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(e) For add-on control systems approved for use in limiting emissions from coating operations pursuant to § 63.783(c), performance tests shall be conducted under such conditions as the Administrator specifies to the owner or operator based on representative performance of the affected source for the period being tested. Upon request, the owner or operator shall make available to the Administrator such records as may be necessary to demonstrate the conditions present during performance tests.

[60 FR 64336, Dec. 15, 1995, as amended at 65 FR 62215, Oct. 17, 2000; 76 FR 72069, Nov. 21, 2011]

§ 63.787 Notification requirements.

(a) Each owner or operator of an affected source shall comply with all applicable notification requirements in § 63.9(a) through (d) and (i) through (j), with the exception that the deadline specified in § 63.9(b) (2) and (3) shall be extended from 120 days to 180 days. Any owner or operator that receives approval pursuant to § 63.783(c) to use an add-on control system to control coating emissions shall comply with the applicable requirements of § 63.9(e) through (h).

(b) *Implementation plan.* The provisions of § 63.9(a) apply to the requirements of this paragraph.

(1) Each owner or operator of an affected source shall:

(i) Prepare a written implementation plan that addresses each of the subject areas specified in paragraph (b)(3) of this section; and

(ii) Not later than one year after the effective date of this subpart, submit the implementation plan to the Administrator along with the notification required by § 63.9(b)(2) or (b)(5) of subpart A, as applicable.

(2) [Reserved]

(3) *Implementation plan contents.* Each implementation plan shall address the following subject areas:

(i) *Coating compliance procedures.* The implementation plan shall include the compliance procedure(s) under § 63.785(c) that the source intends to use.

(ii) *Recordkeeping procedures.* The implementation plan shall include the procedures for maintaining the records

required under § 63.788, including the procedures for gathering the necessary data and making the necessary calculations.

(iii) *Transfer, handling, and storage procedures.* The implementation plan shall include the procedures for ensuring compliance with § 63.783(b).

(4) *Major sources that intend to become area sources by the compliance date.* Existing major sources that intend to become area sources by the December 16, 1997 compliance date may choose to submit, in lieu of the implementation plan required under paragraph (b)(1) of this section, a statement that, by the compliance date, the major source intends to obtain and comply with federally enforceable limits on their potential to emit which make the facility an area source.

[60 FR 64336, Dec. 15, 1995, as amended at 61 FR 30816, June 18, 1996]

§ 63.788 Recordkeeping and reporting requirements.

(a) Each owner or operator of an affected source shall comply with the applicable recordkeeping and reporting requirements in § 63.10 (a), (b), (d), and (f). Any owner that receives approval pursuant to § 63.783(c) to use an add-on control system to control coating emissions shall also comply with the applicable requirements of § 63.10 (c) and (e). A summary of recordkeeping and reporting requirements is provided in Table 3 of this subpart.

(b) *Recordkeeping requirements.* (1) Each owner or operator of a major source shipbuilding or ship repair facility having surface coating operations with less than 1000 liters (L) (264 gallons (gal)) annual marine coating usage shall record the total volume of coating applied at the source to ships. Such records shall be compiled monthly and maintained for a minimum of 5 years.

(2) Each owner or operator of an affected source shall compile records on a monthly basis and maintain those records for a minimum of 5 years. At a minimum, these records shall include:

(i) All documentation supporting initial notification;

(ii) A copy of the affected source's approved implementation plan;

(iii) The volume of each low-usage-exempt coating applied;

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(iv) Identification of the coatings used, their appropriate coating categories, and the applicable VOHAP limit;

(v) Certification of the as-supplied VOC content of each batch of coating;

(vi) A determination of whether containers meet the standards as described in § 63.783(b)(2); and

(vii) The results of any Method 24 of appendix A to 40 CFR part 60 or approved VOHAP measurement test conducted on individual containers of coating, as applied.

(3) The records required by paragraph (b)(2) of this section shall include additional information, as determined by the compliance procedure(s) described in § 63.785(c) that each affected source followed:

(i) *Coatings to which thinning solvent will not be added.* The records maintained by facilities demonstrating compliance using the procedure described in § 63.785(c)(1) shall contain the following information:

(A) Certification of the as-applied VOC content of each batch of coating; and

(B) The volume of each coating applied.

