

## Environmental Protection Agency

## § 61.300

closed vent system and control device is in use.

(2) A record of the measured values of the parameters monitored in accordance with § 61.272(c)(1)(ii) and § 61.272(c)(2).

(3) A record of the maintenance performed in accordance with § 61.272(c)(1)(iii) of the operating plan, including the following:

(i) The duration of each time the closed vent system and control device does not meet the specifications of § 61.271(c) due to maintenance, including the following:

(A) The first time of day and date the requirements of 61.271(c) were not met at the beginning of maintenance.

(B) The first time of day and date the requirements of § 61.271(c) were met at the conclusion of maintenance.

(C) A continuous record of the liquid level in each storage vessel that the closed vent system and control device receive vapors from during the interval between the times specified by (c)(3)(i)(A) and (c)(3)(i)(B). Pumping records (simultaneous input and output) may be substituted for records of the liquid level.

### § 61.277 Delegation of authority.

(a) In delegating implementation and enforcement authority to a State under section 112(d) 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: § 61.273.

### Subparts Z-AA [Reserved]

### Subpart BB—National Emission Standard for Benzene Emissions From Benzene Transfer Operations

SOURCE: 55 FR 8341, Mar. 7, 1990, unless otherwise noted.

### § 61.300 Applicability.

(a) The affected facility to which this subpart applies is the total of all loading racks at which benzene is loaded into tank trucks, railcars, or marine vessels at each benzene production fa-

cility and each bulk terminal. However, specifically exempted from this regulation are loading racks at which only the following are loaded: Benzene-laden waste (covered under subpart FF of this part), gasoline, crude oil, natural gas liquids, petroleum distillates (e.g., fuel oil, diesel, or kerosene), or benzene-laden liquid from coke by-product recovery plants.

(b) Any affected facility under paragraph (a) of this section which loads only liquid containing less than 70 weight-percent benzene is exempt from the requirements of this subpart, except for the recordkeeping and reporting requirements in § 61.305(i).

(c) *Comply with standards at each loading rack.* Any affected facility under paragraph (a) of this section shall comply with the standards in § 61.302 or as specified in paragraph (f) of this section, if applicable, at each loading rack that is handling a liquid containing 70 weight-percent or more benzene.

(d) Any affected facility under paragraph (a) of this section whose annual benzene loading is less than 1.3 million liters of 70 weight-percent or more benzene is exempt from the requirements of this subpart, except for the recordkeeping and reporting requirements in § 61.305(i).

(e) The owner or operator of an affected facility, as defined in § 61.300(a) that loads a marine vessel shall be in compliance with the provisions of this subpart on and after July 23, 1991. If an affected facility that loads a marine vessel also loads a tank truck or railcar, the marine vessel loading racks shall be in compliance with the provisions of this subpart on and after July 23, 1991, while the tank truck loading racks and the railcar loading racks shall be in compliance as required by § 61.12.

(f) *Alternative means of compliance—(1) Option to comply with part 65.* Owners or operators may choose to comply with 40 CFR part 65, subpart E, to satisfy the requirements of §§ 61.302 through 61.306 for all tank truck or railcar loading racks that are subject to this subpart. Loading racks are referred to as transfer racks in 40 CFR part 65, subpart E. Other provisions applying to owners or operators who choose to

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comply with 40 CFR part 65 are provided in 40 CFR 65.1. All marine vessel loading racks shall comply with the provisions in §§ 61.302 through 61.306.

(2) *Part 61, subpart A.* Owners or operators who choose to comply with 40 CFR part 65, subpart E, must also comply with §§ 61.01, 61.02, 61.05 through 61.08, 61.10(b) through (d), 61.11, and 61.15 for those loading racks. All sections and paragraphs of subpart A of this part that are not mentioned in this paragraph (f)(2) do not apply to owners or operators of loading racks complying with 40 CFR part 65, subpart E, 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 E, must comply with 40 CFR part 65, subpart A.

[55 FR 8341, Mar. 7, 1990, as amended at 55 FR 45804, Oct. 31, 1990; 65 FR 78284, Dec. 14, 2000]

### § 61.301 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act, or in subpart A or subpart V of part 61.

*Bulk terminal* means any facility which receives liquid product containing benzene by pipelines, marine vessels, tank trucks, or railcars, and loads the product for further distribution into tank trucks, railcars, or marine vessels.

*Car-sealed* means having a seal that is placed on the device used to change the position of a valve (e.g., from open to closed) such that the position of the valve cannot be changed without breaking the seal and requiring the replacement of the old seal, once broken, with a new seal.

*Control device* means all equipment used for recovering or oxidizing benzene vapors displaced from the affected facility.

*Incinerator* means any enclosed combustion device that is used for destroying organic compounds and that does not extract energy in the form of steam or process heat. These devices do not rely on the heating value of the waste gas to sustain efficient combustion. Auxiliary fuel is burned in the device and the heat from the fuel flame heats the waste gas to combustion temperature. Temperature is con-

trolled by controlling combustion air or fuel.

*Leak* means any instrument reading of 10,000 ppmv or greater using Method 21 of 40 CFR part 60, appendix A.

*Loading cycle* means the time period from the beginning of filling a tank truck, railcar, or marine vessel until flow to the control device ceases, as measured by the flow indicator.

*Loading rack* means the loading arms, pumps, meters, shutoff valves, relief valves, and other piping and valves necessary to fill tank trucks, railcars, or marine vessels.

*Marine vessel* means any tank ship or tank barge which transports liquid product such as benzene.

*Nonvapor tight* means any tank truck, railcar, or marine vessel that does not pass the required vapor-tightness test.

*Process heater* means a device that transfers heat liberated by burning fuel to fluids contained in tubes, except water that is heated to produce steam.

*Steam generating unit* means any enclosed combustion device that uses fuel energy in the form of steam.

*Vapor collection system* means any equipment located at the affected facility used for containing benzene vapors displaced during the loading of tank trucks, railcars, or marine vessels. This does not include the vapor collection system that is part of any tank truck, railcar, or marine vessel vapor collection manifold system.

*Vapor-tight marine vessel* means a marine vessel with a benzene product tank that has been demonstrated within the preceding 12 months to have no leaks. This demonstration shall be made using Method 21 of part 60, appendix A, during the last 20 percent of loading and during a period when the vessel is being loaded at its maximum loading rate. A reading of greater than 10,000 ppm as methane shall constitute a leak. As an alternative, a marine vessel owner or operator may use the vapor-tightness test described in § 61.304(f) to demonstrate vapor tightness. A marine vessel operated at negative pressure is assumed to be vapor-tight for the purpose of this standard.

*Vapor-tight tank truck or vapor-tight railcar* means a tank truck or railcar for which it has been demonstrated within the preceding 12 months that its