthal, and
- (v) Tordon [supreg] acid.

(4) Processes producing the polymers/resins or other chemical products listed in paragraphs (b)(4)(i) through (b)(4)(vi) of this section (carbon tetrachloride, methylene chloride, tetrachloroethylene, chloroform, and ethylene dichloride emissions only).

- (i) Hypalon [supreg],
- (ii) Oxybisphenoxarsine/1,3-diisocyanate (OBPA [supreg]),
- (iii) Polycarbonates,
- (iv) Polysulfide rubber,
- (v) Chlorinated paraffins, and
- (vi) Symmetrical tetrachloropyridine.

(5) Pharmaceutical production processes using carbon tetrachloride or methylene chloride (carbon tetrachloride and methylene chloride emissions only).

(6) Processes producing the polymers/resins or other chemical products listed in paragraphs (b)(6)(i) through (b)(6)(v) of this section (butadiene emissions only).

- (i) [Reserved]
- (ii) Methylmethacrylate-butadiene-styrene resins (MBS)
- (iii) Butadiene-furfural cotrimer,
- (iv) Methylmethacrylate-acrylonitrile-butadiene-styrene (MABS) resins, and
- (v) Ethylidene norbornene.

(7) The owner or operator of a plant site at which a process specified in paragraphs (b)(1) through (b)(6) of this section is located is exempt from all requirements of this subpart I 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 process is located emits, and will continue to emit,

during any 12-month period, less than 10 tons per year of any individual 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)(7)(i)(A) through (b)(7)(i)(C).

(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 of this part;

(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 § 63.150 of subpart G, the early reduction demonstration procedures specified in §§ 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 EPCRA section 313, then such reported annual emissions may be used to satisfy the requirements of this paragraph.

(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)(7) 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, and the plant site is not a major source (as defined in subpart A of this part), the owner or operator is not subject to the provisions of paragraph (b)(7) of this section.

(c) The owner or operator of a process listed in paragraph (b) of this section that does not have the designated organic hazardous air pollutants present

in the process shall comply only with the requirements of § 63.192(k) of this subpart. To comply with this subpart, such processes shall not be required to comply with the provisions of subpart A of this part.

(d) For the purposes of subparts I and H of this part, the source includes pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, surge control vessels, bottoms receivers, and instrumentation systems that are associated with the processes identified in paragraph (b) of this section and are intended to operate in organic hazardous air pollutant service (as defined in § 63.191 of this subpart) for 300 hours or more during the calendar year. If specific items of equipment, comprising part of a 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 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 paragraph (e) of this section.

(e) The owner or operator of a process subject to this subpart is required to comply with the provisions of subpart H of this part on or before the dates specified in paragraph (e)(1) or (e)(2) of this section, unless the owner or operator eliminates the use or production of all HAP's that cause the process to be subject to this rule no later than 18 months after April 22, 1994.

(1) New sources that commence construction or reconstruction after December 31, 1992 shall comply upon initial start-up or April 22, 1994.

(2) Existing sources shall comply no later than October 24, 1994, except as provided in paragraphs (e)(3) through (e)(6) of this section or unless an extension has been granted by the EPA Regional Office or operating permit authority, as provided in § 63.6(i) of subpart A of this part.

(3) Existing process units shall be in compliance with the requirements of § 63.164 of subpart H no later than May 10, 1995, for any compressor meeting

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one or more of the criteria in paragraphs (e)(3)(i) through (e)(3)(iv) of this section, if the work can be accomplished without a process unit shutdown, as defined in § 63.161.

- (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.

(4) Existing process units shall be in compliance with the requirements of § 63.164 of subpart H no later than January 23, 1996, for any compressor meeting the criteria in paragraphs (e)(4)(i) through (e)(4)(iv) of this section.

(i) The compressor meets one or more of the criteria specified in paragraphs (e)(3) (i) through (iv) of this section;

(ii) The work can be accomplished without a process unit shutdown as defined in § 63.161;

(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 § 63.13 of subpart A of this part no later than May 10, 1995. The request shall include the information specified in paragraphs (e)(4)(iv)(A) through (e)(4)(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 process unit, and of the specific equipment for which additional compliance time is required;

(D) The reason compliance cannot reasonably be achieved by May 10, 1995; and

(E) The date by which the owner or operator expects to achieve compliance.

(5)(i) If compliance with the compressor provisions of § 63.164 of subpart H of this part cannot reasonably be achieved without a process unit shutdown, as defined in § 63.161 of subpart H, the owner or operator shall achieve compliance no later than April 22, 1996, except as provided in paragraph (e)(5)(ii) of this section. The owner or operator who elects to use this provision shall also comply with the requirements of § 63.192(m) of this subpart.

(ii) If compliance with the compressor provisions of § 63.164 of subpart H of this part cannot 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 § 63.192(m) of this subpart.

(6) Existing sources shall be in compliance with the provisions of § 63.170 of subpart H no later than April 22, 1997.

(f) The provisions of subparts I and H of this part 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 subpart I and H of this part.

(g)(1) If an additional process unit 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 CAA, the addition shall be subject to the requirements for a new source in subparts H and I of this part if:

(i) It is an addition that meets the definition of construction in § 63.2 of subpart A of this part;

(ii) Such construction commenced after December 31, 1992; 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 process subject to this subpart, the change shall be subject to the requirements for a new source in subparts H and I of this part if:

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(i) It is a change that meets the definition of reconstruction in § 63.2 of subpart A of this part;

(ii) Such reconstruction commenced after December 31, 1992.