(ii) *Coatings to which thinning solvent will be added—coating-by-coating compliance.* The records maintained by facilities demonstrating compliance using the procedure described in § 63.785(c)(2) shall contain the following information:

(A) The density and mass fraction of water and exempt compounds of each thinner and the volume fraction of solids (nonvolatiles) in each batch, including any calculations;

(B) The maximum allowable thinning ratio (or ratios, if the affected source complies with the cold-weather limits in addition to the other limits specified in Table 2 of this subpart) for each batch of coating, including calculations;

(C) If an affected source chooses to comply with the cold-weather limits, the dates and times during which the ambient temperature at the affected source was below 4.5 °C (40 °F) at the time the coating was applied and the volume used of each batch of the coating, as supplied, during these dates;

(D) The volume used of each batch of the coating, as supplied;

(E) The total allowable volume of thinner for each coating, including calculations; and

(F) The actual volume of thinner used for each coating.

(iii) *Coatings to which the same thinning solvent will be added—group compliance.* The records maintained by facilities demonstrating compliance using the procedure described in § 63.785(c)(3) shall contain the following information:

(A) The density and mass fraction of water and exempt compounds of each thinner and the volume fraction of solids in each batch, including any calculations;

(B) The maximum allowable thinning ratio (or ratios, if the affected source complies with the cold-weather limits in addition to the other limits specified in Table 2 of this subpart) for each batch of coating, including calculations;

(C) If an affected source chooses to comply with the cold-weather limits, the dates and times during which the ambient temperature at the affected source was below 4.5 °C (40 °F) at the time the coating was applied and the volume used of each batch in the group, as supplied, during these dates;

(D) Identification of each group of coatings and their designated thinners;

(E) The volume used of each batch of coating in the group, as supplied;

(F) The total allowable volume of thinner for the group, including calculations; and

(G) The actual volume of thinner used for the group.

(iv) *Demonstration of compliance through an alternative (i.e., non-Method 24 in appendix A to 40 CFR part 60) test method.* The records maintained by facilities demonstrating compliance using the procedure described in § 63.785(c)(4) shall contain the following information:

(A) Identification of the Administrator-approved VOHAP test method or certification procedure;

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(B) For coatings to which the affected source does not add thinning solvents, the source shall record the certification of the as-supplied and as-applied VOHAP content of each batch and the volume of each coating applied;

(C) For coatings to which the affected source adds thinning solvent on a coating-by-coating basis, the source shall record all of the information required to be recorded by paragraph (b)(3)(ii) of this section; and

(D) For coatings to which the affected source adds thinning solvent on a group basis, the source shall record all of the information required to be recorded by paragraph (b)(3)(iii) of this section.

(4) If the owner or operator of an affected source detects a violation of the standards specified in §63.783, the owner or operator shall, for the remainder of the reporting period during which the violation(s) occurred, include the following information in his or her records:

(i) A summary of the number and duration of deviations during the reporting period, classified by reason, including known causes for which a Federally-approved or promulgated exemption from an emission limitation or standard may apply.

(ii) Identification of the data availability achieved during the reporting period, including a summary of the number and total duration of incidents that the monitoring protocol failed to perform in accordance with the design of the protocol or produced data that did not meet minimum data accuracy and precision requirements, classified by reason.

(iii) Identification of the compliance status as of the last day of the reporting period and whether compliance was continuous or intermittent during the reporting period.

(iv) If, pursuant to paragraph (b)(4)(iii) of this section, the owner or operator identifies any deviation as resulting from a known cause for which no Federally-approved or promulgated exemption from an emission limitation or standard applies, the monitoring report shall also include all records that the source is required to maintain that pertain to the periods during which such deviation occurred and:

(A) The magnitude of each deviation;

(B) The reason for each deviation;

(C) A description of the corrective action taken for each deviation, including action taken to minimize each deviation and action taken to prevent recurrence; and

(D) All quality assurance activities performed on any element of the monitoring protocol.

(5) Each owner or operator that receives approval pursuant to §63.783(c) to use an add-on control system to control coating emissions shall maintain records of the occurrence and duration of each malfunction of operation (*i.e.*, process equipment) or the required air pollution control and monitoring equipment. Each owner or operator shall maintain records of actions taken during periods of malfunction to minimize emissions in accordance with §63.783(b)(1), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.

(c) *Reporting requirements.* Before the 60th day following completion of each 6 month period after the compliance date specified in §63.784, each owner or operator of an affected source shall submit a report to the Administrator for each of the previous 6 months. The report shall include all of the information that must be retained pursuant to paragraphs (b)(2) through (3) of this section, except for that information specified in paragraphs (b)(2)(i) through (ii), (b)(2)(v), (b)(3)(i)(A), (b)(3)(ii)(A), and (b)(3)(iii)(A). If a violation at an affected source is detected, the owner or operator of the affected source shall also report the information specified in paragraph (b)(4) of this section for the reporting period during which the violation(s) occurred. To the extent possible, the report shall be organized according to the compliance procedure(s) followed each month by the affected source. If there was a malfunction during the reporting period, the report must also include the number, duration and a brief description of each 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

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actions taken by an owner or operator during a malfunction of an affected source to minimize emissions in accordance with § 63.783(b)(1), including actions taken to correct a malfunction.

[60 FR 64336, Dec. 15, 1995, as amended at 61 FR 66227, Dec. 17, 1996; 76 FR 72069, Nov. 21, 2011]

§ 63.789 Implementation and enforcement.

(a) This subpart can be implemented and enforced by the U.S. EPA, or a delegated authority such as the applicable State, local, or Tribal agency. If the U.S. EPA Administrator has delegated authority to a State, local, or Tribal agency, then that agency, in addition to the U.S. EPA, has the authority to implement and enforce this subpart. Contact the applicable U.S. EPA Regional Office to find out if implementation and enforcement of this subpart is delegated to a State, local, or Tribal agency.

(b) In delegating implementation and enforcement authority of this subpart

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

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

(1) Approval of alternatives to the requirements in §§ 63.780 through 63.781, and 63.783 through 63.784.

(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 37353, June 23, 2003]

TABLE 1 TO SUBPART II OF PART 63—GENERAL PROVISIONS OF APPLICABILITY TO SUBPART II

Reference	Applies to subpart II	Comment
63.1(a)(1)–(3)	Yes.	Subpart II clarifies the applicability of each paragraph in subpart A to sources subject to subpart II.
63.1(a)(4)	Yes.	
63.1(a)(5)–(7)	Yes.	Discusses State programs.
63.1(a)(8)	No	
63.1(a)(9)–(14) ..	Yes.	§ 63.781 specifies applicability in more detail.
63.1(b)(1)	Yes.	
63.1(b)(2)–(3)	Yes.	Additional terms are defined in § 63.782; when overlap between subparts A and II occurs, subpart II takes precedence.
63.1(c)–(e)	Yes.	
63.2	Yes.	Other units used in subpart II are defined in that subpart.
63.3	Yes.	Except information on control devices and control efficiencies should not be included in the application unless an add-on control system is or will be used to comply with subpart II in accordance with § 63.783(c).
63.4	Yes.	
63.5(a)–(c)	Yes.	Section reserved.
63.5(d)	Yes.	
63.5(e)–(f)	Yes.	Except § 63.784(a) specifies the compliance date for existing affected sources. See § 63.783(b)(1) for general duty requirement.
63.6(a)–(b)	Yes.	
63.6(c)–(d)	Yes.	Section reserved.
63.6(e)(1)(i)	No	
63.6(e)(1)(ii)	No.	If an alternative means of limiting emissions (e.g., an add-on control system) is used to comply with subpart II in accordance with § 63.783(c), then this section does apply. § 63.783(c) specifies procedures for application and approval of alternative means of limiting emissions.
63.6(e)(1)(iii)	Yes.	
63.6(e)(2)	No	Subpart II does not contain any opacity or visible emission standards.
63.6(e)(3)	No.	
63.6(f)(1)	No.	Yes.
63.6(f)(2)–(f)(3) ..	No	
63.6(g)	No	
63.6(h)	No	
63.6(i)–(j)	Yes.	