(3) If an additional process unit is added to a plant site or a change is made to a process unit and the addition or change is determined to be subject to the new source requirements according to paragraphs (g)(1) or (g)(2) of this section:

(i) The new or reconstructed source shall be in compliance with the new source requirements of subparts H and I 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 H and I of this part that are applicable to new sources. The applicable reports include, but are not limited to:

(A) Reports required by § 63.182(b), if not previously submitted, § 63.182 (c) and (d) of subpart H of this part; and

(B) Reports and notifications required by sections of subpart A of this part that are applicable to subparts H and I of this part, as identified in § 63.192(a) of this subpart.

(4) If an additional process unit is added to a plant site, if a surge control vessel or bottoms receiver becomes subject to § 63.170 of subpart H, or if a compressor becomes subject to § 63.164 of subpart H, and if the addition or change is not subject to the new source requirements as determined according to paragraphs (g)(1) or (g)(2) of this section, the requirements in paragraphs (g)(4)(i) through (g)(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, 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 § 63.182(c) of subpart H of this part.

(i) The added emission point(s) and any emission point(s) within the added or changed process unit are subject to the requirements of subparts H and I of this part for an existing source;

(ii) The added emission point(s) and any emission point(s) within the added or changed process unit shall be in compliance with subparts H and I of this part by the dates specified in paragraphs (g)(4)(ii)(A) or (g)(4)(ii)(B) of this section, as applicable.

(A) If a process unit is added to a plant site or an emission point(s) is added to an existing process unit, the added process unit or emission point(s) shall be in compliance upon initial start-up of the added process unit or emission point(s) or by April 22, 1997, whichever is later.

(B) If a surge control vessel or bottoms receiver becomes subject to § 63.170 of subpart H, if a compressor becomes subject to § 63.164 of subpart H, or if a deliberate operational process change causes equipment to become subject to subpart H of this part, the owner or operator shall be in compliance upon initial start-up or by April 22, 1997, whichever is later, unless the owner or operator demonstrates to the Administrator that achieving compliance will take longer than making the change. The owner or operator shall submit to the Administrator for approval a compliance schedule, along with a justification for the schedule. The Administrator shall approve the compliance schedule or request changes within 120 calendar days of receipt of the compliance schedule and justification.

(iii) The owner or operator of a 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 H and I of this part that are applicable to existing sources, including, but not limited to, the reports listed in paragraphs (g)(4)(iii)(A) and (g)(4)(iii)(B) of this section.

(A) Reports required by § 63.182 of subpart H of this part; and

(B) Reports and notifications required by sections of subpart A of this part that are applicable to subparts H

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and I of this part, as identified in § 63.192(a) of this subpart.

(h) *Rules stayed for reconsideration.* Notwithstanding any other provision of this subpart, the effectiveness of subpart I 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 I.

(i) *Sections stayed for reconsideration.* Notwithstanding any other provision of this subpart, the effectiveness of §§ 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 § 63.190(e)(2).

(j) If a change that does not meet the criteria in paragraph (g)(4) of this section is made to a process unit subject to subparts H and I of this part, and the change causes equipment to become subject to the provisions of subpart H of this part, then the owner or operator shall comply with the requirements of subpart H of this part for the equipment as expeditiously as practical, but in no event later than three years after the equipment becomes subject.

(1) The owner or operator shall submit to the Administrator for approval a compliance schedule, along with a justification for the schedule.

(2) The Administrator shall approve the compliance schedule or request changes within 120 calendar days of receipt of the compliance schedule and justification.

[59 FR 19587, Apr. 22, 1994, as amended at 59 FR 48178, Sept. 20, 1994; 59 FR 53360, Oct. 24, 1994; 59 FR 54132, Oct. 28, 1994; 60 FR 5321, Jan. 27, 1995; 60 FR 18025, Apr. 10, 1995; 61 FR 7718, Feb. 29, 1996; 61 FR 31441, June 20, 1996; 62 FR 2792, Jan. 17, 1997]

§ 63.191 Definitions.

(a) The following terms as used in subparts I and H of this part shall have the meaning given them in subpart A of this part: Act, Administrator, approved permit program, commenced, compliance date, construction, effective date, EPA, equivalent emission limitation, existing source, Federally

enforceable, 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 in subpart 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 or H of this part and in this section, it shall have the meaning given in this section for purposes of subparts I and H of this part.

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.

Butadiene-furfural cotrimer (R-11) means the product of reaction of butadiene with excess furfural in a liquid phase reactor. R-11 is usually used as an insect repellent and as a delousing agent for cows in the dairy industry.

Captafol [supreg] means the fungicide Captafol ((cis-N(1,1,2,2-tetrachloroethyl)-thio]-4-cyclohexene-1,2-dicarboximide). The category includes any production process units that store, react, or otherwise process 1,3-butadiene in the production of Captafol.

Captan [supreg] means the fungicide Captan. The production process typically includes, but is not limited to, the reaction of tetrahydrophthalimide and perchloromethyl mercaptan with caustic.

Chlorinated paraffins means dry chlorinated paraffins, which are mainly straight-chain, saturated hydrocarbons. The category includes, but is not limited to, production of